

# **Report of the Town Administrator Committee**

Submitted to the Yorktown Town Board

May, 2008

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## **Executive Summary**

The Committee concludes that there will be significant benefits to the town if the town board employs a professional town administrator to oversee the day-to-day operations of town government.

The Committee recommends that the town begin a community-wide program to inform and educate residents about the concept of a town administrator, leading up to the establishment of the position in 2010.

The town administrator form of local government teams the strong political leadership of an elected town board with the managerial experience of an appointed, professional administrator.

The basic structure of Yorktown's government would remain unchanged by the addition of a town administrator. Voters would continue to elect a supervisor for a two-year term and four councilmen for terms of four years each. The town board would continue to be responsible for approving all laws and resolutions, setting goals and policies for the town, hiring and firing all town employees, adopting the annual budget, setting the tax rate and signing contracts and awarding bids.

The professional town administrator would serve at the pleasure of the town board and would have overall responsibility for ensuring the smooth and efficient delivery of town services, including:

- coordinating and supervising the work of town departments
- preparing a tentative budget for the board's review, modification and approval
- making recommendations to the board regarding the hiring and firing of town employees
- conducting a preliminary review all contracts and bids and making recommendations to the board
- enforcing the laws, ordinances and resolutions enacted by the board
- carrying out all policies adopted by the board
- representing Yorktown's interests at intergovernmental meetings
- identifying and applying for potential outside sources of funding for special projects
- making sure that concerns and complaints that residents addressed to board members were satisfactorily resolved
- providing the board with background data and information relating to new legislation and long range planning

The Committee concludes that hiring a professional manager would enhance the administration of town affairs in the following ways:

- bring stability and continuity to the day to day operations of town government
- place the day-to-day operations of the town in the hands of a trained, experienced professional
- lead to an expanded candidate pool for the position of supervisor
- enhance the efficiency and cost effectiveness of town operations
- reduce the influence of politics in day-to-day administrative decisions
- increase the accountability of town government
- strengthen the functioning of the town board

The Committee concludes that the initial added expense of hiring a town administrator is estimated to be \$50,000-\$80,000 but that the added cost would pay for itself over time given the increased productivity and cost-effective measures that the administrator is likely to implement.

The additional salary of the town administrator, estimated at between \$125,000-\$150,000, with benefits, would be offset by a reduction in the supervisor's salary when that position changed from full-time to part-time.

After due consideration, the Committee rejects seven specific arguments frequently heard in opposition to the hiring of a town administrator.

## **Report of the Town Administrator Committee**

## **I. Recommendations**

The Town administrator Committee was established by the town board for the purpose of studying the feasibility and advantages that a town administrator form of government would have for the Town of Yorktown. We conclude that there will be significant benefits to the Town if the Board employs a professional town administrator to oversee the day-to-day operations of town government.

The Committee recommends that the town begin a community-wide program to inform and educate residents about the concept of a town administrator, leading up to the establishment of the position in 2010.

## **II. About the Town Administrator Form of Government**

The town administrator form of government is a variation of the more than 100 year-old council manager form of government. Variations of it are found throughout the United States. In Westchester, 19 out of 22 villages, three cities and two towns have adopted local variations of this form of government.<sup>1</sup>

The town administrator form of local government teams the strong political leadership of an elected, policy-making town board with the managerial experience of an appointed, professional administrator. A strong administrator assists the elected town board in achieving its goals and objectives for the community. It is a “value added” system of government that retains, respects and enhances representative government as embodied by the existing political system of elected town officials.

Yorktown’s current system of an elected supervisor and town board dates back to the state’s formation of towns in 1788, when Yorktown was first established. The town supervisor is currently the town’s chief administrative officer and is responsible for the day-to-day administration of town government, in addition to exercising legislative, policy-making and constituent service functions with the other four members of the elected Town board. Currently the Supervisor is a two-year, full-time office. The other members of the Town board serve four-year, part-time terms.

Town administrators are not elected, but appointed by the town board, and selected based on their educational background, job experience and skills. Administrators often have degrees in public administration or related fields, and may have prior local government experience. They typically have proven leadership, communications, people and problem-solving skills.

The position of town administrator can be created by town board resolution, without the need for a mandatory referendum.

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<sup>1</sup> As of 2007, almost half (49%) of the 7,171 cities and towns with populations of 2,500 residents or more, operated under the council-manager system, governing over 92,000,000 people. Of the 247 cities with populations greater than 100,000 residents, 144 (58%) used this form of government. See Appendix 1-3 for more information about Westchester communities with managers/administrators and Appendix 5 for a brief history of town managers/administrators in New York State.

