

**TOWN OF MILLBURY  
BOARD OF SELECTMEN MINUTES  
SELECTMEN MEETING ROOM**

**March 20, 2018**

**6:30 pm**

---

Selectmen Present: Chairman Francis B. King, Vice-Chairman Sandra Cristo, Mary Krumsiek, Scott Despres, Jon Adams, Town Manager David Marciello, Susan Spencer-*T&G*, Steve Balistreri-*Millbury Sutton Chronicle*, and other concerned citizens

Town Manager Review

Chairman King announced that the Clerk will be going through a compiled summary of the evaluations done by the board, they will hear the Town Manager's review of himself and then if the selectman has comments we will go through that.

Selectman Krumsiek read the summary of rating 2.75. \*attached  
Chairman King thinks it is a better idea for the goals/objectives for the town manger to be done after the election as he and Selectman Cristo will not be on the board. Mr. Marciello agreed.

Mr. Marciello offered the selectmen to read his summary and wanted to rebut that his attendance is lacking; he is at many conferences and seminars in order to do a better job and get information for the selectmen. He then wanted to rebut the rating of meeting the objective to develop an infrastructure renovation program. He does not believe the board is aware of what he has done. Chairman King commended Mr. Marciello for his long hours, but he can see why people think you are not hear often because no other manager went to seminars and conference. Mr. Marciello said that his phone is a leash-he can be reached 24/7 and always responds. He was tracking his hours for a few months and he is probably making \$9.00/hr. The overall rating from the board is 2.75% and Mr. Marciello rated himself at 3%. They are not far off.

Mr. Marciello reminded the board that this was a summary of his evaluation and if anyone wants to talk to him about any specific item he will do that at another time.

Selectman Adams said that he town manager looks outside of the box and he tries new things and tries different options. He's not afraid to say if it didn't work but he keeps trying. He got an extra 3% from the marijuana host agreement, he's trying to get solar at the transfer station, he tried a new snow and ice discussion that was way out but got the town a new sander to use 50% of the product.

Selectman Despres said he responds timely with plans and ideas, but then pushes things aside as other things come around. He would like to see us see things through. Props to the town manager for handling the ACO when he unexpectedly went out, he handled it and we haven't had any complaints. He's not afraid to try new things.

Selectman Krumsiek he brings to the town good ideas and tries new things.



Selectman Cristo said he is familiar with municipal laws, written skills, detailed manager reports and he is willing to work with them.

Chairman King said that the strength is the hours he puts in, the new ideas he brings forth, you have a different management style than previous managers and it is taking the town some time to get used to. You did hit everything that the board asked to do in the interview process and are trying to tackle the roads and infrastructure to get the back in suitable shape.

Mr. Marciello said that the plan is fluid; he has given it a years' worth of work and have been working with Selectman Adams with different plans.

Selectman Adams said that his weaknesses are that his plans get lost in commination, be more direct while diplomatic, be more concise and use more understandable plans. Try to make it less wordy, people may construe that as muddying the waters. He would like the directors to carry the plan as they see them and present them.

Selectman Despres said that the manager's weaknesses are focusing on getting to the point, he doesn't need to know everything you know, just what I need to know. Sometimes you need to back down a little like you did with the school budget.

Selectman Krumsiek needs to learn to answer without skirting the issue, take construction criticism, let dept heads lead, don't talk so much, abide by charter and rules.

Selectman Cristo more time on economic development; come up with a creative plan to move us forward in this area.

Chairman King he tries to please the board too much and has a lot of rods in the fire; sometimes you get pulled away from one and then doesn't complete the other, eventually you go. Learn to take construction criticism, communications with the board -call instead of email. Strengths are higher than weaknesses.

Selectman Adams-overall rating was 2.75 out of 4 and he thinks that is very good, he is a hard grader-the manager and the board can work together to get that closer to the 4 rating. He would like to see a calendar in the office to say when you are going to be out and where you will be. Mr. Marciello said that he had to be at DEP a lot because of the MS4 permitting, the marijuana issue had a lot of seminars that he had to be at and we wouldn't have what we have today.

Selectman Despres would like to see him allow the department heads and staff to work more independently now that they are in place. He doesn't like this rating system, this is a scale of 1-4; we are getting a good working team. There is no 'constructive criticism', it's criticism.

Selectman Krumsiek disagreed with Selectman Despres, she thinks Mr. Marciello does have an issue with constructive criticism, when she asks questions he often yips back at her.



Selectman Cristo said that the Manager keeps up to dates on information and attends classes to keep him updated on all that is going on to make our town better.

