

The Public Recorder



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Report of the President, Theodora K. Eaton



...It's That Special Time of Year!

By Tedi Eaton

The holiday season is upon us and we should give ourselves a pat on the back for successfully conducting the Massachusetts State Primary and State Election as well as a multitude of election surveys..... As we prepare for the beginning of 2011 with census, dogs, nomination papers for town elections, and the new vitals electronic birth program, may we all pause to spend a little time enjoying the holidays with family and friends. It truly is a wonderful time of the year.

The recent EAC Survey has caused concern among municipal clerks. On behalf of the MCCA and MTCA, Russ Malone and I requested assistance from the Elections Division specifically with Section A which requested information dating back to the November 2008 State Election. Elections Director Michelle Tassinari indicated that the Elections Division will compare the information contained in VRIS with the information supplied by clerks in Section A. For surveys in which Section A contains no information, Elections will add the information. In both instances, Elections will work with individual clerks on this section. Other sections of the survey request information that is pertinent to individual cities and towns and cannot be answered by Elections. Hopefully, future surveys will be made available sooner rather than later to both the Elections Division and the city and town clerks.

For anyone who has not seen the revised Ethics Commission's Summary of the Conflict of Interest law, you can go to the web page at www.mass.gov/ethics. It was also sent out via the clerks Yahoo distribution list. The distribution deadline is December 15, 2010 and must be sent to all employees yearly.

If you haven't already signed up, the State Registry of Vital Records & Statistics has scheduled numerous training sessions in preparation for the new electronic birth program that plans to go online this January. And John Barr and David Paleologis have also been holding sessions with clerks across the state regarding the new re-precincting maps. The turnaround time is short – March to June, 2011 at which time we should have our new precincts approved and certified.

Please join me in congratulating Julie S. Smith, Town Clerk of Chatham, who has recently earned the prestigious Master Municipal Clerk (MMC) designation from the International Institute of Municipal Clerks (IIMC). Congratulations, Julie!

And let me not forget to congratulate the NEACTC Massachusetts President Catherine Flanagan Stover and her committee on an outstanding conference in Salem, Massachusetts this past November!

Hopefully, by the time you receive this issue of The Public Recorder, you will also have received the MTCA & MCCA Joint Winter Conference brochure. Please look it over and sign up for our February Winter Conference! It has taken some time to gather and organize the various programs and classes as we wrapped up the fall elections and the EAC Survey. Our goal is to bring you the latest legislation, news, and updates that apply to our position of municipal clerk. Look over the classes, sign up by January 6, 2011, and join us in Sturbridge for our winter conference.

Please put these dates on your calendar:

- MCCA & MTCA Summer Conference scheduled for June 8 – 10, 2011 at the newly renovated Sea Crest Resort & Conference Center
- MTCA Fall Conference scheduled for October 12 -14, 2011 at Jiminy Peak

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MTCA LOBBYIST REPORT – DECEMBER 2010

By Stephen Roche

REDISTRICTING REVISITED

As reported a few months ago, Congressional and legislative redistricting commences in January. There have been several significant changes in the political landscape since that report, including:

- The majority in the US House has shifted from the Democrats to the Republicans
- Massachusetts is likely to lose a US House seat due to our declining population
- A number of incumbent Democratic members of the Massachusetts House of Representatives were defeated
- There have been population shifts from Western Mass to the Boston metro area

The change in the US House will not affect redistricting directly but the fact that most of our current congressional members were members of US House Speaker Pelosi's Leadership Team will. The General Court will be less hesitant to tinker with some congressional districts than they would if the Democrats held power in the US House.

One congressman who may have his district targeted is Bill Keating, the newly elected congressman from the 10th District. Some assume his district would be the first to suffer in we lose a congressional seat.

The new Republican members of the Mass House could be facing re-election in much different districts than they won in this year. While the Massachusetts Constitution requires "compact and contiguous" legislative districts, politics will definitely affect the final plans.

Many have called for an independent commission to draw the districts but the authority to do so is vested solely in the General Court. The State Senate has already begun preparing new maps. The effort in the Senate will be led by Senator Stan Rosenberg from Amherst.

