

Energy Vampires – *They Don't Drain on Their Own*



Devolution of Public Policies and Governmental Norms to the Local Level

Administrative Law in the Commonwealth of Massachusetts is similar to other States in terms of agencies and the devolution of authority and responsibility to the local level. That is, the State legislator puts forth a bill or a ballot question is voted upon by the State's people which then results in authority statutes. These Authority Statutes create an Agency, Commission, Office, Role or other Executive State function(s) that are then tasked to provide oversight for said area whose policies are then disseminated through State agencies' publications such as the Commonwealth of Massachusetts Code of Regulations (CMR), Division of Local Services Informational Guide Release (IGR), and other agency specific publications.

Where the Commonwealth of Massachusetts is somewhat different from other States is in our State's Government culture, norms, and preferences especially as it applies to local Government. If you consider the State's history itself; the people of Massachusetts in 1779 voted for their constitution which was in force by 1780 predating the United States Constitution by 7 years, and the pride that the State takes in the 18th century description for autonomous State "Commonwealth" in all formal communications, then the picture of State's preference for direct government becomes clear.

The Commonwealth of Massachusetts does not have an established history for the Council Manager structure of Government. The open meeting structure of Government is truly the preferred norm within the Commonwealth of Massachusetts. The open meeting structure of Government has an elected executive body; Board of Selectmen / Aldermen (BOS), some of these bodies have strong mayors with veto abilities and some do not, but more typical is that the chair of the BOS is the political powerhouse which leads the charge. Historically these elected executive boards have dealt with policy and operations, naturally this can be somewhat tricky in terms of checks and balances.

To help promote healthy separation of powers the law provides for the establishment of advisory boards/finance committees (FINCOMM); per [M.G.L Ch. 39 § 16](#) towns can vote to establish these bodies and per the statute said body is the custodian of the municipalities budget unless the town has voted to modify the provisions of the statute locally. This results in checks and balances where the FINCOMM controls the budget but the BOS controls the town meeting warrant which the primary mechanism of having initiatives, programs, financing, etc. voted on by town residents ([M.G.L Ch. 39 § 10](#)). Notwithstanding the Statutory separation of powers, at the local level it is common that a BOS chair will simply tell everyone what to do and have broad operational impact when in fact outside of setting a meeting agenda, moderating a meeting, appointment authority, and populating the content of town meeting warrants, the chairs BOS have no out of session authority. The same holds true for FINCOMM chairs, but alas there is always political lever pulling which can be somewhat attenuated by the presence of an appointed public manager (Town Administrator/Manager).

Devolution of Public Policies and Governmental Norms to the Local Level

For every powerful BOS there is an equally powerful administrative individual, this role comes under many titles; town secretary, administrative assistant, and executive secretary. The BOS is generally composed of people who have day jobs, careers, and family obligations. Despite the propensity of BOS to overreach in operational matters, available time remains everyone's ultimate check and balance. Thus many BOS have in place an operational employee to carry out their directives irrespective of whether or not said initiative has been professionally vetted and justified to protect a municipalities' interests. Often times the individuals who work in this capacity are fervent institutionalist and do not always have a professional background but are nonetheless a wealth of institutional knowledge. These individuals often have very long tenures with municipalities and given their intimate knowledge of all the players become gate keepers.

Even though these individuals gain a lot of clout and can enjoy a great deal of power it comes at a cost. As I stated before time is the ultimate check and balance, these gate keepers regardless of how they are perceived dedicate a lot of time and effort on behalf of the BOS. For all of the benefits these individuals enjoy they also suffer static professional growth, scrutiny and mistrust from town residents and staff, rare recognition for executing BOS agendas, and serious encroachment on their personal time. In Massachusetts you can either have an executive secretary or town administrator per [M.G.L Ch. 41 § 23A](#).

This statutory development is important since the public is increasingly aware of technical demands associated with public administration. Constituents in Massachusetts now expect that their elected officials have the foresight to ensure that an individual performing services on behalf of their municipality is professionally trained. For the most part BOS have adapted to these expectations from their constituency, but in some cases like in the Town of Northfield where I most recently served, it was the town's residents who by petition had the town administrator role written into their bylaws through a town meeting vote, and in the town of Monterey where I also served the State's Division of Local Services (DLS) prescribed the creation of the role of town administrator in an effort to mitigate the town's many fiscal and administrative issues and prevent potential receivership.