Chairman King does not know what his potential is, he has brought different ideas but we are still on a learning curve; he hopes there is more in there that is coming in over the years. It is important that he attends conference, seminars and meetings.

Mr. Marciello said that they are at 2.75 and he is at 3; we are not far apart.

Mr. Marciello said that he is looking for a 1.5% raise but he suggests talking to the HR Director first.

Motion to adjourn by Selectman Krumsiek at 7:20 pm, seconded by Selectman Cristo.  
Motion carried unanimously.

Respectfully submitted,

Tish Hayes, Secretary

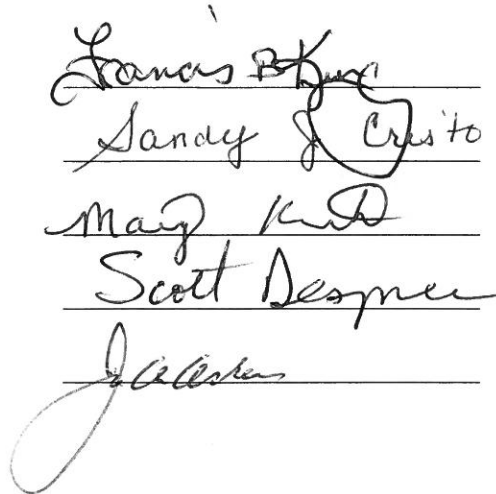
Francis B. King

Sandy J. Cristo

Mary Krumsiek

Scott Despres

Jon Adams



Francis B. King  
Sandy J. Cristo  
Mary Krumsiek  
Scott Despres  
Jon Adams



## Town of Millbury

### Performance Evaluation

Name: David Marciello  
 Job Title: Town Manager

Date: March 20 2018  
 Hire Date: \_\_\_\_\_

<b>Evaluation Factors</b>	<b>Needs Improvement 1</b>	<b>Acceptable 2</b>	<b>Good 3</b>	<b>Outstanding 4</b>	<b>Rating and Comments</b>
<b>Quantity of Work</b>	Slow, falls below minimum standards	Meets minimum standards, seldom more.	Above minimum standards on a regular basis.	Accomplishes far more than standard.	3.06
<b>Quality of Work</b>	Frequent errors.	Generally good, some errors.	Predictable good work with minimal errors.	Exceptional high level of quality with little or no errors.	2.84
<b>Job Knowledge</b>	Limited, shows no effort to learn more.	Average, some effort to broaden knowledge.	Solid knowledge of work assigned, open to training.	Is an expert in his/her field, continues to study.	3.20
<b>Initiative-Need For Supervision</b>	Does assigned work with constant supervision.	Does assigned work with minimal supervision.	Looks for more work, can work unsupervised.	Is able to supervise others.	3.20
<b>Cooperation and Courtesy</b>	Frequently in conflict with others, Lacks tact.	Generally gets along with others.	Helpful to co-workers, polite, keeps confidences.	Is a positive role model for others.	2.38
<b>Ability To Take Constructive Criticism</b>	Resentful, reacts badly to criticism.	Accepts normal criticism.	Accepts criticism, shows effort to improve.	Uses criticism to continually improve work.	2.10
<b>Attitude</b>	Constantly makes negative comments.	Accepts rules without comment.	Enthusiastic and positive about job & co workers.	Goes the extra mile to be positive under stress.	2.84
<b>Attendance</b>	Too frequently absent/late.	Dependable, most absences acceptable.	Seldom late or absent. Regularly makes up time.	Nearly perfect record for extended time.	2.50
<b>Organization Neatness of Work Area</b>	Careless, leaves work area messy, unorganized.	Keeps area generally neat.	Very neat, has good system in practice.	Extremely well organized, efficient work space.	3.00
<b>Overall Rating</b>					<b>2.79</b>