Representative Michael Moran from Boston will lead the House effort; Rep. Moran is the current House Chair of the Election Laws Committee.

MTCA 2011-2012 LEGISLATIVE AGENDA

Here are the bills to be filed on behalf of the MTCA for the next session. The MTCA Legislative Committee asks that you contact your local state legislators to ask them to sign on as co-sponsors.

REFILE SENATE 2175 – An Act relative to voting equipment

REFILE SENATE 344 – An Act relative to election officers

REFILE HOUSE 663 – An Act establishing identification requirements for voters who registered by mail

REFILE HOUSE 551 – An Act relative to street lists

REFILE HOUSE 564 – An Act establishing an Election Laws Task Force (redraft)

NEW BILL – An Act providing for Special Election Funding

Here's a look at the language that we developed for the Special Election Funding bill:

AN ACT RELATING TO THE REIMBURSEMENT OF LOCAL COSTS OF SPECIAL ELECTIONS

Section one hundred forty-seven of chapter fifty-four of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting at the end thereof the following new sentence:-

“Provided, however, that notwithstanding any general or special law to the contrary, cities and towns shall be reimbursed for their costs of conducting special elections called to fill vacancies in offices under this chapter after certification of said cost by the state auditor.”

Our objective is to have communities reimbursed for the costs of special elections to fill vacancies in federal, state and county offices.

With your help, we hope to get a serious discussion going on this issue!

I want to mention a significant change that we have made in the Legislative Agenda – we have redrafted the EDR Task Force bill and dropped the emphasis on EDR, assuming it should be treated as any other election laws proposal to be studied by the Task Force.

THE PROBATION “SCANDAL”

By now, I assume that most of you are well aware of the recent report that harshly criticized the Massachusetts Probation Department's hiring and promotion practices. The political aftershocks continue on Beacon Hill as the media digs deeper into the report.

One of the major aspects of the report related to the practice of legislators' recommendations for jobs and promotions at Probation. A number of legislators were mentioned in the report and have been taking heat as a result.

Several legislators have defended their recommendations, stating that they are part of their job. And you know what, they really are. When I lived with my brother Rick when he was a state representative from Springfield, the requests for assistance were endless; here are some examples:

- Can you help me get a job on the MassPike?
- Can you help me place my Mom in a nursing home?
- Can you help my daughter get into U/Mass Amherst?

I think that it's important to distinguish between these requests and those where undue pressure was applied to assist an unqualified candidate for a job or promotion.

We will be hearing a lot on this issue in the new year.

Last, but not least - HAPPY HOLIDAYS TO ALL –from all of us at The Victory Group.

Massachusetts Town Clerks' Association
2011 Winter Conference Funding Available
By Donna Hooper, 1st Vice President

The Massachusetts Town Clerk's Association holds three conferences per year in various locations throughout the Commonwealth as the primary means of communication for municipal clerks, to provide networking opportunities, to obtain information on current trends and services available from vendors, and to provide guidance and training to Massachusetts municipal clerks. These conferences support the mission of the Association - **“The MTCA shall be dedicated to the purposes of increasing the proficiency of Town Clerks and other local government officials, of strengthening the quality of local government through professionalism, and of promoting recognition of the importance of the office of the Town Clerk.”**

The MTCA Executive Board has taken action to provide nominal scholarships for MTCA conferences to assist clerks, who may have difficulty obtaining financing from their communities, to attend MTCA conferences.

Scholarship applications for attendees unable to obtain municipal support must be submitted no later than **December 30, 2010** for funding consideration for the upcoming MTCA Conference to be held **February 2-3-4, 2011** at the Sturbridge Host Hotel, Sturbridge, MA. Scholarship awards will be based upon applications received and funding available.

Please contact MTCA 1st Vice President Donna Hooper at dhooper@lexingtonma.gov with any questions.