### **III. How a Town Administrator Would Function in Yorktown**

The basic structure of Yorktown's government would remain unchanged by the addition of a town administrator. Voters would continue to elect our supervisor for a two-year term and four councilmen for terms of four years each. The five elected officials would continue to constitute the town board which would remain the legislative body for the town with the responsibility and power to approve all laws and resolutions, set goals and policies for the town, develop long range plans, hire and fire all town employees, from department heads to laborers, adopt the annual budget, set the tax rate and sign contracts and award bids. The existing one-on-one relationship between elected officials and their constituents would remain unchanged; residents would still be encouraged and able to contact board members directly for information or assistance with problems.

The town board would appoint a professional administrator who would have overall responsibility for ensuring the smooth and efficient delivery of town services. The administrator would be responsible for:

- coordinating and supervising the work of town departments
- preparing a tentative budget for the board's review, modification and approval
- making recommendations to the board regarding the hiring and firing of town employees
- conducting a preliminary review all contracts and bids and making recommendations to the board
- enforcing the laws, ordinances and resolutions enacted by the board
- carrying out all policies adopted by the board
- representing Yorktown's interests at inter-governmental meetings
- identifying and applying for potential outside sources of funding for special projects
- making sure that concerns and complaints that residents addressed to board members were satisfactorily resolved
- providing the board with background data and information relating to new legislation and long range planning <sup>2</sup>

The administrator would work for, and report directly to, the town board and, like other appointed department heads, would serve at the pleasure of the board.

The elected supervisor would continue to function as the political leader of the town, preside over town board meetings and act as the town's official spokesperson. The supervisor and administrator would jointly share representing the town at inter-municipal and inter-governmental meetings, depending on the nature of the meeting. The duties of the supervisor would change once the administrator took over the day-to-day operations of the town, leaving the supervisor more time to devote to the political and legislative aspects of the job.

It is anticipated that existing staff would be able to serve the administrator, without adding an additional layer of bureaucracy to Yorktown's government.

Administrators maintain an open door policy with regard to the public and make themselves available, by phone and in meetings, to answer questions, respond to complaints, provide information, discuss community issues and get feedback on current problems and how they might be solved.

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<sup>2</sup> See Appendix 4 for a fuller job description for a town administrator.

## **IV. Potential Benefits of Hiring a Town Administrator**

Yorktown's government is a \$50 million operation that provides an array of services to a population of 37,000 people. As of 2008, the town had a staff of 250 full time employees, working in 23 different departments. In addition to the general, highway and library funds, the town manages the budgets and operations for seven park districts, eight sewer districts, two water districts, a refuse district and an emergency medical district. The town owns and is responsible for the maintenance of a multi-million dollar infrastructure that includes roads, bridges, a storm water collection system, a major sewage treatment plant, a water distribution system, numerous parks for active and passive recreation, two swimming pools, a library, and several municipal buildings.

Given the complexity of modern day local government, the administration of town affairs would be enhanced by hiring a professional manager. The Committee has identified a number of specific benefits:

### **1. Bring stability and continuity to the day-to-day operations of town government**

Because the supervisor's term is only two years, it is possible that the town's chief administrative officer could change every two years which would limit the accumulation of an institutional knowledge base and create instability and discontinuity between administrations. While Yorktown has been fortunate in not experiencing that degree of turnover, we have had several supervisors who served for only four years; as soon as they got comfortable in the job, they left to go back to their former professions or to seek other employment. Although the negative aspects associated with this lack of continuity can be mitigated to some extent by the fact that several of our department heads have been in their job for many years, the potential for instability in the day-to-day functioning remains ever present.<sup>3</sup>

In contrast, as noted in Appendix 1, professional administrators who have earned the confidence of successive town boards and village councils have remained in their jobs over an extended number of years, bringing continuity, stability and efficiency to the administration of their communities' affairs. Supervisors and board members may come and go, the administrator, whose job it is to carry out the wishes of the elected board, remains constant.

Under Town Law, at any given biennial election, there could be a change in four of the seven elected positions in Yorktown, e.g., the supervisor, two council members and either the town clerk or the highway superintendent. This could exacerbate issues of stability and continuity in the operation of town affairs.

### **2. Place the day-to-day operations of the town in the hands of a trained, experience professional**

The complexity of local government has increased dramatically in the past 5-10 years, with new and changing mandates, responsibilities, laws, and technology. The only requirement to run for the office of supervisor – unchanged for over 200 years – is to be a resident of the town. No prior experience or skills are necessary. First-time supervisors often experience a steep learning curve, while immediately becoming responsible for running the town.