“We, Not Me” – Beyond Service Awards

It was important for me to provide you all a brief summary of the dynamic nature of Public Policy and Governmental Culture in the Commonwealth of Massachusetts. It is my professional experience and opinion that energy vampires do not exist on their own and scholarship on the subject matter seems to support my findings in the field.

It has been an honor to work with hard working Men and Women who have been misidentified as “energy vampires,” these employees are the life blood of municipalities across the Commonwealth of Massachusetts.

It is for these misunderstood public servants that I wanted to present to you all today and share my experiences so that the next time any of you encounter an individual who has been branded an “energy vampire,” “toxic,” or “difficult” that you might consider an objective approach that could transform your employee’s lives and your organization’s culture for the better.

There are foundational aspects within public organizations that may inadvertently foster negative environments which lead to the draining of Public Service Motivation (PSM) (Moynihan and Padney, 2007).

My experience has been that a comprehensive breakdown occurs which results in an individual or group of individuals that function as energy vampires.

My experiences have taught me that the term energy vampire is often misused and a simplification of the process by which public employees lose mission valance (Wright, Moynihan, and Pandey, 2012).

Pragmatic Approaches Require A lot Of Faith From The Executive Board At Whose Pleasure We Serve

Despite the vast body of scholarship and professional advocacy for modern approaches to management I still found myself having to speak with my BOS in terms of outcomes but praying for them to leave the process and management to me (clap if this is familiar to you).

I have found success in addressing PSM issues like the “energy vampire” in the small towns that I have served by:

- Helping executive boards divest themselves of the idea of direct supervision and increasing the reasonable autonomy by allowing me to use a Transformational Leadership Approach (Paarlberg and Lavigna, 2010) .
- Helping executive boards recognize the value of taking inventory of who their employees are in terms of their needs (Maslow, 1943).
- Transitioning away from the unchecked trust that small towns place on individuals and instead codifying policies and procedures that preserve checks and balances and increase transparency & accountability.
- Formalizing onboarding and cross training within reason
- Working with employees on the impact of perception and their stress levels
- Ensuring that employees have a level playing field with respect to vacation time and mitigating perceptions of inequity
- Having employee input for job descriptions – What’s on paper, What gets done, How the work has or is changing, the function of the *role* not the person within the organization.
- Working desperately to help executive boards understand that public employees work for more than just money.
- Identifying opportunities for growth and continuing education.

The Town of Sandisfield Massachusetts

The town of Sandisfield had 700 residents during the winter and about a 1000 during the summer, had an operating budget of 3 million dollars and was located in Berkshire. As a town their major issues included typical municipal challenges such as: the rising tax rate, contributions to a school district which were viewed as disproportional, road maintenance costs, and their need for broad band internet.

Unfortunately, Sandisfield also had not so typical issues; such as the town's inability to close FY 2015 & FY 2016 - a consultant from the State's Division of Local Services (DLS) told the BOS that the town was not auditable, as well as a little situation in which IRS agents paid a visit to the town hall offices bringing about public scrutiny regarding the town's fiscal management, they had a finance committee that had never truly exercised their functions, very little written policy or procedures, and the town never had a capital improvement plan or a corresponding capital budget. Then the Board of Selectmen (BOS) moved to hire me as their second ever town administrator in a part time capacity.

The BOS understood that something was wrong and they whole heartedly wanted to address the morale issues with the staff and the mounting technical issues, but they continued to rely on the strength of trust between individuals instead of established roles. Trust in an individual is great until a mistake happens then that trust turns into doubt, turns into worry, turns into suspicion, and in a small town turns into rumors that can be devastating to individuals and this can even become litigious!

The Executive Board At Whose Pleasure We Serve Are Not Always Objective

When I was hired in Sandisfield the Chair of the BOS was convinced that the majority of the problems with the town's administration rested with the Town Clerk (TC) whom also served as administrative assistant to BOS. The TC being elected by the people of the town received compensation for that role and also for her role as the assistant to the BOS. Given the two roles, she had one of the higher salaries in the town's government which was a source of political contention in and of itself. The Chair of the BOS took special care to warn me that the TC was toxic, a drain on all of the BOS' positive efforts, and that I should prepare myself for subterfuge from that individual. Essentially, the Chair of the BOS identified the **primary** energy vampire within the organization.

