

The Public Recorder



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Report of the President, Theodora K. Eaton



Register now for the joint
MTCA/MCCA summer conference!
By Tedi Eaton

Having just completed a long two weeks of Town Meeting, I am definitely looking forward to the MTCA/MCCA Summer Conference. We are going back to The Sea Crest Beach Hotel (new name, newly renovated) after a one-year break during the construction period. Let's hope we see a little sun this year!

The MTCA and MCCA have been working hard to come up with some important programs and classes for this conference. Gary Steele from Learning Dynamics will join us on Wednesday afternoon with a hands-on program on how to lead your staff and coach employees through the ever changing work environment. The New Clerks full day class is a must for clerks who have recently been appointed or elected. The vitals classes are sure to aid clerks in the new electronic birthing program. **Please bring your questions and concerns to this class, and remember it takes time to work out the "bugs" in a new program (similar to our now established "VRIS" Voter Registration Program).** Parliamentary Procedure and the Open Meeting Law as well as The Public Records Law classes are sure to provide the latest from Lauren Goldberg. It is not too late to register for the MTCA/MCCA joint conference. The hotel registration deadline was May 9, 2011, but there is probably room to squeeze you in! The conference registration is due by May 26th. Do it now! It is well worth your time.

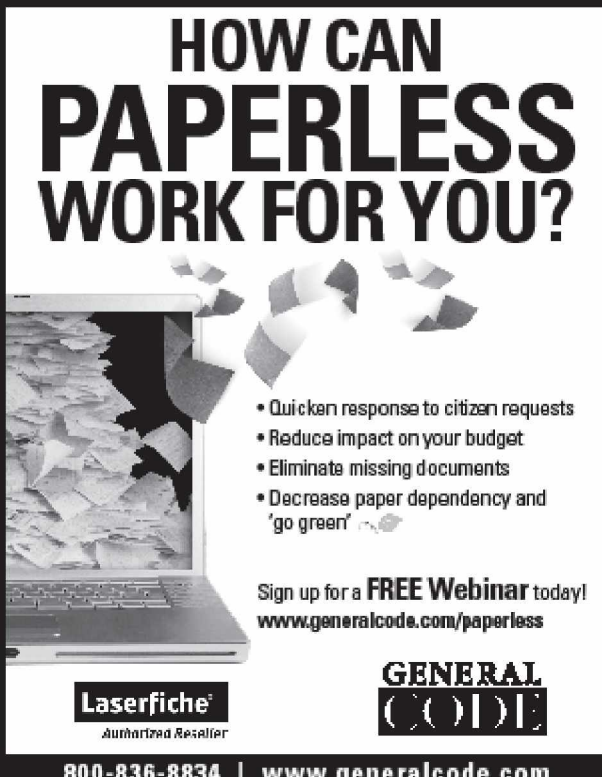
We also have several state officials joining us on Friday morning with the latest from state departments that affect our jobs each and every day. And new for this year the Federal Voters Assistance Program will be sending a representative to join us on Friday morning. We have asked if they could provide us with some guidance on the new UOCAVA absentee voting program so that we might be

prepared prior to the Presidential Primary next spring. And for all those who struggled with the post-election federal election survey, and if time permits, they might also give us additional guidance so that we can be prepared for the next survey. (If not at this conference, they have promised to join us at either the fall or winter conference!)

I have attended or plan to attend several retirement gatherings this spring! Please join me in wishing the following clerks a happy, healthy retirement: Jane Chew, Burlington Town Clerk, retired on April 15th with many friends and associates in attendance to wish Jane a happy retirement. M. Shirley Austin, Holbrook Town Clerk, celebrated her retirement at the Granite Links Golf Course in Quincy on May 1st. A retirement party is scheduled for May 21st for Jackie Dellicker, Holliston Town Clerk. Corinne Rainville, Arlington Town Clerk, also recently retired. Congratulations and best wishes to each and every retiree. Please join me in wishing the following clerks best wishes in their future endeavors: Anna Hartjens, Wendell Town Clerk; Mary-Ann Nichols, Tewksbury Town Clerk; and Gail Bernardo, Norfolk Town Clerk. We shall miss you all!!