MASSACHUSETTS CONFERENCE SCHOLARSHIP CRITERIA

1. The Executive Board shall determine, annually, the amount of scholarship monies to be allocated. Scholarships are only for those applicants who have been denied funds from their municipalities.
2. It shall be the Scholarship Committee chaired by the 1st Vice President that shall award the scholarships.
3. Scholarship awards will be limited to one person per office with the Clerk having first preference.
4. Applicant must be a Town Clerk or Assistant Town Clerk.
5. An applicant must be a member of the MTCA.
6. An applicant must have requested funds from his/her municipality and include a letter of denial for such funds.
7. The deadline for filing an application with the 1ST Vice President shall be 30 days prior to conference.
8. Applicants within a 50-mile radius - scholarship will consist of registration fee and lunch. Applicants outside a 50-mile radius - scholarship will consist of registration, meals and hotel accommodations if requested.

MASSACHUSETTS TOWN CLERKS ASSOCIATION

~ SCHOLARSHIP APPLICATION For MTCA Conferences ~

- | | <u>YES</u> | <u>NO</u> |
|--|------------|-----------|
| 1. I am a Town or an Assistant Town Clerk. | _____ | _____ |
| 2. I am the only applicant from my municipality. | _____ | _____ |
| 3. I have been denied all or partial funding from my municipality and I am enclosing the <u>letter of denial</u> . | _____ | _____ |
| 4. I have paid my annual dues to the Massachusetts Town Clerks' Association, have been a member for at least one year prior to the date of this application, and am currently a member in good standing. | _____ | _____ |

If you have answered **YES** to all of the above, you may apply for financial assistance. If you have answered **NO** to any of the above, you must include a letter of explanation stating why you have not complied with the above criteria. All applications must be received 30-days prior to the MTCA Conference.

Please note:

If you live within a 50-mile radius of the conference site, scholarship funding is limited to conference registration, lunch and travel expenses from your place of employment.

If you live outside a 50-mile radius from the conference site, scholarship funding may include registration, meals, travel expenses from your place of employment, and hotel accommodations. APPLICANTS MUST SUBMIT BREAKDOWN LISTING ALL PROJECTED EXPENSES TO JUSTIFY REQUESTED SCHOLARSHIP AMOUNT.

NAME _____ DATE _____

ADDRESS _____ PHONE _____ FAX _____

JOB TITLE/TOWN _____ POPULATION _____

E-MAIL ADDRESS _____

AMOUNT REQUESTED \$ _____ to be matched with \$ _____
 To be paid by My Municipality _____ Myself _____ Other _____

LIST AMOUNT OF FUNDING PREVIOUSLY RECEIVED by you or your Municipality within past 5 years: \$ _____

Return this application, letter of denial and any necessary letter of explanation to the MTCA Scholarship Chair; Donna Hooper, 1st Vice President, MTCA, 1625 Massachusetts Ave., Lexington, MA 02420 [dhooper@lexingtonma.gov] at least 30 days prior to the conference.

FOR USE BY MTCA CONFERENCE SCHOLARSHIP COMMITTEE ONLY:

Date received: _____ Date action taken: _____

Amount requested: _____ Amount awarded: _____ **OR** Reason for denial: _____

**Massachusetts Town Clerk's Association
Business Meeting
The Williams Inn, Williamstown
September 30, 2010**

Tedi Eaton, President of the Massachusetts Town Clerks' Association, called the meeting to order at 1:04 p.m. Ms. Eaton read a letter from the Williamstown Board of Selectmen, welcoming the Massachusetts Town Clerk's Association to Williamstown.

SECRETARY'S REPORT

Minutes from the June 2, 2010 Business Meeting were unanimously voted as presented.

TREASURER'S REPORT

Andy Dowd distributed copies of his treasurer's report for review. Andy commented that most of the dues have been collected and they are ahead of projected estimates based on the dues reduction voted in June. Andy also explained that expenses are minimal at this point and do not reflect the costs for this conference. Andy said there are plentiful resources in the bank account and that he will continue to keep an eye on how the reduced dues affect balances. A motion was made to approve the Treasurer's report and the motion carried unanimously.

PRESIDENT'S REPORT

Tedi explained to the meeting that the vote had been taken to reduce the dues and the reduction had been implemented, but the bylaws would need to be amended to reflect the change. A motion was made to amend the MTCA bylaws to reflect a decrease in dues. The motion carried unanimously.

Tedi announced that the Attorney General's new Open Meeting Law regulations would be available on the website the next day. A major change is that website postings will be acceptable for compliance with the 24/7 requirement.