The chair of the BOS informed me that the town had voted to change the role of treasurer from elected to appointed and that the incumbent was toxic. She went on to briefly explain the IRS situation to me and informed me that the TC's close friendship with the elected treasurer had shielded that individual's many performance issues. She expressed hope because the incumbent was to be replaced by an appointed treasurer with a formal accounting background. While the chair of the BOS was quick to describe the **secondary** energy vampire she could not speak to the specifics of the performance issues because she was not an accountant, but she said that I should be happy to know that would not be dealing with the incumbent given that an appointed professional would start the week after I started because she had fired the incumbent.

Taking Inventory Of The Town's Primary Resource – Its People!

The chair of the BOS was a brilliant and successful person who had worked in close proximity to municipal government as a grant writer for large CDBG grants all over the Commonwealth of Massachusetts. The chair of the BOS hosted lavish dinners for State representatives, was involved with the arts center, and had a certain pedigree that brought with it networked capital and regional attention that the small town at the margins of affluent Berkshire County welcomed. Despite the Chair of the BOS' ability to generate interest in the town, she was still considered an outsider by lifelong town residents most of whom were living pay check to pay check.

- Believed the TC was slow to respond to requests and initiatives because she fired the old roads supervisor who was the TC husband.
- Displayed serious concerns about even the mildest criticism from constituents.
- Was very interested in having the town recognized within the region.
- Was very interested in expanding their grant work within the region.

The TC was a lifelong town resident who had dedicated 20 years to the role and as such was well respected within the community. Notwithstanding the TC service to the town she also had many enemies as well as cultivated relationships with people that could be leveraged for or against her interest.

- The TC was a representative of the powerful gate keepers created by the BOS.
- The TC was in fact resistant to the idea of having a town administrator.
- The TC was the first person in the office and the last one to leave.
- The TC kept meticulous records, preserved documents perfectly, and knew just everything about the town.
- The TC had hundred of hours of unused vacation time.

Taking Inventory Of The Town's Primary Resource – Its People!

The town of Sandisfield had an elected treasurer who filled the role for 7 years. The treasurer was the daughter of the previous treasurer who performed the role for many years. The town trusted that the elected treasurer would aptly perform the role given the family history. When a treasurer is elected it means you cannot just fire them if they underperform and you cannot force them to pursue continuing education, the only real boss for an elected treasurer are the voters. To make matters even more interesting most of the job specific duties for a treasurer are statutorily defined ([M.G.L Ch. 41 § 35,36,37,38](#)). This means that unless a treasurer is proven to be criminally negligent in dispatching their duties, a town cannot just remove the treasure but through the town election mechanism or a difficult recall vote process. Thus the incumbent was not gone at all...Details!

- Did not formally resign until 4 months into my term after a lot of effort convincing her and her attorney that the town was not accusing or pursuing her legally.
- Failed to properly submit 990 forms to the IRS for 9 fiscal cycles, transmitted inappropriate amounts to the IRS via the EFT system, did not properly book accruals, did not document necessary journal entries, did not reconcile the cash book with the general funds, etc...after hours of playing forensic accountant for 6 weeks the town lost 280k and could not close FY 2015 or open FY 2016 while the count down to FY 17 fast approaching.
- Was accused of having an inappropriate relationship with a member of the BOS.
- Also served as the business manager for the school district and threatened to sue the town if the town were to publicly accuse her of wrong doing because it would impact her other job.

The appointed accountant had a professional background primarily in the private sector with some experience in Government.

- Was already partially retired and quite happy serving as the town's librarian.
- Felt used and tricked by the BOS who promised her a smooth transition without knowing enough about accounting to make such guarantees.
- Was a hard worker and had to absorb a lot of knowledge quickly and at times had melt downs because she was receiving scrutiny and comparison to the elected treasurer which left a mess.

Taking Inventory Of The Town's Primary Resource – Its People!