## Evaluation – Supervisory Skills

<b>Evaluation Factors</b>	<b>Needs Improvement 1</b>	<b>Acceptable 2</b>	<b>Good 3</b>	<b>Outstanding 4</b>	<b>Rating and Comments</b>
Implementing/ Obtaining Results	Slow, falls below minimum standards	Meets expected standards, seldom more.	Achieves above minimum standards on a regular basis.	Exceeds expectations, often with exceptionally high level of quality.	<b>3.20</b>
Planning and Organizing	Disorganized; Shows little ability to take initiative; misses deadlines.	Generally organized; takes initiative within set parameters. Meets most deadlines.	Well organized and proactive; sets priorities. Anticipates problems before they arise.	Exceptionally strategic, with highly developed planning skills.	<b>2.56</b>
Analyzing and Decision Making	Unable to define problems or devise possible solutions. Refers all decisions to superior.	Generally able to define problems, generate multiple options and recommend a solution.	Consistently demonstrates good judgment; makes sound decisions and follows through.	Solves problems creatively, often with reduced costs or increased service levels,	<b>2.76</b>
Managing and Developing Staff	Does not give clear sense of direction; Reluctant or unable to delegate.	Is able to direct and supervise others in routine situations.	Establishes a clear sense of direction. Mobilizes people to meet goals; delegates wisely.	Develops staff as individuals and builds a high performance team; includes staff in goal-setting and decision making.	<b>2.80</b>
Communication and Relating to colleagues	Does not listen well. Frequently in conflict with others; lacks tact.	Generally listens and cooperates well with others; keeps others informed as appropriate.	Listens openly. Actively strives to build consensus and resolve differences.	Exceptionally skilled at resolving conflict and bridging differences, within own department and across depts.	<b>2.50</b>
<b>Overall Rating</b>					<b>2.76</b>













**Part 3: STRENGTHS, WEAKNESSES, SKILLS**

Evaluate employee's Strengths, Weaknesses, and Skills in narrative format. Indicate recommendations for improvement and/or training. Be specific. Use examples.

- 1. List employee's strengths.** \_\_\_\_\_  
Examining opportunities to generate new and additional revenues or grants; and increase Commercial and Industrial tax base;  
\_\_\_\_\_ Conducting detailed assessment municipal infrastructure and developing comprehensive Capital Needs plan;  
\_\_\_\_\_ Utilizing best practices to ensure all Town departments adequately staffed;  
\_\_\_\_\_ Participating in professional organizations, town forums, and school events to promote public awareness;  
\_\_\_\_\_ Participating in Town Manager Professional Development programs to achieve certification.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 2. List employee's weaknesses and your recommendations for improvement.** \_\_\_\_\_  
\_\_\_\_\_ Conducting annual reviews of performance of senior staff  
\_\_\_\_\_ Developing asset disposition plan and procedure  
\_\_\_\_\_ Developing disaster operation & recovery plan - municipal operations  
\_\_\_\_\_  
\_\_\_\_\_ Ability to Take Constructive Criticism  
\_\_\_\_\_ Cooperation and Courtesy  
\_\_\_\_\_ Communication and Relating to Colleagues  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 3. Are employee's skills being fully utilized? What training or skills development should be implemented that would fully develop employee's potential?** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**4. Part 4: NEW OBJECTIVES**

List one to five objectives to be attained by the employee before the employee's next review. Indicate preparation and training necessary to attain these objectives and projected completion date. Objectives must be realistic.

**Objective-Preparation-Training**

**Projected Completion Date**

- 1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 4. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 5. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Part 5: EMPLOYEE RESPONSE TO PERFORMANCE APPRAISAL**

I have discussed with my supervisor(s) this evaluation of my past performance. I

- Agree with the conclusions reached
- Do not agree with the conclusions reached

*Some what For the reasons NOTED*

I feel that my performance review was:

fair and impartial

was not fair and impartial

*Some what for the reasons NOTED*

Comments \_\_\_\_\_

*SEE ATTACHED*

*[Handwritten Signature]*

Employee's Signature

Date

*Francis B. Joyce*

Supervisor's Signature

*3-27-18*

Date

*I AGREE with the majority of the review  
w/ the comments NOTED*

*[Handwritten Signature]*



# MEMO:

**From:** DJM  
**To:** Jaimie Kellie – Personnell File –  
**Re:** 3/20/18 review comments  
**Date:** 4/4/18

## DJM Self Review:

### Part 2: Achievements of Objectives:

#### Objective One:

##### A) Provide complete and accurate documentation as requested:

Score 100%

- My reports are absolutely 100% accurate and complete. I pride myself in addressing all angles of the situation, pros/cons and any externalities. I answer every actual and potential question to the fullest-extent possible, given all available data and analytics.

##### B) Advise and give detailed analysis:

Score 100%

- I am a highly skilled professional utilizing benchmarks and analytics.
- My FY19 budget utilized projections based on actual and projected data. When I advise the Board, I use all available resources to give thorough analysis. My reports are never short of detail nor overlook options.
- We partnered with BSU to share resources, information and analytics
  - This will aid us in quantitative and qualitative analysis and benchmarking

##### C) Review and Report:

Score 100%

- **Policies:**
  - Policy review is underway by the HR Manager who was hired earlier this year. I have tasked him with this duty.
- **Expenditure reports:**
  - Expenditure reports are routinely reviewed monthly by the Finance Director and quarterly reports are generated based on projections. I am kept in the loop of any potential areas of concern. The prior FD was on top of this as is the new FD. We have a keen eye on the situation and what is ahead of us.