And with retirements, there are several new clerks on board. If you are a neighboring community, please welcome the following new town clerks: Stephanie Lucarelli, Arlington Town Clerk, Amy Warfield, Burlington Town Clerk, Jeanmarie Tarara, Holbrook Town Clerk, Gretchen Smith, Wendell Town Clerk, Denise Graffeo, Tewksbury Town Clerk, and Shawn Dooley, Norfolk Town Clerk. CONGRATULATIONS AND WELCOME! And if you hear of new clerks, please let me know as well as Kathy Nagle, Wellesley Town Clerk, who handles the MTCA Mentoring Program. We would like to welcome them to our Association and offer any needed assistance. My telephone number is 781-455-7510 x 216 and my email is Teaton@needhamma.gov. Kathy's telephone number is 781-431-1019 x 2250 and her email is knagle@wellesleyma.gov.

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MTCA CONFERENCE SCHEDULES 2011

SUMMER June 8, 9, & 10, 2011
Sea Crest Beach Hotel
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FALL October 12, 13& 14, 2011
Jiminy Peak Mountain Resort
Hancock, MA

NEACTC November 16, 17 & 18, 2011
Hilton Mystic
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MTCA LOBBYIST REPORT – MAY 2011

Bv Stephen Roche

FY2012 STATE BUDGET - HOUSE

On April 13th, the first budget produced by the new Chair of the House Ways & Means Committee, Rep. Brian Dempsey, was released.

For months, the municipal health care issue has been the subject of heated discussions on Beacon Hill – the House Budget – **House 3400**¹ - would allow city and town administrators design health plans without union input – they say it will save municipalities \$100 million. As you might guess, the municipal employee unions were very unhappy and promised a huge fight when the budget was debated the week of April 25th.

But the unions got out maneuvered when the House Leadership brought out a revised plan late on the second night of debate, before scheduled union demonstrations were held. Here's a summary of the "compromise" to the original plan in House 3400 from the Boston Globe:

"The speaker's legislation, which would affect an estimated 200,000 employees, would give cities and towns the option to unilaterally set co-payments and deductibles for their employees after a 30-day discussion period with unions. Local officials would have to offer employees a plan that is at least as good as state employee coverage, which has been lauded for controlling costs. Municipal employees affected by the changes would still be allowed to bargain over the share of premiums they pay."

Fire, police, and teacher union lobbyists were furious when they learned of the vote and spent the next few days confronting Democrats, threatening not to forget the House's vote during elections in 2012. These lobbyists have been busy lobbying Senate members to revise the House provisions; the Senate President and Governor have both stated that public union representatives deserve a place at the table when negotiating municipal health care plans.

The Senate budget committee – which also has a new chairman, Senator Stephen Brewer – will release its FY2012 spending plan on May 18th and it will be debated the following week.

PENSION REFORM

The Governor's plan – **House 35** – was heard by the Public Service Committee on April 7th. As you might assume, it was strongly opposed by public employee representatives at the hearing. Here's a summary for the bill:

Submits the Governor's plan for additional pension reform and modernization, accounting for demographic changes, establishing anti-spiking measures, increasing the number of years of creditable service required, updating buyback provisions, eliminating early retirement, pro-rating benefits, eliminating the right to receive benefits for elected positions and providing benefits to same-sex spouses.

Several amendments relating to pension reform were offered during the House budget debate but defeated. The House Leadership's preference is to deal with any public pension changes in separate legislation.

¹ After the bill was debated and amended, it was a new number House 3401.

HB192	Garballey	An Act relative to age requirements in local elections
SB294	Brewer	An Act relative to the street list.
SB297	Chang-Diaz	An Act relative to the central registry of voters.
SB303	Eldridge	An act relative to election officers
SB307	Eldridge	An Act requiring the use of paper ballots.
SB309	Joyce	An Act relative to polling place safety.
SB313	Petruccelli	An Act establishing risk-based audits of election results.
SB314	Rosenberg	An Act to protect the integrity of initiative and referendum petitions.
SB321	Tarr	An Act protecting the privacy of tax assessors.