### **3. Lead to an expanded candidate pool for the position of supervisor**

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<sup>3</sup> Several department heads, including the comptroller, town attorney, town engineer, receiver of taxes and assessor are appointed and serve at the pleasure of the town board.

As long as the supervisor's position remains full-time, and combines both administrative responsibilities and legislative duties, the pool of potential candidates who are willing to leave their current jobs or professions is limited. In many instances, candidates must leave their full time jobs or professions in order to run for office, without any guarantee that they will win. And if they do win, they have no guarantee that they will want to run again and be reelected.

However, if the position of supervisor becomes part-time, and eliminates managerial functions in favor of political leadership and policy determination, the potential pool of candidates is likely to increase. Candidates would be able to combine their primary livelihood with a part-time job, much as board members currently do. Many more people might be able to devote 20-40 hours a week to the job, but not more.

#### **4. Enhance the efficiency and cost effectiveness of town operations**

Communities with professional administrators have been able to achieve cost savings by reducing operating costs, increasing efficiency and productivity, improving revenue collection and making more effective use of cost-saving technologies. Communities with stable and professional administrations are also more likely to achieve higher bond ratings than communities with more frequent turnover in their chief administrative officers.

Because communities vary in size, the array of services they provide and how they operate, the Committee could not directly compare Yorktown's cost of delivering a specific service with the cost of delivering the same service in a community with an administrator. Savings instituted in one community, may or may not be applicable to Yorktown, or applicable on the same scale.

Based on our interviews with town administrators, we believe that a competent administrator, unencumbered by "political" issues, will be able to focus full time on cost-savings, efficient operations and effective management. A town administrator, coming to Yorktown with prior experience in other local governments, would likely be in a position to suggest to the town board ways to operate in a more efficient, cost-effective manner.

A professional administrator is also likely to anticipate potential problems and recommend early corrective measures which could result in cost savings.

#### **5. Reduce the influence of politics in day-to-day administrative decisions**

Political considerations are likely to remain part of local government. For government to operate efficiently and cost effectively, there needs to be a balance between political considerations and the requirements of "good government." Typically, that means reducing the influence of politics in the routine day-to-day administration of town affairs. This can best be accomplished by placing the administrative function of government in the hands of a non-partisan professional administrator who will make decisions based on what is best for the town as whole, not on short-term, political expediency.

#### **6. Increase the accountability of town government**

The town administrator becomes the single person who is accountable for how that government functions. The administrator's performance is evaluated by the town board, both informally on a day-to-day basis and formally through annual evaluations. The board can terminate an administrator's services at any time for cause.

## **7. Strengthen the functioning of the town board**

Relieved of having to manage administrative issues, board members, as well as the supervisor, would have more time to devote to substantive policy and long-range planning issues, constituent and community wide concerns, advancing the town's interests at county and state government, and meeting with school and neighboring town officials to develop regional solutions to shared problems. By focusing on legislative and policy issues, the board's powers would be enhanced, not diminished.

An administrator would also enhance the board's legislative function by providing members with the impartial data and information they need to reach sound policy decisions. And, if desired, the administrator could provide the board with an evaluation of different alternatives for dealing with an issue, thus further enhancing the board's role.

## **V. Costs Associated With Hiring a Town Administrator**

The initial *added* expense of hiring a town administrator is estimated to be \$50,000 to \$80,000. The added cost would pay for itself over time given the increased productivity and cost-effective measures that the administrator is likely to implement.

Yorktown may have to offer a salary of between \$125,000 -- \$150,000, with benefits, to attract an experienced town administrator.<sup>4</sup> However, the salary for the new position would be offset by a reduction in the supervisor's salary when the position changed from full-time to part-time.

## **VI. Arguments in Opposition to a Town Administrator**

In the course of its deliberations, the Committee considered several arguments in opposition to the concept of hiring a town administrator. Those arguments were rejected for the following reasons.

### **1. An administrator may be more interested in furthering his or her own career than in what is best for Yorktown.**

The Committee concluded that as an administrator's job security depended on the implementation of policies and goals set by the elected town board, an administrator was not likely to promote programs or policies that did not have the support of the board. Also, administrators' future careers depend on their ability to satisfactorily address the needs and wishes of the communities they serve as expressed by the communities' elected representatives.

### **2. An administrator would not understand the Yorktown community, its goals and its values.**

The Committee concluded that Yorktown's issues, from how to control development to how to deliver services in a cost effective way, were common to all communities and that as an experienced professional, and with guidance from the elected town board, the administrator could quickly learn and adapt to anything truly "unique" to Yorktown.