- **Contracts:**
  - Contracts are drafted/reviewed in my office with the assistance and guidance of TC. I review them and seek TC assistance as necessary.
  - Every contract is being made to have similar language so that streamlining of the procurement and onboarding processes can be utilized.
  
- **RFPs:**
  - Every RFP is reviewed and/or drafted in my office. I have monthly meetings with Dept. heads to ensure that all procurements i.e IFBs- RFPs are being put out on time and we are always looking at best practices and optimizing our returns.
  
- **Organizational Theory:**
  - A highly professional organizational structure based on proven psychological and Public Administrative theorists is cognizantly being implemented on a daily basis.
    - Irrespective of whether staff or department heads are aware, departmental structure, personnel development and management is constantly being reviewed, adjusted and implemented based on proven Public Administrative and/or psychological theories developed by theorists such as Mintzberg, Bloomberg, Bolman and Deal, Maslow, Follett, McGregor, Denhart and Denhart.
      - I have used very highly advanced organizational theories to help develop strategies that accentuate personal and departmental growth, effectiveness and efficiency. It is first and foremost the number one area of direct intervention that I have implemented with and/or without any conscious buy-in from the staff and department heads. I say this because often the department heads or staff have no idea that they are being mentored or guided (Follett, McGregor, Denhart and Denhart) but the results bear-out the efforts. I have been molding and developing my department heads (and through them their staff) with and/or without them being made aware.
      - I am utilizing proven psychological and public administrative theories developed over decades by theorists such as Maslow, Follet, McGregor, Denhart and Denhart to encourage the employees to achieve and develop in a self-actualization model based on solid psychological and organizational theories developed by these experts over many decades. The results are being seen as the staff and managers are growing professionally and personally and they are expanding their own professional horizons; thus benefitting their departments and the Town as a whole. Many of these individuals have no idea that this is ongoing, but they are growing professionally and are happier and more productive on account of these initiatives.
      - I have assigned higher level tasks to them – tasks which they had never before been charged. Such as the Town Clerk is actually in charge of formulating the TM Warrant. She has taken this responsibility exceptionally seriously and has excelled. This is a direct result bon out in this organizational mold. She always had the ability to do this: she simply was not ever given the opportunity. I will continue to expand her role as she finds her way through the Maslow Paradigm – the more knowledge and responsibility she craves the more I will feed her until she meets her personal and professional goals. This benefits not only her, but the Town as a whole.

- The Town Clerk is not the only example: I have encouraged all of my department heads to advance their professional and educational growth through the MMA and other venues. I have budgeted for this in my FY 19 budget because, as noted, by encouraging our professionals to gain knowledge, skill and expertise, they become more highly trained and moreover, more motivated and happier. People want to grow. If you keep them stagnant, they are less productive, less happy and less pleasant. If you encourage them to grow they are hungrier to improve themselves and their surroundings AKA, their work-product/departments etc.
- Public Administration has 7 core tenets, but the evaluation has only 2 of them listed: efficiency and effectiveness. However, above and beyond efficiency and economy, I utilize on a daily basis all 7. I hit every one of tenets in all that I do:
  - Efficiency
  - Economy
  - Equity
  - Equality
  - Public Participation
  - Sustainability
  - Accountability
  - Transparency
- I am an active member of the ICMA and I am striving to become a credentialed manager: one of only 27 in the state, (with a few retiring this summer) When I achieve this goal as well as the certification from the commonwealth, I will be one of one in the state and beyond. No other public administrator to which I am aware will have these dual designations. Moreover, I likewise hold a juris doctorate and a law license. All of this adds up to one thing: I take this profession extremely seriously. The above tenets are not simply ideas; they are the entire foundation of this profession. They are the core values to which I direct all of my professional dealings. I meet this benchmark above and beyond all acceptable levels of review. These core tenets are at the heart of the ICMA Credentialed Manager program, the Massachusetts Certified Public Manager program and my alma mater's MPA program: to which I was the graduate assistant. They are part and parcel to what I do and there isn't one single daily activity in which I ignore them.

**D) Participate in state and national Organizations:**

Score 100%

- I have actively been a part of numerous state and local organizational meetings. These meetings have been beneficial in generating valuable connections with colleagues and shared resources including information. But more directly they have given me invaluable insight on the changing landscape of our laws, rules, regulations and best practices. In example, the marijuana regulation: I was able to position our Town in a very favorable light due to these meetings and the knowledge I garnered through said meetings and discussions.

