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Catherine Harder-Bernier
Town Clerk

MEMORANDUM

TO: David R. Delaney, Chairman of the Board of Selectmen

FROM: Catherine Harder-Bernier, Town Clerk

RE: The "Thomas Report"

DATE: April 20, 2021

Attached please find my response and comments regarding the "Thomas Report", a report written in late 2020 and early 2021 regarding the Hanover Town Clerk's Office by Ms. Lisa Thomas, a former temporary employee and consultant for the Town of Hanover.

Although the purpose of the report is not clear, it is clear to me that the Assistant Town Clerk's position in the Town of Hanover needs to remain full-time. I have additional serious concerns about the unfounded and accusatory allegations in the substandard report, which are noted herein.

Summary of responses to “Assessment and Efficiency Study Report: Town Clerk’s Office”

The purpose of this document is to respond to the above named report that was submitted to the Town of Hanover in early 2021 regarding the Town Clerk’s Office. Organizations – public, corporate and private – recognize the need to evaluate and reconsider existing functions, operations and goals. There are accepted standards and best practices used when performing this analysis.

Ms. Thomas’ report does not conform to industry standards and best practices. Some of the deviations include:

- The report does not state the purpose of the analysis
- It does not state the sponsor, nor does it state the reason or purpose for the study
- It does not state the data or measures that will be used to approach the review
- There is no statement regarding the setting or environment
- There is no specification of who commissioned, paid for, or sponsored the study; the motivation behind the report is unclear
- There are no definitions of what is being measured
- There is no appendix for data; the only data listed (the summary of staffing in other towns, which was not created by Ms. Thomas) is in fact downplayed and disregarded
- There is no executive summary

The content of the report contains many additional concerning issues. Given the lack of organization to the report, what follows is a page-by-page response to some of the most serious concerns.

Pages 1 - 4 – “About the Author” –

A professional report’s introduction should state specific goals, outline the methods used to research those goals, and provide a summary of findings. A brief (1-3 sentences) biography would be appropriate at the end of the introduction. Ms. Thomas’ biography is four pages long.

Ms. Thomas appears to be an experienced City Clerk with a previous background as a computer training instructor. It also appears that she has no experience as a consultant or with writing efficiency study reports. Additionally, her four-page City Clerk resume illustrates some of the significant differences between a City Clerk’s job and a Town Clerk’s (TC’s) job.

Ms. Thomas was the only applicant for the temporary (2 month) and part-time (20 hour) Assistant Town Clerk position that was advertised in early September, 2020 to existing Town Clerks and Assistant Town Clerks. It was best suited to someone with Town Clerk Office experience given the impending November election. Ms. Thomas was a retired City Clerk; the Town hired her because the Town needed someone immediately and she was the Town’s only option.

It is unknown how she applied for and received the commission to write this study. This should be specified in this section.

Page 5 – “Town Clerk Assessment and Efficiency Study Purpose” –

In this introduction, the specific names and titles of those requesting the report should be listed. They are not. The timeline for research, and the estimated number of hours the research will take, should also be listed; it is not. Anticipated sources of information should be explicitly listed; they are not. As previously mentioned, the goals, objectives and/or intended outcomes should be listed, and as specifically as possible, which is not. Evidence and data should follow, along with objective analysis; it is not. Only information pertaining directly to the study’s purpose should be included. Given that there is no purpose stated, it is hard to determine what is germane and what is not. The tone should be objective and formal in a professional report, which it is not. Background information should be limited and properly sourced with footnotes and/or a bibliography. Neither of those exists. The end of the report should include a summary of findings and recommendations. Suffice it to say that none of these above-mentioned items are listed or included.

It should be noted at the outset that it is quite possibly an ethical violation for Ms. Thomas to have worked in an office as a paid employee and then to have accepted a consulting position immediately afterwards for the same town regarding the same office. It appears to be a conflict of interest, as according to Massachusetts General Laws Chapter 268A. Has there been an Ethics Commission ruling in writing on this matter? How did the decision to hire her to write the report happen? Who made the final decision?