FIRST VICE PRESIDENT

Donna Hooper reported there were thirteen vendors participating at this conference and encouraged everyone to support them. Scholarship Committee awarded three scholarships for this conference. There is money remaining in the budget for scholarship applications. A motion was made to accept the First Vice President's report. Motion carried unanimously.

SECOND VICE PRESIDENT'S REPORT

Nancy Blackmer welcomed everyone to the conference. She announced that the Executive Board had approved going back to Sea Crest in June 2011. The renovations that have taken place are awesome and the remaining guest rooms will be completed before June 2011. A motion was made to accept the Second Vice President's report. Motion carried unanimously.

CONFERENCE ADMINISTRATOR'S REPORT

Barbara LaBombard congratulated three clerks on achieving CMMC status and they were presented with their certifications. They were Rosemary B. Harvell from Sudbury, Elizabeth A. Markiewicz from Boxborough, and Amy R. MacDougall from Shirley.

Barbara also announced several recertifications. First Recertification: Tara M. Ward from Ashland, and Kaari Mai Tari from Westford. Second Recertification: Carol A. Mayer from Medfield, and Wendy Houle from Sunderland. Third Recertification: Marcia Weidenfeller from East Bridgewater.

Tedi presented Certificates of Appreciation to Joyce Bradshaw and Maddie Daoust for their service on the Executive Board.

LOBBYIST REPORT

Steve Roche was too ill to attend the conference so Larry Pizer presented an update.

Vitals – The Vitals Bill passed. Registry and MTCA are happy. The Massachusetts Funeral Directors' Association is looking forward to Part 2 of the Vitals Information Partnership program which will allow them to complete death certificates electronically.

Massachusetts is unique in that clerks register vital records, especially in birthing communities. That will not change; the clerk's role will be enhanced, the system will be more effective, and better service will be available through the passing of this legislation.

The new VIP system will go into effect January 1, 2011. The Executive Board voted at their meeting to support the Registry of Vital Records implementing statewide certification as soon as possible. Larry said if he had to guess when this would happen he would say six to nine months.

Animal Control – Nothing seems to be happening at the moment. However, about 99% of the bill is ready to be passed. One piece that the association is not in favor with is the provision that dogs owned by people 70 years of age or older get free licenses.

Cancellation Device and Check Out Table – They were reported out of committee but it is believed that the Secretary of the Commonwealth did not support either of these bills. The association is trying to engage whoever they can to enter into some discussion. The Legislative Committee feels it is out of their hands at the moment but they are still working on it.

Legislator of the Year – This award will once again go to Representative Vinne DeMacedo, Republican from Plymouth.

Legislative Agenda – Larry said the Legislative Committee will refile on the Cancellation Device and Check Out Table, and for presentation of ID for local elections meeting the ID requirement for state primaries and elections.

The Legislative Committee will also file for legislation so that the street list is not a public record.

Larry reminded everyone that last year they had refiled legislation to create a task force on Election Day Registration. They will now file for a Task Force on election laws in general. This proposed law would require representatives from the house and senate, city and town clerks, and other organizations to work together to develop sensible legislation.

Larry also announced that two new bills would be filed. A meeting has been scheduled with elections and ethics to discuss the issue of town clerks not being able to run elections. If ethics cannot come up with a way of resolving this issue then the association will need to come up with legislation.

The other issue is the cost of special elections. The Legislative Committee wants legislation that says if we have interim elections then the state must pay for the costs.

A motion was made to accept the legislative package as proposed by Larry Pizer, Legislative Committee Chair. The motion carried unanimously.

Tedi announced that there would be a New Clerk's session at The Tavern following the afternoon session.

Tedi asked for new clerks to stand up and be recognized.

GUEST SPEAKER

Tedi introduced Paddy McGuire, Deputy Director for Election Official Assistance, Federal Voting Administration Program.

Mr. McGuire said it was a pleasure to be back in Williamstown which he remembered fondly having been a student at Hamilton College and Williams College being their athletic rivals.