As you might guess, this hearing ran for a while as well-intentioned, but sometimes ill-informed, folks called for various changes to our state’s election laws.

We continue to closely watch **House 1972** - “An Act regulating election primaries” – which calls for moving the state primary from September to June.



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Office of the Attorney General – Municipal Law Unit

The bylaw filing via email seems to be going smoothly and the clerks seem very happy with it. I thought the following additional information might be of help. Please feel free to publish this in the next issue of the Recorder:

You can submit your bylaws to: bylaws@state.ma.us. Please note the following:

- 1) You can fill out the forms and scan and email them along with the bylaw packet;
- 2) You can submit the bylaw packet in either PDF or Word document format – whichever is easier for you – and we need only one copy of the articles (despite what the forms currently say) **except for the zoning maps where we need two copies – one certified copy to retain here and one to approve and send back to you;**
- 3) Continue to use the current version of the forms until we complete our form revisions to reflect the new email filing option - once the revisions are completed I will let everyone know;
- 4) You can sign or stamp your certification as needed and we accept the copy (it doesn't need to be the original);
- 5) You can mail any large documents (maps etc) separately if you like;
- 6) Email filing is an option but not required – so if you prefer to mail feel free to do so. If you mail the packet you need only send one copy of everything except for the maps (see above);
- 7) You no longer need to submit annotated copies reflecting the amendments.

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Director, Municipal Law Unit
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MTCA LEGISLATIVE COMMITTEE

On May 11, all of the MTCA elections bills came up for a hearing before the Joint Committee on Election Laws. Clerks were well represented.

- Carole Marple spoke on the bill to require state payment for Special Elections for state officials.
- Robert Cutler and Joseph Powers prepared a statement on the Elimination of the Cancellation Device.
- Patrick Ward and Kathleen Nagle explained to the Committee why the Street List should not be a public record.
- Joyce Bradshaw presented our case on the Elimination of the Checkout Table.

The Legislative Committee has centered responsibility for each of our sponsored bills in specific Clerks. If any Clerk has a question about a bill, feel free to contact any of the Clerks above or Legislative Chair, Laurence Pizer.

Laurence R. Pizer, Town Clerk
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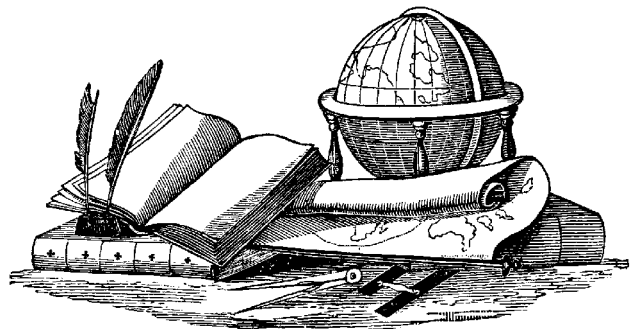
There are so many reasons why you should attend the Massachusetts Town and City Clerk Conferences, the New England Association of City and Town Clerks Conferences, New England Municipal Clerks Institute and Academy and the International Institute of Municipal Clerks conferences.

- 1) The first and foremost reason is education. You can take classes to inform, educate, and update you on subjects that we deal with throughout the year. If you are better educated, you will be a better clerk.
- 2) You also have the opportunity to receive updates from the various departments that we work with – i.e.: Elections, VRIS, Vitals, to name a few. These are of utmost importance, since our laws are continually changing.
- 3) If there are major changes to any of the laws, don't worry. You can count on the fact that the various education committees will provide you with a class to show you how to adjust to the changes.
- 4) Conferences also give you the chance to meet and speak with vendors. These are the companies who deal with products that we use and services that we need.
- 5) You can network with other clerks to discover possibly a better or simpler way to perform a task.