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<sup>4</sup> Based on 2007 salaries. See Appendix 3 for a list of 2006-2007 salaries for Westchester managers/administrators.

### **3. A new supervisor has sufficient resources available to assist in learning the job.**

A new supervisor must be able to make critical decisions from day one. However, because the possibility exists that there could be turnover in both key department heads and elected officials, the supervisor may end up in a position of having to make these decisions, some which may have long term and/or financial consequences, without adequate support. In contrast, a town administrator would provide a transition and thereby mitigate disruption.

### **4. Accountability is best left in the hands of the voters.**

The argument is sometimes made that the accountability of elected officials is best left in the hands of the voters; that they are the ones most qualified to judge an official's job performance. However, an elected supervisor is guaranteed the job for two years regardless of job performance; if the supervisor chooses to run for re-election, voters typically evaluate the candidate's job performance based on political decisions made as a member of the town board, not on the person's skill as the town's chief administrative officer. Voters know how the supervisor voted on their tax rate but they don't know if the town is operating in the most cost-efficient manner on a day-to-day basis. Voters simply do not have the facts to make that judgment.

### **5. The town board could become a rubber stamp.**

The danger exists that over time members of the town board could become complacent and rely too heavily on the town administrator, in effect rubber stamping what the town administrator recommends. However, it should be noted that the same criticism can be made when the town's chief administrative officer is a strong, full-time supervisor who dominates and controls a complacent town board. Ultimately, the Committee believes that an informed and active electorate will use the power of their vote to put in place a strong, involved and committed town board.

### **6. Effective and efficient government depends on the person doing the job, not whether the official is elected or appointed.**

The Committee considered the "human nature" argument and the fact that what ultimately counts is the person doing the job, not whether the person is elected or appointed: there are good, bad and mediocre supervisors and administrators. No system of government is totally perfect. However, when the "human nature" argument is combined with the other potential benefits of a town administrator, the Committee concluded that the scales were tipped in favor of hiring a known quantity rather than taking one's chances at the polls.

## **VI. Conclusion**

Local government depends on the successful interaction between groups of individuals – elected officials, department heads, employees and the voting public whom they serve – in meeting the needs of the public. Current laws and regulations afford local governments great flexibility in determining the best way to meet those needs. In light of that flexibility, the Committee was charged with taking a critical look at how Yorktown does business, focusing particularly on the potential use of a town administrator.

Committee members reflected a broad spectrum of our community, including two former town supervisors, a former town board member, a former town clerk, business persons, and others active in civic

affairs. All committee members felt that the Committee's work was informative and well-spent. We are pleased to present this report to the town board, and hope that it will encourage further discussion leading up to the adoption of its recommendations.

The Committee would like to thank the Yorktown town board for providing the opportunity for it to be of service in studying our local government. We would also like to thank all of the people who assisted us in this project, whether by speaking before the Committee, providing written materials, or in answering questions relating to their experiences in local government.<sup>5</sup>

There is no single, correct answer to the question: Should Yorktown adopt an administrator form of government? The Committee strongly believes, however, that there is a best answer: that it is in the best, long-term interest of Yorktown's residents, for the town board to bring the benefits of a town administrator to Yorktown. For in the long run, it is the business of government to serve the public in the best way possible.

Submitted May, 2008 by:

Aaron Bock, Chairman

Tricy Cushner

Jared Feinberg

Gerald Knapp

Marie Panella

Susan Siegel

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<sup>5</sup> See Appendix 6, List of Research Resources.

## Appendix 1

### Westchester Municipalities with Managers/Administrators

Municipality	Year adopted	Tenure of current office holder in years	Notes
Ardsley	1955	18	
Briarcliff Manor	1974	6	
Bronxville	1960s	4	
Croton	1971	27	
Dobbs Ferry	late 1970s	3	
Elmsford	2004	4	Adopted after long time mayor retired.
Hastings	1948	2	Previous manager served 24 years.
Irvington	1987	7 months	Predecessor retired. Current administrator was Clerk/Treasurer since 1992. Village has had four administrators since 1987, including the current one.
Mamaroneck-T	1982	25	
Mamaroneck-V	1931	5	
Mr. Kisco	1955	1	Previous manager served 3 years and then returned to Pleasantville.
New Castle	1994	10	First administrator served about 2 years.
New Rochelle	1932	5	
Ossining-V	early 1970s	4 months	Most recently had a series of interims.
Peekskill	1968	5	
Pelham	late 1970s	6	
Pelham Manor	1972	13	
Pleasantville	1981	5	Previously served 1992-1997.
Port Chester	1975	1.5	
Rye-C	1959	5	Manager prior to 2000 served 20+ years; successor served about 3 years.
Rye Brook	1987	7	
Scarsdale	1940	12	
Sleepy Hollow	1985	7	
Tarrytown	1980	4	Is retiring in 2008.