Mr. McGuire said the passage of UOCAVA last year began a new day for the Federal Voting Administration Program. Prior to last year the nine person staff was a diverse group of people doing many things. There is now a 22 member staff with Paddy leading a staff of 4, all of whom came with direct experience in running elections, who work with state election officials.

Mr. McGuire said there was great effort in getting the word assistance into the relationship between FVAP. and elections officials, and highlighted a couple of the things they are doing now to assist voters and election officials.

They have initiated online programs to ease the experience for voters and to provide officials with materials that arrive on time and are filled out correctly. This online tool is available for all 50 states and territories to fill out federal postcard application.

Users can go online and provide the information on where they live, where they vote, and where they want their ballots. The Federal Postcard Application prints out with the officials address correctly printed on one side and the voter's information printed on the other, allowing officials to read what they have written eliminating or drastically reducing errors and allowing ballots to get to voters in a timely manner.

Already voter registration among military personnel is higher. Mr. McGuire said that the problem isn't that there aren't enough people registered, it is getting the materials to the voter and back to the election official on time.

One of the goals with the online wizard is that the voter can complete any portion of the electoral process in 15 minutes or less. Mr. McGuire explained that when military personnel have time off, as important as voting is to them they choose to spend this precious time calling their families back home.

This year the FVAP has entered into a lot of contracts on behalf of state governments, not Massachusetts. They want to move away from the contracting model to a grant model.

They want to be able to issue grants to provide tools to assist states in making their own innovative changes, creating programs that are simple and easy, and will last. Mr. McGuire noted that the federal government often builds things that go away right after the election. He thought this was stupid.

He gave an example. The FVAP wanted absentee ballots sent out 45 days before the election. Many, like Massachusetts, could not do this because of the date of their primaries. Those states had to apply for

a waiver. Five states were approved for the waiver but six were not. Mr. McGuire said the Massachusetts waiver request was the easiest they faced because we do so much for our voters already.

Mr. McGuire stated that he thinks moving the primary in Massachusetts is a very important thing and that Election Official Assistance will do anything they can to help the Secretary's office and the clerks in accomplishing this.

The FVAP currently do a ranking of states, a score based on the state's election laws, from 0 – 100.

In spite of his earlier comments about how much Massachusetts already does for its voters, it currently has a score of 70, 75 being a passing grade. Mr. McGuire said that complying with the 45 days would give Massachusetts a 94. Only four states have a score better than 94.

Mr. McGuire added that he takes this personally. Part of his evaluation will be the number of states that are at 75 or better.

Mr. McGuire also told the association about another program we may hear about. The Uniform Law Commission and Uniform Commercial Code, earlier this year, adopted UMOVA.

This process was going on for about two and a half years, before MOVE was even a concept. Basically UMOVA applies MOVE to all elections, state and local, and will require ballots be e-mailed at the request of voters. Mr. McGuire said this is a huge step forward toward getting to uniformity.

Tedi thanked Mr. McGuire for his presentation.

Tedi reminded the clerks that raffle tickets for the baskets would be drawn after classes.

Tedi thanked the clerks for coming to the conference and all those responsible for its organization, especially Carol Marple for the brochure, Education Committee for courses, Legislative Committee and Steve Roche, Kaari Mai Tarri and Barbara LaBombard for registration and certification, Nancy Blackmer for her conference organizational skills, and Donna Hooper for her work with vendors and scholarships.

The meeting was adjourned at 1:54 p.m.

MTCA CONFERENCE SCHEDULES 2011

MTCA	WINTER CONFERENCE FEBRUARY 2, 3, & 4, 2011 STURBRIDGE HOST HOTEL STURBRIDGE, MA	MTCA	FALL CONFERENCE OCTOBER 12, 13 & 14, 2011 JIMINY PEAK MOUNTAIN RESORT HANCOCK, MA
MTCA	SUMMER CONFERENCE JUNE 8, 9, & 19, 2011 SEACREST RESORT FALMOUTH, MA		


CONFERENCE COMMITTEE
2010 NEW ENGLAND ASSOCIATION OF CITY AND TOWN CLERKS


The Conference Committee for the 2010 New England Association of City and Town Clerks expresses its profound thanks to the Massachusetts Town Clerks' Association for its financial contribution to the conference. We believe that our meeting met our goal of providing substantial sessions that gave regional perspective to our profession. We also heard that Clerks in attendance had a good time, a byproduct of a charming city, a thought-provoking program and good fellowship. We felt that the generosity of Massachusetts Clerks required us to meet very high standards.