### **Summary:**

My professional acumen garnered from my education, experience and knowledge affords me the skillset which far exceeds average. I gave myself a 3.05 on the first 2 pages of the review. This is above average but by no means exceptional. I have little institutional knowledge and I am still learning the ropes of **THIS** Town. Because of that, on the prior evaluation sections, I meet or exceed many of the areas and I o others I need improvement. This is the definition of growth professionally and personally.

However, *on this particular portion of the review found in part 2* of the review process, there is no debating in my mind: I far exceed all acceptable benchmarks. I am confident in this evaluation because I am exceptionally unique in the manner in which I am able to utilize my combination of legal and professional education and experience to benefit the Town in ways that others cannot. This is not being boastful: I earned every degree to which I have and I have worked on both sides of the equation for over 20 years. This has granted me the unique ability to know what I know and do what I do. Because of this, I am not shy to rate myself exceptionally high in this particular regard. Because of this I firmly believe that this area of my work performance needs no correction.

## **Objective 2:**

### **Enhance the Financial Stability of the Town**

#### **A) Developing a multi-year financial forecast for budgets and revenues:**

Score: 100%

- The Finance Director and I presented the financial outlook for potential growth
- We have proposed a MGL to adjust our growth based on the fiscal calendar granting us \$150,000 in this year's budget
- We have solicited and worked in tandem with economic development initiatives including the opening of a marijuana establishment and the new rehab being built.

#### **B) Develop and administer the Town's Operational Budget:**

Score: 100%

- The budget took many iterations but it is balanced

#### **C) Examine Opportunities to generate new and additional revenue / grants**

Score: 100%

- I tasked the Economic Development Director with finding grants.
- We hired a part time energy manager
  - Both of these changes have garnered thousands and thousands of dollars
- I am in the process of a Solar RFP which will bring in revenues and also give us savings as well

#### **D) Examine regionalization and privatization efforts:**

Score 70%

I have attended meetings on regionalization. I have likewise attempted to merge where I can. However it takes multiple parties to all collaborate and to this point in time I have not found any advisable options to initiate any further regionalization efforts.

**E) Update Town/ School financial software for compatibility:**

Score 50%

I have attempted to include the schools in at least 2 initiatives to which I have received absolutely no interest or cooperation.

1) The first was to look at changing our financial software to be compatible. They have no movement on this request. They have indicated that they have no interest in looking at changing to become more compatible. I cannot force them to become compatible.

2) I am in the process of uploading a free trial subscription to *ClearGov* which will show comparative analytics between Millbury and others. This trial period will run from April through June at no cost or obligation. I am budgeting for next year the cost of this software program in the event that it receives a favorable review. The School Department; however, showed no interest in this transparency initiative.

**Summary:**

Of those portions to which I had control, I met my objectives. To those in which I was in a position to rely on the collaboration and/or cooperation of outside entities, I had no control. Therefore I met all marks to which I had control and I was only as successful in the other realms as I received the opportunity to achieve my intended outcome.

**Objective 3:**

**Develop an Infrastructure Preservation and Renovation Program:**

**A) Conduct a detailed assessment of the Infrastructure and Capital Needs:**

**B) Finance plan to maintain/renovate/reconstruct roadways:**

**C) Finance plan to maintain/renovate/reconstruct buildings:**

Score:100%

Between the Capital Needs Committee, the RAC, the DPW, the Finance Director and myself, we have a good handle on what we need going forward and we developed a plan on how we are going to achieve these needs over the next few years.

**D) Disposition Plan and Procedure:**

Score 90%

- We just got the You Inc. building on our rolls. We have yet to come up with a plan to reuse / dispose of it.
  - A reuse committee will be originated after Town Meeting
- We are in the process of looking at other available buildings in town for the Police Station.

**E) Disaster Recovery for Municipal Operations:**

Score 100%

- We are in the process of procuring a new phone system for the Town Hall and the Police Department.
  - Said phone system will have built-in redundancy with fiber optic, net, cellular and copper wire back-ups.
- In my first few months I inquired about the EMA headquarters at the Butler Farm. I learned that this was a shared use building and there was not adequate security or electrical-interruption redundancy.
  - Based upon this review I encouraged them to install a standby generator and upgrade the alarm system to ensure proper security and electricity in an outage.

- The Butler Farm EMA building has since been modified to address this electric and security concerns.
- We have off site back-up of all of our mainframes, as well as onsite back-up redundancy
- We are in the process of replacing the police/fire radio repeater and a standby generator at the Highway barn.

**Summary:**

It's obvious that our infrastructure has immediate needs. I have worked diligently to achieve workable solutions to address these needs. Assuming that I get the votes that I need to put my plan forward those needs will be addressed.