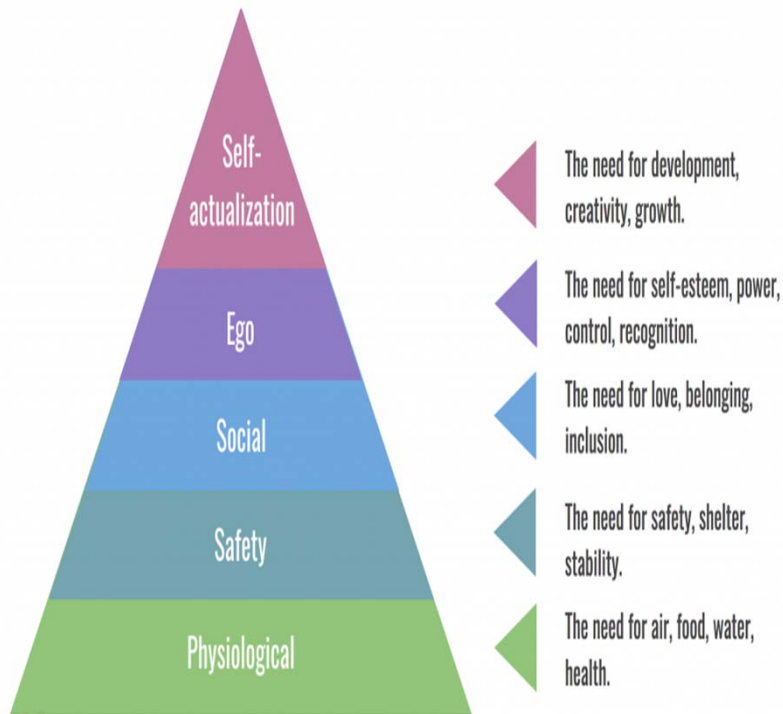
As stated earlier in the Commonwealth of Massachusetts FINCOMM is the custodian of a municipalities budget unless the town has voted to modify the provisions of the statute locally ([M.G.L Ch. 39 § 16](#)). The Town of Sandisfield had not changed any of the Statute for the FINCOMM's responsibility and as such they were still responsible for the budget.

- FINCOMM's are by design meant to separate powers and challenge BOS through objective review of a municipalities' budget.
- Despite Sandisfield being a small rural community its FINCOMM had an impressive roster of professionals: two contract attorneys, a professor of accounting, a successful business owner, and an international financier from Deutsche Bank.
- Unfortunately, upon my review of all past budget cycles FINCOMM did not really engage in dispatching their professional duty, what they did was engage in side managing the town and attacking the staff for not getting things done quickly enough.
- I communicated my findings to the BOS and made them aware of the side managing of the FINCOMM and asked for their support in clarifying to the town that the BOS was in charge of the town and not the FINCOMM.
- While this FINCOMM barely met they still managed to have time to cause trouble, they were vested in trying to publicly shame the elected treasurer and I had to talk them down from going to the news paper with accusations of wrong doing that was unsupported and opened the town up to liability.

A Way Forward Began To Materialize

Maslow Says (1943)

Maslow's Hierarchy of Needs



What were the needs of the people who serve the Town of Sandisfield

CHAIR BOS – Presented to me as someone who was at the top of Maslow's pyramid; a creative successful individual looking to develop and establish a legacy.

FINCOMM – This body was not short on hubris and really just enjoyed the political power that came from inappropriately side managing the town.

TOWN CLERK – Interesting because the individual possessed the need for some control and recognition but more prevalent was their need for safety and stability.

ELECTED TREASURER – This individual's needs rested between the need for safety, shelter, and stability and basic needs which makes sense since a public scandal could have effected two jobs and thereby their household income.


APPOINTED TREASURER – This individual's needs between a deep need for recognition and a need to belong.

BOS within a month of my appointment BOS informed me that I was required to write a piece to be submitted to the local paper regarding the town's administration

Currently, I am updating the personnel procedures manual, which along with the town's bylaws will serve as the official measure of Sandisfield's administration. Experience has taught me that within local town government, tradition is often accepted as official policy. The town's manner of operating has relied heavily on the strengths of personal relationships and social trusts instead of necessary checks and balances.

To that end I am implementing a fiscal strategy that incorporates necessary reporting as controls for the town's fiscal operations. In the town's previous day-to-day operations, trust in an individual's ability to perform and recall pertinent fiscal data was enough to authorize sensitive operations. It is due to the town's strong neighborly bond and integrity that our present fiscal setback is not much worse.

Fiscally, some adverse decisions have had more weighted impacts than others. The town has felt the sting of these decisions most recently because it seemed that the lack of audits could have prevented the town's access to public finance mechanisms badly needed for broadband purposes. I have addressed the doubts regarding the town's ability to secure funding for the broadband project. Through DLS' State House Notes program, financing broadband is a feasible reality for Sandisfield.