## Appendix 2

### Manager/Administrator Salary Survey (2006-2007) <sup>6</sup>

MUNICIPALITY	ADMIN/MGR	ASS'T ADMIN/MGR	SEC.TO MGR/ ADMIN	CLERK	DEPUTY CLERK	TREASURER
Ardsey	\$117,763		\$18,489	\$70,000		\$103,732
Briarcliff Manor	\$151,807	\$84,548	\$47,500	\$69,243	\$47,500	\$96,796
Bronxville	\$150,159		\$54,639			\$129,168
Croton	\$167,647	\$115,500. Also Treas	\$60,094	\$75,825	\$62,941	
Dobbs Ferry	\$104,512			\$62,888		\$93,503
Elmsford	\$122,500				\$50,856	\$57,600 PT
Hastings	\$150,000	\$87,906. Also Clerk				Mgr is Treas; Dep Treas \$56,784
Irvington	\$149,000		\$54,900	119,400. Also Treas	\$75,000	
Larchmont				\$70,727	\$39,190	\$51,420 (Part-time)
Mamaroneck – T	\$130,000	\$66,815	\$42,360	\$72,660	\$43,598	\$72,000
Mamaroneck – V	\$140,000	\$93,600	\$54,000	105,000. Also Treas.	\$52,390	
Mt. Kisco	\$137,000	105,000. Also Supt of PW.	\$68,865	103,353. Also Treas		
New Castle	\$150,836	\$133,000	\$58,294	\$86,320	\$55,890	\$118,000
Ossining – V	\$145,600	\$125,000	\$83,029	\$75,783	\$53,822	\$115,864
Peekskill	\$149,972	138,435. Also Treas	\$64,610	\$102,247	\$64,610	
Pelham	\$127,000			\$45,368		
Pelham Manor	\$161,760. Also Clerk, Treas, Supt of PW, Blg Insp				\$60,000	
Pleasantville	\$132,580			\$75,750		\$112,233
Port Chester	\$143,225		\$55,000	\$60,000	\$54,950	\$113,500
Rye – C	\$181,400	\$146,200	\$80,000	\$93,000		\$146,200
Rye Brook	\$138,000	\$40,000 (Asst Admin)	\$52,000			\$90,660
Scarsdale	\$162,832	\$133,143	\$61,959	\$72,293	\$53,950	\$110,978
Sleepy Hollow	\$124,500			\$72,800	\$67,215	\$92,720
Tarrytown	\$142,656		\$47,047	\$64,780		\$103,750

<sup>6</sup> Based on data compiled by George Calvi, Ardsley Administrator. All but two villages use a June 1 – May 31 fiscal year.

### Appendix 3

#### Mayor/Supervisor/Trustee/Councilmen Salary Survey <sup>7</sup>

MUNICIPALITY	MAYOR/SUPVR	TRUSTEE/COUNCIL	FRINGE BENEFITS
ARDSLEY	NONE	NONE	NONE
BRIARCLIFF	NONE	NONE	NONE
BRONXVILLE	NONE	NONE	NONE
CROTON	\$5,000.00	\$3,000.00	NONE
DOBBS FERRY	\$4,800.00	\$2,400.00	NONE
ELMSFORD	\$6,600.00	\$4,000.00	STATE RETIREMENT ONLY
HASTINGS	\$4,800.00	\$2,400.00	NONE
IRVINGTON	\$4,822.00	\$2,400.00	NONE
MAMARONECK	\$9,000.00	\$5,000.00	MEDICAL, DENTAL, OPTICAL
MAMARONECK-T	\$37,500	\$6,000	N/A
MOUNT KISCO	\$8,620.00	\$6,500.00	NONE
NEW CASTLE	\$32,865	\$10,250	N/A
NEW ROCHELLE			
OSSINING-V	\$12,000.00	\$8,000.00	HEALTH, DENTAL, EYE GLASS, LIFE INSURANCE
PEEKSKILL	\$13,015	\$8,686	N/A
PELHAM	\$5,000.00	\$2,000.00	NONE
PELHAM MANOR	NONE	NONE	NONE
PLEASANTVILLE	\$6,050.00	\$3,630.00	NONE
PORT CHESTER	\$12,633.00	\$5,200.00	LIFE INS. ONLY
RYE BROOK	NONE	NONE	NONE
RYE-C			
SCARSDALE	NONE	NONE	NONE
SLEEPY HOLLOW	\$12,000.00	\$5,000.00	NONE
YORKTOWN	\$104,139	\$16,882	HEALTH, DENTAL, EYE GLASS

<sup>7</sup> Village data based on survey released by Village of Ardsley, April 2, 2007. City and town data compiled by Susan Siegel based on 2007 figures.