Our other capital needs are likewise being addressed by my "coffee can" plan. A home rule petition to automatically fund this plan in a sustainable manner is before Town Meeting for their approval. Assuming that it gets the votes that it needs, I will have created a sustainable solution to address current and future capital and infrastructure needs as well as fund out unfunded future liabilities.

As for the security of our buildings and information, in January of 2017, I immediately noted various security and disaster mitigation lapses. Of note I immediately ensured that all of the data on my hard drive was recoverable by multiple layers in the event of a crash / hacking / virus. Additionally I noted the lack of reliable communications in the police / TH building. This is being rectified in the FY19 budget. The new system is going to have VOIP, copper and cellular redundancy. And, it will actually be cheaper than what is currently in place due to technological advances.

**Objective 4:**

**Improve Personnel Administration and Staff Development:**

**A) Adequately staff all departments utilizing best practices:**

Score: 100%

- All existing vacancies that were in effect when I was hired, and all vacancies that occurred after my hire, have been posted, advertised, interviewed and filled.
  - 4/6 of the entire cabinet-level positions, 2 mid-level managers & multiple staff reassignments were filled
    - DPW, Planner, Finance, HR, Building, Child Librarian
    - Town Clerk, Assessors, Sewer, Planning, Energy
  - Multiple staff have successfully transitioned from one department to another
  - Multiple staff vacancies have been filled
  - I covered the void in the sewer billing clerk with in-house coverage and no union grievance
- Staffing and work/load reviews have been conducted and an action plan for adjusting the staffing has been put in place.
  - Utilizing seasonal help / interns for FY19 to greatly increase the ROI for each position

**B) Settles collective bargaining agreements in a timely manner:**

Score 100%

- All grievances have been held in a timely manner
- Most have been handled in-house with no arbitration

- The only FY18 arbitration resulted out of events that happened prior to my coming on board
- All collective bargaining contract negotiation have been addressed in a timely fashion
- 2 unions are currently up for renegotiation.
  - Both have just this week requested to bargain and they are being processed accordingly

**C) Conducts annual reviews of senior staff performance:**

Score 0%

- No annual reviews have been conducted of any staff
  - None have been done historically
  - This is on the list for the HR director to rectify
    - This has yet to be completed
    - It is on the “to do list”

**D) Updates and coordinates Personnel Classification:**

Score 50%

- This is on the list for the HR director to rectify
  - This is currently underway but not yet completed

**E) Coordinates and updates the Town’s Personnel Policies:**

Score 50%

- This is on the list for the HR director to rectify
  - This is currently underway but not yet completed

**Summary:**

Those areas to which I have immediate control I have successfully implemented and achieved all expected benchmarks. Those areas to which the task is otherwise out of my control and/or the task has been otherwise delegated have not yet met benchmarks but they are in the process of being addressed. These areas should be monitored for future review.

**Objective 5:**

**Improve Community / Intergovernmental Relations:**

**A) Coordinates governmental relations by participating in grant initiatives and multi town staffing:**

Score 70%

- See Objective 2D above

**B) Improves communication with Town Boards / Committees and Officials**

Score 70%

- There are protocols for staff meetings and scheduled reporting with Boards and staff
- There isn’t a fail proof method in place to always be timely with all communications
  - There is room for improvement in this area with better methodology to ensure that all communications are timely
  - This being the case, not every communication ought to be disclosed until it is ripe. I cannot control outside sources and rumors from disseminating information before any official communication. This is especially true if the communication is from an employee who is the subject of discipline (or suspension, etc.) The law prohibits my discussing any confidential personnel matters but it does not prohibit the individual from talking about himself. If he/she initiates the discussions outside of Town Hall and the rumors then

circulate, I cannot control that. Even if the employee is openly discussing it and/or getting the rumor mill turning; it still does not relive me of the legal prohibition to maintain confidentiality and refrain from discussing any part of the situation: Irrespective of whether others are made aware from the outside.

**C) Enhances relationships with other municipalities, local businesses, civic organizations, and other groups:**

**D) Participates in professional organizations, town forums, school events**

Score 100%

- I am a very active participant in all municipal and regional groups- building new / nurturing existing relationships with multiple state, local and regional public/private/educational entities including: towns, municipal support groups such as MMA, Collins Center, CMRPC etc, the Chamber of Commerce, COA meet the manager monthly meetings, universities civic groups businesses and others.
  - These relationships have garnered us valuable information and assistance in conducting my day to day activities and reports to the Board
  - I have participated in various local events such as Boy Scouts, Dollars for Scholars, Tree of Lights, American Red Cross Blood Drives, Disability Commission Resource Fair, Little League parade, met with various local businesses at their place of business promoting the Town and how we can advance their growth in a constructive partnership, met with the Chamber of Commerce, cosponsored an open for business forum, etc etc etc...