One of the big things for some of us, who have been going to conferences for a while, is not just education and networking. It is friendship. Town and City Clerks alike have the opportunity to: spend time with each other; go to classes; share meals; share some laughs; and sometimes, have the good fortune to make lasting friendships with fellow clerks.

As some of us are nearing retirement, one of the big things we will all miss is having the easy opportunity of seeing other clerks on a regular basis. Other clerks are the ONLY people that truly understand our job and how it affects us. Clerks support other clerks through good and bad times. I am sure many of us will keep in touch with friends after leaving office; but there are other clerks, who we may not have the good fortune to continue seeing.

Go to the conferences for all the good reasons; and cherish the times you spend with each other. It is a wonderful part of being a Town/City Clerk. A part that will be hard for us to forget.



MTCA CERTIFICATION EXAM (CMMC) IN JULY

The MTCA examination for Certified Massachusetts Municipal Clerk (CMMC) designation will be offered in July. Applications must be received by Administrator Barbara LaBombard by **JUNE 30th** for the July exam, which will be mailed between July 16th and 23rd.

Applicants must have at least **three years** experience as **Town Clerk** and must complete a minimum of six required courses sponsored by the MTCA.

The Administrator will verify the courses through the Education Committee. More information is available in the certification program brochure.

Completed exams must be postmarked no later than August 25th for the July exam. Applicants are **strongly urged** to return the completed answer sheets by **certified mail**, return receipt requested.

Applicants will be notified by mail of the results of their exams by September 15th. A copy of the notification must be submitted with the application for MTCA certification. The notification of successful completion of the exam will be valid for one year and will have an expiration date printed on it. If an applicant is not certified within one year, the test must be repeated.

The passing score for the exam is 80. Applicants are advised that they will need access to an updated copy of the Massachusetts General Laws to complete the exam successfully.

A non-refundable fee of \$50.00, made payable to the MTCA, must be submitted with the application. This examination is offered twice yearly – during the months of January and July. Application forms for the examination are available from the administrator, Barbara LaBombard. For more information or to receive the exam packet, please e-mail cityclerk@easthampton.org or call 413-529-1460.

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Massachusetts Town Clerk's Association
Business Meeting
Sturbridge Host Hotel
February 3, 2011

Tedi Eaton, President of the Massachusetts Town Clerks' Association, called the meeting to order at 12:44 p.m.

SECRETARY'S REPORT - Minutes of the September 30, 2010 meeting were voted unanimously.

TREASURER'S REPORT - Treasurer Andrew Dowd left copies of a Current -v- Actual report on tables. This report does not reflect costs or income for this conference; income has been received but has not been posted. Andy reported that the association is in really good shape financially. A motion was made and seconded to accept the Treasurer's report. Motion was carried unanimously.

FIRST VICE PRESIDENT'S REPORT - Donna Hooper expressed her thanks to all the participating vendors, adding that they have all gone the extra mile to join us and support our organization. We have one new vendor and one returning vendor at this conference.

SECOND VICE PRESIDENT'S REPORT - Nancy Blackmer thanked all the clerks for attending the conference. One Thursday speaker, Harriet Stanley was unable to make the conference. The wall will be opened and those who signed up for her class will be able to go to the elections class.

CERTIFICATION ADMINISTRATOR - Barbara LaBombard was called on to present CMMC awards. New CMMC's presented to: Lawrence J. Murphy, Andover; Lyn H. Minery, Otis; Dorothy A. Powers, Westwood; Michelle L. Hill, Southwick; Thomas P. Florence, East Longmeadow; Paul M. Munchbach, Dedham. First Recertification will be presented to Mary Courtney Kennedy, Williamstown; Christine E.G. Furno, Douglas; Ellen C. Gaboury, Auburn; Michael Palmer, Falmouth; Nancy I. Morrison, West Bridgewater. Second Recertification will be presented to Leslie Bracebridge, Shutesbury; and Judith D. Sullivan, Colrain. Fourth Recertification is going to Sarah B. George, Middleton.

New clerks from Milbury and Essex stood to be recognized. Tedi invited them to attend the New Clerks meeting with Larry Pizer in Seminar 2.