Was there a “Request for Proposals” made for this report? Was Ms. Thomas again the only applicant? According to a recent inquiry of the Town’s Finance Director, she was paid \$4,200 for her report. She had been making \$25/hour as a temporary part-time Assistant Town Clerk. It is unknown what her rate of pay was for this report, or how many hours she spent on the report. Did it take her 168 hours to write this report?

Ms. Thomas makes several unfounded allegations in this section that have no data supporting them, including:

- “Level of service has been questionable for some time now. Additionally, the lack of the Town Clerk’s presence in the office has been moderately noticeable,” and (there are) “glaring deficiencies in the office.” These statements are offensive, inflammatory, and not true. They appear to rise to the level of being libelous.
- There is no data to support these statements. Ms. Thomas, a two-month employee, would have no way of knowing if service had been “questionable for some time”. Where did she get this allegation from?
- The level of service in the office during election season is always diminished. That is one reason why it is important to have a full-time Assistant Town Clerk (ATC); the

Town Clerk gets pulled because of the need to follow election laws and deliver democracy to the residents.

- The level of service was diminished significantly when the ATC position went from full time to half time. All other so-called questions are unfounded, accusatory, combative, and simply not true.
- The Town Clerk definitely does get pulled out of the office for things like Early Voting, voter registration sessions, 3rd grade history tours, voting machine testing and early processing of ballots, that is true. Those are services to the residents of Hanover. That's why it is so important to have a full-time Assistant in the office who can respond to other immediate needs.

Ms. Thomas states on page 5 that she “will review the two divisions within the Town Clerk’s Office; Clerk’s Office and Elections Office”:

- There is no qualitative review of the Elections Division in the entire document. When Ms. Thomas was working in the Town Clerk’s Office from mid-September to mid-November 2020, the Elections function took priority. Insuring free and fair elections is a primary function of a Town Clerk. Why are elections not discussed in Ms. Thomas’ report? Perhaps the report is intentionally biased, or perhaps Ms. Thomas was not aware of the demands of running three elections in a pandemic. Perhaps the City Clerk’s position is too different from the Town Clerk’s position?

Pages 6 - 15 – Review Divisions within the Town Clerk’s Office -

- Ms. Thomas asked Ms. Harder-Bernier for an inventory of both “divisions” the Clerk’s side and Election’s side, and a summary is reflected here. The Town of Hanover has never split the “two divisions”; perhaps they do in cities. What was the point of this exercise, other than to list the job responsibilities? Why was Ms. Harder-Bernier responsible for providing the information in this section?
- The e-mail in this section (and others) is superfluous and the tone is subjective. It is both unnecessary and inappropriate to include e-mails of this nature in a formal report.
- The language used must be clear and appropriate to the task and audience. Terms such as “cyclical paradigm” are not routinely used among a general audience.
- 1-3 dozen is an accurate count of the number of daily phone calls; this varies widely depending on where the office is in an election cycle. The transition in early-mid September from a full-time ATC to a half-time ATC was challenging and phone messages were not handled in as timely a manner as they were before that. This was due to the reduction in staff and the fact that certifying and closing out the September Primary took priority.
- 10 – 25% of Ms. Harder-Bernier’s time was dedicated to training Ms. Thomas or senior tax work-off employees depending on the week. The lack of consistent staff in the Town

Clerk's Office since August 2020 has impacted the level of service that can be provided to the residents.

- The Election Cycle is not typically just once per year, although the cycle only appears once on pages 13 - 15. In 2020, the Election Cycle repeated itself 4 times – March, June, September and November. This varies every year. In Ms. Harder-Bernier's 8 years as Town Clerk, Hanover has had one year with only one election. She has run 24 elections in her 8 years, or an average of 3 per year. The Town Clerk's side of the office is greatly impacted when an election is on the horizon or in the aftermath of Town Meeting and during the state reporting period. That is why it is so important to have a full time Assistant Town Clerk.
- Ms. Thomas correctly points out some of the differences between a City Clerk and a Town Clerk on page 15. The duties of a City Clerk are probably irrelevant to this report, but since the purpose of the report is not clearly stated, it is difficult to determine what is relevant and what is not.

Page 16 – Board of Registrars (BOR) -

- The Secretary of the Commonwealth's (SOC's) summary file regarding the role of the Board of Registrar's in Hanover is accurate.
 - The allegation that Ms. Harder-Bernier provided no information pertinent to the Hanover BOR is simply untrue; the SOC file is accurate and reflects the work of the Hanover BOR.