I hope that this brief summary of our town's progress instills a sense of security in the reader. Your town's administrative staff and leadership is dedicated to protecting the interests of all Sandisfield's residents. We still have plenty of work ahead of us, but we are in no way derailed by our recent fiscal setback. We have learned important lessons in personnel administration and fiscal accountability, but most importantly we are all learning to preserve our humanity and humility in service to the Town of Sandisfield. 

The Way Forward

With the BOS first I gave them a huge win with respects to public financing that they did not know was possible. Then I informed them that without the staff's support said outcome would not be possible.

Effectively, BOS was provided a desirable outcome with the use of a new management approach that they were unfamiliar with, this allowed me to continue to give my staff more autonomy without BOS panicking.

Given the needs assessment of the Chair of the BOS, I expressed how FINCOMM might be usurping her efforts to have the town seen as an up and coming place to be within the region.

I also made it clear to the BOS that while FINCOMM control the budget that they controlled everything else and if they wanted control of the budget that should consider having their own budgetary process and eventual review of just how much authority FINCOMM should have over the town's budget.

I created a pre-budget analysis team composed of myself, the TC, Treasurer, Accountant, and department head being reviewed. This team reviewed four fiscal cycles and then together with the department head projected needs and the analysis was provided each week to the BOS.

This process woke up the FINCOMM who were crossed and wanted to know what we were doing and then we provided them copies of our reports to get them caught up.

I worked very hard and put in long hours to gain the staff's trust and show respect for their work.

I used the BOS requests for me to address the town via news paper to provide a comprehensive picture of the situation stepping away from blame and gaining the trust of the elected treasure eventually accepting her resignation.

In convening the pre-budget team the TC got her needs me in terms of stability and safety. The appointed treasurer and accountants dropped the defensive posture because their work was clear.

We found money in the budget to hire an assistant TC and treasurer allowing for the "energy vampires" to use their vacation time.

I applied for a grant with the State to assist in creating a rock solid fiscal policy manual to go hand in hand with the personnel policy I created.

I brought my entire staff to our State municipal organizations annual conference and saw my staff interact proudly with their counter parts from other towns.

I submitted a claim to the insurance agency that bonded the elected treasurer and was able to recuperate 90% of the losses.

Together with the appointed treasurer we successfully advocated for the funding of O.P.E.B studies and annual audits.

The Results

It turns out that my “energy vampires” were more a less over worked municipal employees who were being crushed by burden of trust.

In the case of the TC, dedicating 20 years to the town turned her into a gate keeper a responsibility that gets old when you have a revolving door of BOS to contend with every three years.

We were able to prevent scandal by reigning in FINCOMM and guiding the BOS to adopt a unified narrative which led to a peaceful resignation of the elected treasurer.

Through very hard work we were able to close FY 15, 16, and successfully open FY 17 and paid back all of the back taxes to the IRS.

We successfully submitted a claim to the bonding company getting back 90% of losses.

The Town of Sandi field now has a personnel policy manual, job classifications and descriptions that employee’s took part in crafting, a fiscal policies manual, and the staff is all engaged in continuing education.

Supporting Scholarship

“OFFICERS AND EMPLOYEES OF CITIES, TOWNS AND DISTRICTS: Chapter 41 – 190th General Court Of The Commonwealth Of Massachusetts,” malegislature.gov Accessed August 12, 2018.
<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter41>.

“MUNICIPAL GOVERNMENT: Chapter 39 – 190th General Court Of The Commonwealth Of Massachusetts,” malegislature.gov Accessed August 12, 2018.
<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter39> .

Masslow, A.H. “Theory of Human Motivation,” *Psychological Review* 50, (1943) No. 4: 370–96.

Moynihan, Donald P., Pandey, Sanjay K. "The Role of Organizations in Fostering Public Service Motivation" *Public Administration Review* 67, (2007) No. 1: 40-53.

Paarlberg Laurie E, Lavigna, Bob. "Transformational Leadership and Public Service Motivation: Driving Individual and Organizational Performance," *Public Administration Review* 70, (2010) No. 5: 710-718.

Price, Bill. “Preserving Values While Moving Ahead: Procedures Are Necessary Even In Small Towns,” *Sandisfield Times*, (2016) August 12, 2018. <https://www.sandisfieldtimes.org/Archive.htm>

Wright, Bradley E., Moynihan, Donald P., Pandey, Sanjay K. "Pulling the Levers: Transformational Leadership, Public Service Motivation, and Mission Valence," *Public Administration Review* 72, (2012) No. 2: 206-215.