Tedi also announced that there would be a FAST meeting in the lobby with Nancy Butler, and that the Executive Board would meet after class in Seminar 1 to ratify the votes that were discussed at the Wednesday morning meeting.

LEGISLATIVE REPORT - Steve Roche told the clerks that he was honored to be our lobbyist and thanked the association for renewing his contract.

The 2011-2012 Legislative Agenda:

Five bills are being re-filed:

House Docket 2414 – Street List Disclosure - New sponsor: Representative Tackey Chan. This bill would restrict access to all census information and the street list. Information would only be available for federal, state and local governmental use.

One mint copy of the street list would continue to be printed and held by the city or town clerk as a permanent record with restricted access for a period of 18 years from date of creation.

House Docket 1749 – Elimination of Cancellation Device on Optical Scan Voting Machines - Lead Sponsor: Representative Thomas Calter. Cancellation devices are not reliable; they can dry out and cause ballot jams, impairing the effectiveness and efficiency of the machines. Massachusetts is the only state that requires this marking device on optical scan machines.

Senate Docket 67 – Elimination of Check-Out Table – Lead Sponsor: Senator Jamie Eldridge. This bill would free poll workers for other election-day tasks such as assisting voters or manning the AutoMark machine required by HAVA. It would also ease the flow of the voters within the polling place.

House Docket 2770 - Amend Voter ID Law – Lead Sponsor: Rep. Alice Peisch. This bill would apply the identification process required for voters registering for the first time, by mail, after January 1, 2003 uniformly for all elections in Massachusetts.

House Docket 2511 – Election Laws Task Force – Rep. Anne Gobi. Each session dozens of legislative proposals are filed to amend the state’s election laws. While many of these proposals are meritorious, the fact is that changing one provision in the election laws may adversely affect other provisions.

During the past several years, the MTCA has consistently advocated for the establishment of an Election Laws Task Force comprised of various state and local officials and representatives of various interest groups, to study the various election laws bills filed. Among the issues to be considered would be state and local costs of implementation; increased Central Voter Registry (CVR) availability; administration requirements; fraud possibility; and compatibility of the new proposals, such as early voting and at-will absentee voting, with existing election laws and regulations.

One new bill is being filed.

House Docket 0961 – Local Costs of Special Elections – Rep. Garballey. Communities are regularly forced to pay the costs of special elections for legislative and other vacant offices.

This bill would provide for reimbursement of local costs where a special election is called.

Reimbursement would require certification of local costs by the State Auditor similar to the process used in 2010 to determine the reimbursement for the special election to fill the vacant US Senate seat held by Ted Kennedy.

Steve concluded his presentation with an invitation to clerks to contact their legislators and ask them to support these bills.

Larry Pizer explained that the Legislative Committee has a small agenda because getting bills through the process is not easy; a smaller agenda allows them to focus their efforts on what the association believes to be the most important legislation.

Larry also invited the clerks to bring their ideas to the Legislative Committee for their consideration. He also pushed the clerks to contact their legislators and encourage them, when they see any bill to do with

the clerks, to contact us and get our opinion. Legislators are beginning to take the opinion of the clerks seriously.

Tedi announced openings on various committees and said she hoped clerks who want to get involved would send her their names and their interests. Tedi will be listing the openings in the Public Recorder.

Tedi thanked everyone for coming, acknowledging that the bad weather made it a tough commute. She explained that it would have been horrendous, logistically, to try to cancel or postpone the conference.

Tedi thanked the following:

Carol Marple for her work printing the brochure; the Education Committee for developing great courses; Kaari Mai Tari for her work with the online class registration process; Barbara LaBombard for conference registration and certification; Nancy Blackmer for scheduling conferences, rooms, audio visual, etc. etc.; and Donna Hooper for her work with vendors and scholarships.

Tedi also thanked the clerks for their support in the last couple of weeks following a personal tragedy.

The meeting voted to adjourn at 1:47 p.m.

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Newsletter of the MTCA

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The Public Recorder

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