Page 17 – Establish Assistant Town Clerk Model – Assistant Town Clerk Role -

- Ms. Harder-Bernier will look forward to employing a full-time Assistant Town Clerk who “is responsible for maintaining and improving upon the efficiency and effectiveness of all areas under the Town Clerk's control”.
- When training is needed, it is provided. Ms. Thomas needed some training upon her arrival and it was provided. When documentation is needed it is provided. When Carol Mattes needed written documentation regarding how to produce a birth certificate in when Ms. Harder-Bernier took one week off in December, the previously existing written procedures were updated.

Pages 17 - 18 – Establish Assistant Town Clerk Model – Recommended Hours for this Position -

- Ms. Harder-Bernier strongly disagrees with the conclusion that the Assistant Town Clerk's position can be half-time. Demands of the TC's job require the TC to be out of the office 30 – 60 days per year depending on the number of elections. The Town Clerk works 50 – 70 hours per week during election season. Additionally, the workload, particularly during

election season, is too much for even two full-time people. The last time the office was “caught up” on back-logged work was two and one-half years ago when there were 2.5 FTE’s in the office. Hanover residents deserve to have the TC’s Office open full-time, and the only way to do that is with a full-time ATC and a part-time administrative assistant. The senior tax work-off employees are very helpful toward the part-time admin needs, but their ability to work in the office during the pandemic was sharply curtailed through no fault of their own.

- The Town Clerk provides “back-up service” for day-to-day administrative activities. The ATC is the front-line/first person up to fulfill administrative requests. The TC focuses on bigger picture issues such as:
 - Gathering data and requesting reimbursement from the State for election expenses
 - Hiring, supervising and training STWO and election staff
 - Executing the legislature’s mandates regarding early voting by mail and in-person EV
 - How to balance vital record issuance and identity theft concerns
 - Producing and ordering ballots, requesting coding of voting tabulators, and testing ballots and tabulators as required by law before every election
- There was a backlog of administrative records, voice mails and dog licenses that needed to be processed when Ms. Thomas arrived in mid-September. These records were back-logged for three reasons:
 - Ms. Harder-Bernier had understandably prioritized certifying the September 1st election and wrapping up related paperwork was taking precedence due to legally mandated election deadlines. Ms. Harder-Bernier was following the law.
 - The Town had not assigned a temporary worker to cover the Town Clerk’s Office in the absence of the Assistant Town Clerk. The ATC was out for two weeks in early August immediately before the September election. The Town Clerk attempted to cover the office and prepare for the election simultaneously.
 - In addition to her early August vacation, the former ATC also retired on August 28; there was no one performing her functions for the first two weeks of September. As mentioned, there should be 2.5 FTE’s in the office in order for the office to be covered and the work to be completed. The third “floater” could have helped with some of the backlog during the ATC’s vacation and after the ATC left, if there had been one.
- The Town switched over to new dog license software and Ms. Harder-Bernier had not completed any of the on-line requests for licenses in 2 years. But, Ms. Harder-Bernier had issued hundreds of in-person requests for licenses with the same software during that time, so this statement is at the very least inflammatory. Again, the Town Clerk’s role in this process is as a back-up. The Assistant Town Clerk handled the on-line licenses during her down-time in the office; Ms. Harder-Bernier was not needed for this function. There are some administrative tasks that do not need the hands-on attention of the Town Clerk; this is one of them.

- Ms. Thomas interacted with walk-in residents in the Town Clerk's Office first during her two months in her position. Additionally, when Ms. Thomas was in the office, Ms. Harder-Bernier was upstairs in Early Voting or down the hall in another room so that they could be socially-distant. When Ms. Thomas was not in the office, Ms. Harder-Bernier responded to the walk-in resident traffic. Ms. Harder-Bernier never "refused to aide any customers, resident, or employees". This statement is offensive, inflammatory, and not accurate. It also borders on libel. Ms. Harder-Bernier's customer service skills are beyond reproach.

