



**Town of Arlington  
Legal Department**

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To: Select Board

Cc: Sandy Pooler, Town Manager; Caryn Malloy, Director of Human Resources

Date: August 22, 2022

Re: Town Manager Act and Appointment Process

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Members of the Board, as you may recall and as may benefit public understanding, please receive this brief memorandum outlining the process, parameters, and options for appointment of a Town Manager under the Arlington Town Manager Act.

Sections 11 and 12 of the Act provide for criteria and terms of a Manager appointment as in relevant parts as follows:

*Section 11. Appointment of Town Manager*

*The select board shall appoint, as soon as practicable, for a term of three years a Town Manager, who shall be a professionally qualified person especially fitted by education, training and experience to perform the duties of the office, shall have at least three years' experience of significant municipal management or administrative experience, and shall be a citizen of the United States of America. Upon the expiration of such term the select board shall appoint, as soon as possible, but in any event not later than ninety days after the expiration of said term, the town manager's successor. The Town Manager shall be appointed without regard to their political beliefs. The Town Manager may be appointed for successive terms of office. Before entering upon the duties of their office, the Town Manager shall be sworn to the faithful and*

*impartial performance thereof by the chairperson of the select board, or by the Town Clerk, or by a Justice of the Peace...*

*Section 12. Temporary Manager or Manager for Unexpired Term.*

- (a) The Town Manager may, subject to approval by the Select Board, designate, by letter filed with the Town Clerk, a qualified officer of the town as temporary Town Manager to perform the duties of the manager during their temporary absence or temporary disability, except during removal proceedings. In the event of the failure of the manager to make such designation, the select board shall forthwith, by resolution, designate an officer of the town to perform the duties of, and have the power of, the manager, until the manager shall return or their disability shall cease.*
- (b) When a vacancy occurs in the office of Town Manager for any reason other than for expiration of their term, the select board shall appoint, as soon as possible, but in any event not later than ninety days after such vacancy occurs, a Town Manager for the balance of the unexpired term. Such appointment shall, in so far as practicable, be subject to the same conditions and qualifications for the office of Town Manager as set forth in section eleven; if not so practicable, the select board shall so appoint a qualified officer of the town as acting manager for the balance of the unexpired term.*

In brief, the Manager Act primarily contemplates two timelines of relevance: the term of a Town Manager is three (3) years unless circumstances dictate otherwise; and the Board has ninety (90) days to appoint a successor Town Manager unless doing so would be impracticable. Applied to the recent resignation of former Manager Mr. Chapdelaine and appointment of a successor, the Board opted to engage in a comprehensive search process for a candidate for the three-year term contemplated by the Act, while also appointing Mr. Pooler as Manager (previously the Town's Finance Director and Deputy Town Manager) for the approximate term of the 2022-2023 fiscal year. While this memo should not be construed to encapsulate the full breadth of the Board's consideration, the Board's plan and actions achieve two goals.

First, the Board's appointment of Mr. Pooler, consistent with Section 12(b) of the Act, provides the Town with a qualified Manager within ninety days to discharge all the duties of said office. Second, the Board's appointment of Mr. Pooler affords the Board the time to conduct an extensive search process consistent with best practices and as recommended by its consultant after the 2022-2023 fiscal year (and the expiration of Mr. Pooler's contract). The Board and interested parties may note that the Manager Act stresses fidelity to three year terms however impractical such a timeline may be under specific circumstances. In the interests of brevity,

permit me to note that all Managers serve at the pleasure of the Select Board and no Manager can be forced to work for a longer term than he intends. It may be advisable to consider revisions to the Manager Act which more explicitly reflect the larger legal posture of the Board and successor managers in the event of vacancies early within three-year terms, and/or the practical considerations of search practices which may exceed ninety days, but the Board and Mr. Pooler are within their rights to agree to his appointment for the term set. In other words, the Board is well positioned to engage in a long-term search process while benefitting from the well qualified leadership of Mr. Pooler as Manager.