## Appendix 4

### Typical Job Description

#### TOWN ADMINISTRATOR

(Towns of Mamaroneck and New Castle)

**GENERAL STATEMENT OF DUTIES:** Acts as chief administrative officer of the Town having full responsibility for the administration of all property and affairs of the Town; does related work as required.

**DISTINGUISHING FEATURES OF THE CLASS:** Under the general direction of the Supervisor and the Town board, this is all important administrative position involving the direction, coordination and control of the overall administration of the property and affairs of the Town. The incumbent is responsible for the efficient and impartial application and enforcement of all laws, ordinances, resolutions and by-laws of the Town board.

**EXAMPLES OF WORK:** (Illustrative Only)

- Oversees the enforcement of all laws, ordinances, resolutions and by-laws of the Town;
- Handles all personnel responsibilities and related matters including, but not necessarily limited to appointments, disciplinary actions and removal pursuant to civil service laws, rules and regulations and subject to approval by the Town board;
- Acts as chief spokesman and negotiator for the Town in collective bargaining with Town employees;
- Recommends modern personnel practices and incentives;
- Prepares and submits to the Supervisor and Town board a tentative annual operating budget together with a message describing its important features, for the next fiscal year as provided by Town Law;
- Supervises and controls all encumbrances, expenditures and disbursements to insure efficient budget administration;
- Supervises and controls the purchase of all supplies, equipment and services for the Town and executes all purchasing contracts on behalf of the Town pursuant to Board resolution;
- Prepares and makes recommendations to the Supervisor and Town board such measures as seem necessary and expedient for the health, safety and welfare of the Town residents and for improvements in the Town's administrative services;
- Attends all meetings of the Town board, unless excused 'by the Supervisor, with the right to participate in any discussion but having no vote;
- Performs such other duties as may be required by the Supervisor and Town board.

**REQUIRED KNOWLEDGE. SKILLS. ABILITIES AND ATTRIBUTES:** Thorough knowledge of the principles, practices, and organization of municipal government administration; thorough knowledge of public administration; thorough knowledge of government accounting and budgeting principles and practices; good knowledge of the principles, practices and procedures of collective bargaining; ability to prepare and present comprehensive reports both orally and in writing; ability to work effectively with all staff levels, public officials and the general public; accuracy; dependability, honesty; integrity; sound judgment physical condition commensurate with the duties of the position.

**DESIRED MINIMUM TRAINING AND EXPERIENCE:** Graduation from a recognized college or university with a Bachelor's Degree and either (a) a Master's Degree in Public or Business Administration or related field and two years of experience in the field of public administration; or (b) four years of experience in the field of public administration; or (c) a satisfactory equivalent combination of the foregoing training and experience.

## Appendix 5

### History of Town Manager/Administrator in New York State

1938: New York State adopted a law permitting towns to adopt the manager form of government. However, as the law was never used by any of the state's towns, it was repealed in 1957.

1972: At the request of the Town of Fallsburg in Sullivan County, the state legislature approved special legislation to enable the town to adopt the manager form of government.

1976: Article 3B of Town Law was amended enabling any town, by local law, to establish a manager form of government.

Although the council manager form of government, with variations, is widely used in villages, cities and town throughout New York State, only a small number of towns have chosen to adopt either the manager or administrator form of government.

Towns that have managers or administrators include:

- Mamaroneck, pop. 11, 400 (unincorporated portion), adopted 25 years ago
- New Castle, pop. 17,500, adopted approximately 14 years ago
- Clifton Park, pop. 43,995, adopted 16 years ago
- Glenville, pop. 29,000, adopted 2 years, but had a manager about 15 years ago for 1.5 years but it did not initially work out.
- Erwin, pop. 7,200
- Batavia, pop. 6,000, which adopted the manager government in the 1970s, discontinued it in the mid 1990s after a local issue polarized the community. However, the current supervisor, a long time proponent of this form of government, has hired a civil engineer who fulfills many of the functions typically associated with an administrator but without the title.<sup>8</sup>
- Fallsburg, pop. 11,000, adopted manager government in 1972 but discontinued it in 1996. Apparently, while the town had an administrator, it also had a full time supervisor who oversaw departments. After 1996, the administrator's job responsibilities were divided between comptroller who was given the financial jobs and the supervisor's secretary who handled claims and insurance matters.<sup>9</sup>

There are 932 towns in New York State. Approximately 60 have populations exceeding 25,000.