Pages 18 - 21 – Establish Assistant Town Clerk Model – Comprehensively Defined Job Description

- The City of Marlborough job description is helpful, but not very applicable to Hanover. There is also an existing Hanover ATC job description which can be updated and cross-referenced with this one.
- Ms. Harder-Bernier reiterates that the Assistant Town Clerk position needs to be full-time. Hanover residents need, demand, and deserve regular Town Hall hours' coverage in the Town Clerk's Office. The Town Clerk's Office is the gateway to Town Hall; the "front porch to the old style General Store" where residents stop first when they don't know who to call or where to go. The Town Clerk is out of the office but working 30 – 60 days per year; the ATC needs to be available full time. Also, given that there will be days and times that the Town Clerk is out of the office and the ATC wants vacation, (like her 2 weeks' vacation last August just prior to the election), or regular lunch breaks, etc., there needs to be senior tax work-off employees and/or a third person (14-15 hours per week) who can come in during the pandemic.

Pages 22 – 24 – Establish Assistant Town Clerk Model – Assistant Town Clerk Survey

- The ATC staffing survey was randomized and compiled by Westborough Town Clerk Dorothy Powers. If Ms. Thomas needed to know the author of the survey, rather than berate a former colleague's work, she could have simply asked for it.
- The ATC survey clearly indicates that 89% of towns have full-time ATC's. Clearly, Hanover should also have a full-time ATC in order to serve the residents of Hanover completely.
- Those towns in the survey that do not have ATC's are either currently hiring or are less than half of Hanover's size.
- This survey was not requested by Ms. Thomas; Ms. Harder-Bernier took the initiative to send it to Ms. Thomas in an effort to assist her understanding of the need for a full-time ATC in a town of 15,000 residents. It seems obvious to Ms. Harder-Bernier that such a survey should be included in a study such as Ms. Thomas'.
- Ms. Harder-Bernier placed a very high priority on running the Presidential Primary, Town Election, State Primary and General Election in 2020, without regret. Hanover residents

voted in record numbers during a pandemic with hundreds of emergency legal changes implemented during that time. It required Ms. Harder-Bernier to work 50-70 hours per week for weeks on end during the height of the season. At one point in October-November, Ms. Harder-Bernier worked for 26 straight days, including nights and weekends.

- The ATC needs to be trained and needs to know how to handle the administrative functions of the office, especially during election season.
- Some of Ms. Thomas' comments are once again combative and unwarranted. The tone of the report is unprofessional.

Page 25 - 28 – Recognize Personnel Status – Paid Personnel

- Ms. Mattes works 16 ½ hours per week in the Assessing Office and 16 ½ hours per week in the Registrar's Office. During the month of October, when Ms. Thomas was in the office, Ms. Mattes and Ms. Harder-Bernier both worked 26 days straight. Ms. Mattes was able to take compensatory time for the Saturdays and Sundays she worked; Ms. Harder-Bernier was not. During the last two weeks of October, Ms. Mattes did not work the full 16 ½ hours per week in Assessing due to the demands of the Registrar's work on Elections, that's true and indicative of the overload of the demands of the election.
- The personnel spreadsheet names election workers who worked over the course of 3 elections (June, September and November), 25 days of Early Voting (August and October), and 5 days of Advanced Processing (October). It also names the Town Constable and several Facilities staff members. The insinuation of conflicts of interest among the staff is unfair and unfounded. The staff members who worked in a given election did not always work the next election based on their schedules and preferences for social distancing.
- The statement regarding Finance Department Executive Assistant Mrs. Mattes' capabilities may be true. She is an excellent employee. But the responsibility of serving as the Chief Election Official is that of the Town Clerk's, not the Executive Assistant's. To suggest that Ms. Mattes should run the Election is absurd. Most City Clerks do not run elections; perhaps this is yet another example of Ms. Thomas' misunderstanding of the job of a Town Clerk.
- Ms. Thomas's statements regarding "the Town Clerk chose to micromanage every facet" and "the grave lack of leadership" are again combative, unwarranted, and not based in fact. Her statements are untrue and appear to rise to the level of being libelous. Ms. Harder-Bernier is widely recognized as a leader in her community.
- Some phone messages accumulated in Ms. Thomas' absence. That's what happens when the phone rings 1-3 dozen times a day prior to an election and the ATC's hours are cut from 35 to 20 per week. This is yet another illustration of why the ATC position needs to be full-time.
- The statement that the Town Clerk's employment of "52 other employees is reckless and a waste of taxpayer dollars" attempts to be insulting, and is also untrue.