Laurence R. Pizer, Conference Chair



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INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS

The following individual has earned the prestigious **Master Municipal Clerk (MMC)** designation from the International Institute of Municipal Clerks (IIMC):

Julie S. Smith, MMC - Town Clerk - Town of Chatham, MA.

The MMC is one of the two professional designations granted by IIMC. To qualify for entrance into the Master Municipal Clerk Academy (MMCA), which prepares participants for achieving the MMC status, one must have earned the CMC designation. To earn the CMC designation, a Municipal Clerk must attend extensive education programs. The designation also requires pertinent experience in a municipality. The program prepares the participants to meet the challenges of the complex role of the Municipal Clerk by providing them with quality education in partnership with 47 institutions of higher learning.

The MMCA is an advanced continuing education program that prepares participants to perform more complex municipal duties. The program has an extensive and rigorous educational component, a professional and social contributions component, and a commitment to lifelong learning. The Academy members must demonstrate that they have actively pursued educational and professional activities and have remained informed of current socio-political, cultural, and economic issues that affect local governments and municipalities.

The following individual has earned the prestigious **Certified Municipal Clerk (CMC)** designation from the International Institute of Municipal Clerks (IIMC):

Laurie C. Robbins, CMC - Assistant Town Clerk - Town of Falmouth, MA.

The CMC designation program is designed to enhance the job performance of the Clerk in small and large municipalities. To earn the CMC designation, a Municipal Clerk must attend extensive education programs. The designation also requires pertinent experience in a municipality. The program prepares the participants to meet the challenges of the complex role of the municipal clerks by providing them with quality education in partnership with 47 institutions of higher learning. The program has been in existence since 1970 and has helped thousands of clerks in various municipalities.

Founded in 1947, IIMC is a professional association with more than 10,000 members in the US, Canada and 15 other countries. IIMC's primary goal is to actively promote the continuing education and professional development of municipal clerks through extensive education programs, certification, recertification, publications, networking, annual conferences and research. IIMC also engages in municipal research administration, enhances critical professional skill development and fosters a spirit of mutual assistance and good fellowship among municipal clerks around the globe. IIMC is governed by a 26-member Board of Directors.

Congratulations to Julie and Laurie!

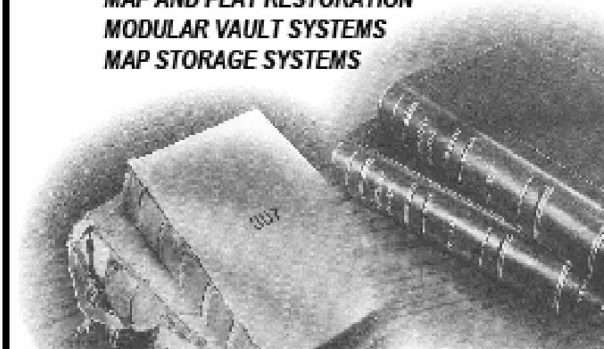
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DECEMBER 2010

Thursday	Dec. 2	Hanukkah
Tuesday	Dec. 21	Winter Begins
Saturday	Dec. 25	Christmas



JANUARY 2011

Saturday	Jan. 1	New Year's
Monday	Jan. 17	Martin Luther King, Jr. Day



Newsletter of the MTCA

584 Main Street
Athol MA 01331



Massachusetts Town Clerks Association

President

Theodora K. Eaton, MMC/CMMC, Neeham

First Vice-President

Donna Hooper, CMC/CMMC, Lexington

Second Vice-President

Nancy M. Blackmer, MMC/CMMC, Orange

Secretary

Sandra J. Burgess, CMC/CMMC Amherst

Treasurer

Andrew T. Dowd, CMC/CMMC, Northborough

Editor

Nancy E. Burnham, CMMC, Athol

The Public Recorder

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Phone: 978-249-4551

E-mail: townclerk@townofathol.org

Website: www.newenglandclerks.org