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<sup>8</sup> Based on a phone interview with Gregory Post, the current supervisor.

<sup>9</sup> Based on information from an employee in the supervisor's office.

## Appendix 6

### List of Research Resources

#### Interviews

Richard Herbeck, manager, Croton-on-Hudson

Jerry Faiella, administrator, New Castle <sup>10</sup>

Bruce Gilchrist, former supervisor, New Castle

Linda Cooper, former supervisor, Yorktown

Polly Kuhn, former supervisor, New Castle <sup>11</sup>

Marion Sinek, former supervisor, New Castle <sup>12</sup>

Clinton Smith, former councilman, New Castle <sup>11</sup>

Jason Chapin, former councilman, New Castle <sup>11</sup>

Michael Shahan, administrator, Clifton Park, NY <sup>13</sup>

Anthony Germano, administrator, Glenville, NY <sup>12</sup>

Gregory Post, supervisor, Batavia (T), NY <sup>12</sup>

Steve Altieri, administrator, Mamaroneck (T) <sup>12</sup>

Don Marra, manager, Irvington <sup>14</sup>

Bob Elliot, former mayor, Croton-on-Hudson <sup>13</sup>

Tom Bodden, Association of Towns <sup>15</sup>

Gerald Benjamin, Dean of the College of Liberal Arts & Sciences, SUNY New Paltz and former Director,  
Center for NYS and Local Government Studies and Director, Rockefeller Institute of Government Research <sup>12</sup>

#### Printed Materials

League of Women Voters of New Castle, "Consensus Statement. Town of New Castle Government," 1994

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(Yorktown) Citizen's Committee on Manager Government, "Final Report and Recommendations," 1977

New Castle, Assorted reports, memorandum and documents, 2007

NYS Department of State, "Local Government Handbook, 5<sup>th</sup> edition," 2000

Gerald Benjamin, "The Evolution of New York State's Local Government System," October, 1990

NYS Office of the State Comptroller, "Local Government Issues in Focus," Vol 2, No. 3, October, 2006

International City/County Management Association. Various publications

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<sup>10</sup> Also addressed Yorktown town board on April 10, 2007

<sup>11</sup> Phone interview by Susan Siegel. Her planned meeting with the committee was cancelled due to the weather.

<sup>12</sup> Phone interview by Susan Siegel. Schedule conflicts prevented them from meeting with the entire committee.

<sup>13</sup> Phone interview by Susan Siegel. Notes shared with committee members.

<sup>14</sup> Addressed Yorktown town board on April 10, 2007

<sup>15</sup> Contacted by Gerald Knapp

## **Statement From Committee Member John R. Kibbe**

The fact that our Yorktown form of government was established more than two hundred years ago and has served us well, does not mean that it cannot be modernized and improved.

Each year, our state legislators seek to give local governments additional tools to assist in their administrations and improvements. There has been almost constant change in laws that enhance the ability of towns to do those things which are required for proper governance in these modern times.

One of the relatively new provisions allows for the creation of the office of Town Administrator as the chief administrative officer of the town and gives to that person such powers and duties as the Town Board shall prescribe.

The Committee has spent considerable time discussing the reasons for and against the proposal. Speaking only for myself, I have reached the conclusion that our community should not embrace the Town Administrator concept of government.

It is apparent that under presently existing law, there is practically no prohibition preventing town government from doing whatever it needs to accomplish any work, any improvement, any program, any efficiency, it desires. In view of that, why do we need the creation of a new arm of government?

The Supervisor and the Town Board now have what they need to govern well. Every Supervisor and member of the Town Board has firmly committed to do what is best for Yorktown. They have the duty to keep closely in touch with the people, to learn of their concerns, their problems and help solve them. Some of them may fall short of that goal. The ballot box is the ultimate judge and the people will decide who deserves to hold office.

Those who favor the Town Administrator form of government say it will, among other things, improve cost controls, establish goals for departments, oversight of departments, improve decision making, etc.

It is my opinion that these matters, and others, can be dealt with under our present governmental system without the need of outside help in the form of Town Administrator.

No matter how it is presented, the idea of switching to a Town Administrator form of government represents a drastic change. If our present government is inefficient in certain areas, I maintain that those problems can and should be addressed by the Supervisor and Town Board.