- Ms. Harder-Bernier implemented the emergency laws that were passed by the State Legislature in the Commonwealth of Massachusetts this past year. Similar laws were passed all over the country during the pandemic. Some of the August Early Voting sessions in advance of the State Primary were unnecessary. Eighteen days of Early Voting were also not necessary in October; a shorter time period would have sufficed. Does Ms. Harder-Bernier or any other Town Clerk have any control over that? No. Town Clerks have to implement the law as it is written. It's up to the legislature to use taxpayer dollars wisely as they create those laws. The good news is that the Town of Hanover is seeking and will be reimbursed for many of the costs that were incurred.
- The summary of turnovers from FY19, FY20, and FY21 are left over from a 2019 election-year public records request that was designed to undermine and discredit Ms. Harder-Bernier personally back during that campaign season. It was updated for this report – by whom? What is the purpose of including it here? How did Ms. Thomas have access to this information? These turnover amounts accurately reflect the fact that the ATC is the “first person up” when the phone rings or someone is at the counter. During election season, the Town Clerk's priorities lie in the administration of elections; counting votes will not show up on any turnover. The Town Clerk serves as a “back-up” when it comes to taking money in. If anything, this information serves to prove that the ATC is a vital position that needs to remain full-time.

Page 28 - 31 – Recognize Personnel Status – Senior Tax Write-Off (STWO) Personnel

- This list was accurate as of October 31, 2020. It is no longer accurate despite the fact that this report was issued several months later in early 2021. There are currently 3 STWO employees, one of whom was recruited due to the lack of candidates.
- Ms. Harder-Bernier stands by her estimates of STWO work flow. It is unclear how Ms. Thomas can “disagree with” Ms. Harder-Bernier's e-mail given that Ms. Thomas did not supervise them and did not know what their work entailed.
- One item that is not captured is that Robert Hannigan used up his STWO hours in September and was converted to a paid election employee. After he used up his STWO hours, he did convert from managing the DBA database, phone, mail and filing to election work.
- Kathleen O'Brien worked from home during September inputting rabies vaccination information. She did not issue dog licenses from home; that is a task that only happens in the office because of the exchange of money and the need to track and turnover existing funds.
- STWO employees sometimes would work for only an hour or two because they were encouraged to make the job work for them and their families' needs. Additionally, sometimes they came in simply to cover a lunch hour. Ms. Harder-Bernier is grateful for their devotion to their job and our office.

Page 32 - 34 – Examine Operational Timelines

- The office was only open for 2 or 3 mornings per week immediately before Thanksgiving due to the need for the Town Clerk to certify the election and process related paperwork. Ms. Harder-Bernier completely agrees that the shorter hours were unacceptable; that's why the ATC position needs to remain full-time – so that residents' needs, especially during election season, can be met. Characterizing this situation as “ludicrous” is inflammatory. It was the reality given the needs of the residents (election certification) and the capacity of a half-time Assistant Town Clerk.
- The suggested operational hours would be impossible during election season, especially if the ATC is only part time. The TC cannot be two places at once, and is already working 50 – 70 hours per week, including nights and weekends.
- Despite the lack of clear purpose to the study, the notation of Flu Clinics and COVID-19 testing can't be germane to this discussion. “Around Town on the Web” (ATOTW) is a service Ms. Harder-Bernier happily provides to the residents of Hanover on a volunteer basis in her free time. To characterize that service as “to do so, at the expense of not executing important tasks in the office, is nearsighted and irresponsible” is again not accurate, and inflammatory. No Town Clerk work was delayed or not performed because of ATOTW – it never has been and never will be.
- Ms. Harder-Bernier attended a post-election audit in Marshfield in November 2020. She considered this to be “on the job training” regarding a legally mandated function of the office that happens once every 4 years. Hanover has never been chosen for a post-election audit. The audit in Marshfield was an opportunity to learn what was entailed, discuss best practices, and assist a neighboring Town Clerk (who had previously covered a Hanover election when Ms. Harder-Bernier was on the ballot in 2019).
- Ms. Thomas' comment that “It is my stance that she does so because she cannot effectively execute her duties” is without basis and untrue. It borders on libel. Ms. Harder-Bernier is better equipped to perform her duties by taking advantage of opportunities to learn - like the post-election audit.