**E) Participated in state and regional Pilot programs and economic development:**

Score 100%

- I have tasked our Planner with searching economic development and grant opportunities.
  - She has garnered thousands of dollars in new and expanded grant opportunities. I have likewise been very active in searching out other resources and revenues such as solar and regional partnerships I continue to work with CMRPC and local groups to build these opportunities.
    - Including expanding the 146 corridor
    - Regional planning and zoning initiatives
    - Partnering with CMRPC to build into our master plan regional objectives and solutions for regional advancement and economic development

**Summary:**

I have been a very active participant in all facets of building bridges and relationships with outside entities for both economic development and intergovernmental relations. I have conducted these activities on behalf of the Town and also for my own benefit as these relationships aid me in conducting my duties. Irrespective of the motivations, I have taken personal time away from my own life to continue to build these relationships and I will likewise continue to do so. I have exceeded all reasonable benchmarks in this regard.

**Part 3: Strengths, Weaknesses and Skills:**

**1) List strengths:**

I am extremely task and goal oriented. I am exceptionally accurate in my assessments and ability to find the minutia. I explained this when I was interviewed and it has played out exactly as I stated it would. I knew this to be the case



because this has proven so in my past experiences with other towns, universities and my professional career. It is now again likewise proving to be true here in Millbury.

Past experiences to illuminate this unique skillset could be listed ad nauseam from law school through my time as the Administrator in Rehoboth. But as for my time here in Millbury, I saw the loophole in the marijuana regulation and turned it into a 3/3/3 host agreement. I solely asked the questions of every expert panel in every forum including, but not limited to the DLS, the AG, the MMA, the City Solicitors' Association and the MCLE. It was because of this analysis and pointed question of law, we were able to leverage all of these entities' input to garner a 3/3/3 (the most allowable by statute) host agreement. Brian Falk has since used this analysis and strategy at least one other time in another community.

My explaining this is not meant to be boastful, but it is simply accurate that this is a particular highly unique skill that I personally have based upon my life experience, my education and my way of looking at a situation.

## **2) List weaknesses and recommendations for improvement:**

As evidenced by my desk: I tend to get inundated with multi-tasking at the expense of being outwardly organized. I could list multiple examples in my life how I multi-task to get multiple things simultaneously accomplished with an extremely high rate of success. (A brief list of examples are how I have worked full time while attending college / law school / graduate school all while starting a family remodeling houses by myself etc.) And, I am exceptional adept at keeping multiple balls in the air and getting many tasks done at the same time. (how else could I go to law school/ remodel a 220 year old house – by myself - work full time and start a family, all at the same time??) But as I said in my interview: although it is a rare quality, it is also a curse. And, more importantly, it is something in which I need to change / improve.

I need to spend more time focusing on the here and now or I could get overwhelmed as evidenced by my desk. As I noted in my 6 month self-evaluation; I need to focus more *on me* or I could burn-out. I need to refocus on working-out more and spending more quality time with my family and friends: By doing so I can reorganize and recharge myself and thus be more efficient in my constant multi-tasking.

Case in point: Just like so many others, I frequently work through lunches because I “just have to finish this one more thing.” This may seem ordinary and just what everyone does... but for me it has health consequences. As you all know, I am diabetic and for a diabetic skipping lunch or working through my hunger has consequences. I know myself... I'm probably going to keep working through lunches and keep pushing through the hunger just to get to “a good stopping point”. So, knowing myself, I have built-in coping mechanisms and safety nets. For those times when I feel my blood sugar dipping, I have peanut butter behind my desk. And, I have Tish as a safety net who is always reminding me to: “Stop and eat something before I have to pick you up off of the floor”. This is all well and good for productivity, and it ensures that the Town gets a lot of work-product out of its Manager. But, I have to change this mindset. It is not sustainable and as noted, to me- it has health consequences. So, this “drive to succeed and get one more thing done” attitude has to slow down. And more importantly, it's something that I need to get better at before I end up hurting my health.

## **3) What training or skills could be implemented to fully develop the employee's potential?**

I am very cognizant of the benefits of constant recharging one's brain and tuning one's skillset. I take advantage of the MMA and ICMA offerings and I am constantly keeping up on legal and municipal best practices through multiple forums, publications and discussions. I try to remain as knowledgeable and expert as I can be in the areas in which I am charged to be knowledgeable and expert. This is why I speak with authority in the areas in which I feel capable to do so. It is my job to remain current and sharp and I utilize all available sources in which to do so. I do not feel the need for improvement in this area.