I feel there is only minimal interest of the voters and the town officials in promoting the idea of Town Administrator. It is possible that further and wider discussion could bring about a more favorable attitude.

Additional matters come to mind which contributed to my decision such as a) the cost of a Town Administrator and staff, estimated to be near \$500,000.00 annually; b) the creation of a third layer of government; c) the gradual erosion of our present form of government; and d) a lessening of the close relationship the elected officials now have with the people.

I am surprised that out of 18 townships in Westchester County, only two have approved of the Town Administrator plan and yet, the enabling legislation permitting the establishment of Town

Administrator was enacted more than 30 years ago. In the entire State of New York, outside Westchester County, only 5 towns adopted a town manager government and 3 of those towns subsequently discontinued that form (I do not know why).

While this fact alone is not persuasive, it certainly indicates a large area of skepticism and doubt as to the wisdom of adopting this concept of town management.

I am not wedded to maintaining the status quo. If I am persuaded that changing to a town administration form of government is a good idea, I would not hesitate to embrace it. It is my opinion that those who favor this concept have not made their case. They are very much handicapped because they have not been able to come up with hard figures which is essential to reaching a final conclusion.

## **Minority Report on Town Administrator - Submitted by Anthony Grasso April 4, 2008**

We as a committee were presented with numerous documents relating to Town Administrator/Manager. After several meetings I decided to start my own investigation as to cost. The information I received is as follows:

Newly appointed and former Supervisor of the Town of Yorktown is receiving a \$160,000.00 a year in her present employment. To assist her she hired a personnel director for \$ 100,000.00 a year (formerly employed by Yorktown) and their budget also have an assistant administrator at \$ 100, 00.00 a year. There also will be a need for two secretaries at about \$ 75,000.00 each for a total in the neighborhood of \$ 500,000.00 a year. In addition to salaries, one must add benefits which run about 30% and some sort of buy out agreement with the Administrator in the event that the administrator leaves before the contract expires. Yorktown's present budget carries a 2% cost for the new pools and at least a 2 ½ % increase should we go with a Town Administrator form of Government. Bringing our base budget to 5 ½% without contractual agreements such as CSEA and other contractual agreements. It is my contention that even by reducing the Supervisor's day to day operations and a reduction in salary, there is still a need for an assistant administrator for the supervisor and a secretary that would be available for town board members. I have been in Yorktown for over fifty years and I have served or been on committees appointed from Jack Downing to our present Supervisor. In the final analysis, I believe Yorktown Department Heads and employees do a terrific job in assisting the supervisor, the Town Board and also keep services at an optimum which we all enjoy. Also as a reminder, there is no space available, should you decide to go for a Town Administrator at this time.

I raised the question why would anyone want to run for Town Board or Supervisor and not to take a direct hand in managing the town. We all know that the Supervisor carries out the administrative end of town management once approved by the town board. There have been several errors made in the last 10 years by various members of Town Government, but in the long run, things have a way of smoothing out. I believe the Community loses the opportunity of directly going to the responsible person if we diminish the direct role of a self governing type of government. I believe Lincoln said it best. "This Government of the People, by the People, shall not perish from this earth". Hopefully, you will take my position and not go into a Town Administrator form of Government

## **Town Manager/Administrator Form of Government, Submitted by Geri Schwalb**

Many years ago I served on a League of Women Voters Committee to study the merits of the Town Manager form of government. At that time, I believed the committee came to consensus in favor of such a change. I was part of a minority opinion that did not think it would work in our town.

After serving on the current committee studying the same question some 30-40 years later, I fully believed that with the current level of sophistication required of political leaders in dealing with very complex issues at every level of government, I expected that my opinion would be quite different. However, after reading hours and hours of printed material, and listening to advocates from both sides of the issue, I've once again come to the conclusion that change, just for the sake of change, does not serve the public good. With an open mind, I still failed to hear any single compelling reason to change our present form of government.

Furthermore, after interviewing our prior Supervisor, now a Town Manager, I realized that the position depends far more heavily on the individual serving, rather than on the title being used. If a Supervisor can serve as a Town Manager, then the only basic difference we're talking about might be one of experience. I believe that Yorktown has been most fortunate, over the years. We have relied on the decisions of the public and there is still a great deal to be said for a government that can be changed every 2 years. There is a great deal to be said for a government that must be responsive to the electorate that put them in office. And finally, there is a great deal to be said for the men and women who have dedicated themselves to the furtherance of "good government" in our town.

Respectfully submitted,

Geri Schwalb