Page 35 – Planning and Zoning Documents

- Ms. Harder-Bernier has been aware that the Planning and Zoning Board files have needed better organization for years. They are caught up in the currently sidelined document preservation project and the files that have been moved to the de-commissioned Sylvester School. Given the immediate demands of the election and resident requests for Town Clerk services, along with the reduction in staff, this project has taken a back seat. This is another example of why 2.5 FTE's are needed in the office. The suggestions herein are helpful, but far from new information.

Page 35 – Streamline Products and Services

- This is a helpful suggestion, but again, it warrants additional staff time and resources to accomplish. Ms. Thomas left the Town Clerk's Office in November (as an employee, before

the report had begun, but after she had been hired as a consultant) stating that “this is a very well run office, and the systems are very good, but they are gunning for you upstairs, and I don’t know why.”

Page 36 – Schedule Personnel for Service Calls

- If the ATC position had been full-time, none of this would have been an issue. The period in September that is described in this section reflects the transition period from a full-time ATC to a part-time ATC and the fact that the September election was still being certified. Once the issue was brought to Ms. Harder-Bernier’s attention, adjustments were made to the extent they could be with the limited resources. The ATC position clearly needs to be full-time.

Page 36 – Standardize Oath of Appointments to Boards and Commissions

- The Town has a relatively new database to handle this function, but does not currently have the staff time to maintain it. If there was a full-time Assistant Town Clerk, perhaps the Town could utilize this resource. A temporary administrative assistant on loan from the Fire Department has recently made progress on this project.

Page 36 -37 – Recommendation for Action

- The statements on page 36 are offensive and completely untrue, especially the statement that Ms. Harder-Bernier does “not have the Town’s constituents’ best needs as her priority”. Ms. Harder-Bernier and her staff who work with her would disagree. The residents of Hanover who actually use the Town Clerk’s services would disagree. The 4,000 voters in September and the 10,000 voters in November would disagree. Ms. Harder-Bernier was “absent from the office” during the time Ms. Thomas was in the office because of the need to be upstairs in town hall to run Early Voting or Advanced Processing, and/or to socially distance in an office down the hall.
- Indeed, the September and November elections took priority when Ms. Thomas was in the office. Ms. Harder-Bernier makes no apologies for delivering democracy to the residents of Hanover. It was Ms. Thomas’ role to handle the bulk of the “Clerk Division” of the office. The fact that she could not do so consistently was because she was only working 3 days per week. The ATC position needs to be full-time.
- The TC works 50 – 70 hours per week during election season and 35-40 hours per week during the off-election-seasons. The TC does not get compensatory time nor is she paid overtime. Having an elected Town Clerk is a “good deal” financially for the Town. An appointed Town Clerk would be significantly more expensive.
- The Town has debated the elected vs. appointed Town Clerk issue several times since the change in the form of government was discussed back in the 2000’s. Each time the Town has come back to the fact that an independently elected Town Clerk who responds directly to the residents is the best solution for the Town of Hanover. Ms. Thomas’ report,

commissioned by unknown entities with access to taxpayer dollars, is proof positive why the Town Clerk needs to stay elected. To not fill the full-time Assistant Town Clerk's position immediately back in September has been a mistake for the residents of Hanover who deserve to have their needs met consistently and immediately in the Town Clerk's Office. Ms. Harder-Bernier has been trying as hard as possible to keep the ship afloat with the resources she has ever since.

Additional comments regarding the format of Ms. Thomas' report:

The report is poorly organized and does not follow conventional research report format.

The report reflects author bias throughout.

The tone can be sarcastic, mocking and disrespectful. There are several statements that appear to rise to the level of being libelous.

The so-called data is used selectively and subjectively. Some of the data does not appear to be related to the report, but the purpose or goals of the report are also unknown or unclear.

Summary:

This response to Ms. Thomas's report clearly illustrates the continued need for a full-time Assistant Town Clerk in the Town of Hanover and an elected and independent Town Clerk who can compile such a response to a substandard report.