## DJM Response and Comments to BOS review:

### “ability to take constructive criticism” score 2.10

This subjective analysis is flawed on its face and should be summarily discarded and removed from the average.

As will be shown infra, individual raters lack the ability to separate fact and impartiality from subjectivity as evidenced on various individual rating sheets where I scored incredibly low. Moreover, as will be outlined infra, the facts do not support the allegations. In particular, it was noted on said individual rating sheets that I need to master the Charter. This allegation proves the rater’s lack of impartiality as will now be discussed.

The unfounded and incorrect allegation that I need to master the Charter stems from various debates based on jurisdictional grounds where certain raters attempted to inflict their will on me by overstepping their jurisdiction. The manner in which they attempted to do this was that they unlawfully attempted to utilize the Board’s “policy making powers” to usurp the Charter. The separation of powers is very clearly stated and defined in the Charter. The BOS cannot summarily “make a policy” that flies in the face of the Charter which oversteps jurisdictional partitions clearly outlined in said Charter. By arguing that a “policy” somehow gives the BOS, or any individual rater, the ability and authority to usurp the Charter sheds light on the fact that it is THEY who need to learn the Charter, (and Constitutional Law) not me.

Moreover I have multiple Town Counsel opinions stating that the BOS cannot lawfully attempt to do exactly what is described supra. By trying to do exactly that which was just described, supra, the BOS was attempting to enforce their will through a flawed “policy” which did nothing more than attempt to usurp clearly stated separation of powers in the Charter.

Because of this, it is a simple fact that I have been 100% within my right to stand my ground when I have the authority given me in the Charter and I do not have to bend to political pressures. Thus to state that this is somehow a lack of taking “constructive criticism” is factually flawed on its face and prima facie evidence for the rating to be summarily dismissed as having no legitimate basis. I therefore categorically deny and reject any such rating. The factually flawed, non-impartial, subjective, motivated by personal animus rating should be stricken from the calculation.

Having the legal authority to disagree and not bow to political pressures is not a matter of failure to take constructive criticism; it is a matter of jurisdictional separation of powers creating the foundation of our Charter and legal standing vs non-legal standing.

**“attendance” Score 2.50**

This score is mind-blowing to me. My attendance is beyond reproach. I have dozens of witnesses to verify the fact that I have absolutely no reason to have received any score other than perfect.

I cannot actually recall a single day that I called-in sick and only one occasion where I went home early due to illness. I am almost (without exception) the first one to be in Town Hall on almost every single day. I have been known to arrive before 7 AM ( 1 -2 hours before Town hall opens) and I do not leave before 5-6 (Town Hall closes at 4:30)

On almost every single day I arrive by 7:30ish - 1 hour before Town Hall opens. Moreover, I hardly ever leave at 4:30 and I frequently attend multiple meetings late into the evenings and night on a weekly basis. I am usually left to lock-up well after everyone else has left. At one point in time I was keeping my attendance hours noted and I stopped doing so because 65 hour weeks became too depressing to keep noting. During the budget cycle I was in the office by 7 and I did not leave until 10 or 11 pm - almost every single day – 5 days per week, plus 6-15 hours on weekends - for 9 weeks straight.

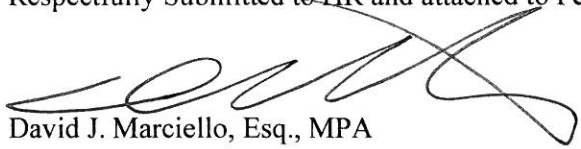
My attendance is beyond reproach and this ranking is simply wrong and shows that the raters have absolutely no idea what they are rating. I categorically deny and refute this rating as being simply wrong and without any merit or basis. It is so unreasonable and categorically wrong that it either exemplifies an animus that is alarming or shows an absolute disconnect on behalf of the raters. Either way it should be stricken from the record.

**“Developing a disaster mitigation and recovery plan score” 1.98**

See my notes on the subject above. The BOS may not be aware of what I have done, (and for that I will correct in my reporting) but the fact of the matter is that this rating is factually inaccurate based on the efforts outlined above. (I have since rectified their lack of knowledge in this area, and I will note that they need to be made aware of these efforts going forward.)

Although I am not noting that this should be stricken from the record as it was clear that there was a disconnect and I have corrected this misunderstanding, the facts still stand...this score is wrong on its face based on the evidence that I have completed every benchmark and more.

Respectfully Submitted to HR and attached to Personnel Review/ Personnel File,

  
David J. Marciello, Esq., MPA

4/4/15

