

The Public Recorder



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Report of the President, Theodora K. Eaton



October has arrived and the
Whirlwind continues!
By Tedi Eaton

From various comments and emails, the MTCA Fall Conference appears to have been a great success with approximately 150 clerks and colleagues gathering in Williamstown from all areas of the Commonwealth. The opening program was held at The Williams College Museum of Art with Professor George Marcus presenting a program on American politics and elections followed by a viewing of some of our country's founding documents and American art presented by Wayne Hammond, Assistant Librarian, Chapin Library and Joann Harnden, Coordinator of Education Programs.

The Williams Inn located in the Berkshires was our new home-away-from-home this fall and according to many, it was a great success. The location was delightful; the Inn owners were very gracious; and the food was delicious. Clerks and staff had a difficult time selecting courses, many wanting to sign up for two courses being held at the same time. These positive comments help the Education Committee as they work to prepare courses for the next conference and beyond.

Kathleen Colleary, Esq., Bureau Chief, DOR/Bureau of Municipal Finance Law, offered an overview of the reporting requirements clerks file with the DOR; Michelle Tassinari, Director, Elections, prepared clerks for Census 2010 and the redrawing of the Precinct lines; Phyllis Rotman, Mary Risser, and Maisy Wong from Vital Records presented Births and the proposed electronic birth software package; Lauren F. Goldberg, Esq. took clerks through a Town Meeting from soup to nuts; Amy Warfield, Nancy Blackmer, and Mary Ann Nichols gave clerks many tips in the technology department; and Mike Sullivan, Director of the Office of Campaign & Political Science, brought many clerks up-to-date on the new campaign finance legislation.

Mike Sullivan has agreed to return for our winter conference for clerks unable to take his course. This will be combined with someone from the State Ethics Commission presenting an update on the new ethics legislation that has many of us struggling to understand the ramifications of the new requirements in a short period of time. As of this writing, we have learned that the State Ethics Online Training

effective date has been extended from December 28, 2009 to April 2, 2010. May we all have patience! The questions will eventually be answered, explanations will be forthcoming, and we will all move forward to comply with the new requirements. Remember, we are city and town clerks.

Our Legislative Committee and Lobbyist Steve Roche continue to monitor the dog regulation bill, the vitals bill, and a multitude of election bills. Please contact your state representative and state senators upon request. We need to present a united front on these bills and we all need to work together to achieve our goals.

Mark your calendars! We look forward to seeing you at our Winter Conference at the Sturbridge Host Hotel & Conference Center in Sturbridge on January 27-29, 2010 and at our Summer Conference at the Wequassett Inn in Chatham on June 2 – 4, 2010.



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MTCA LOBBYIST REPORT – OCTOBER 2009

By Stephen Roche

\$\$ FOR THE UPCOMING SPECIAL ELECTION

As happy as we are to have the State Auditor backing the MTCA's position that the costs of the Special Election are a "local mandate", we have yet to see any state funds committed for this purpose. Basically, the next step is to have the Governor and General Court appropriate the money.

But how much is needed for the local costs and when will it come? These are basic questions that no one has answered yet.

Recently, I have been contacting legislative offices to remind them that we need this funding included in a FY2010 supplemental budget. Generally, those budgets originate with the Governor; but the House or Senate is able to amend any budget from the Governor to include the funds – most likely in a reserve account that would release funds once the costs are certified.

In a recent conversation with an aide to the House Minority Leader, Rep. Brad Jones, I was advised that the Minority Leader is well aware of the need to get funding in a budget. In fact, they have submitted language to the House budget committee to fund a reserve at \$10 million.

In the coming weeks, we will continue to pursue these funds. As part of this process, I will be contacting the State Auditor's staff to see if they can assist in the process needed to calculate the local costs.
SENATE 2120/SENATE 2151 – DOG CONTROL BILL – THE BATTLE CONTINUES

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The State Senate's Committee on Ethics & Rules recently released a new draft of Senate 406 – it was Senate 2120 – now it is **Senate 2151**.

Unfortunately, the new draft of the bill still contains the \$3 surcharge. But – the bill has not yet received final approval because of our efforts.

We have been receiving information that the Senate Leadership is considering the elimination of the surcharge from Senate 2151 but until we see that happen, we will keep the pressure on the Senate – *this is where you come in with your calls to the State House* – (617) 722-2000 is the general number.

MTCA EDR TASK FORCE BILL IS AT BAT

As mentioned in my report last month, the Election Laws Committee delayed a public hearing for our bill – **House 564** – in order to conduct a hearing on legislation to permit the Governor to make an interim appointment to fill Ted Kennedy's vacant US Senate seat.

As you know, the General Court gave Governor Patrick the power to make that appointment and Paul Kirk is our interim US Senator until the winner of the Special Election takes office in January, 2010.

The hearing on House 564 and a variety of other bills will be held on October 7th; here's a peek at the bills on the agenda for the hearing:

Joint Committee on Election Laws

10/07/2009 1:00 PM, A-1

Public Hearing

- [HB604](#) An Act relative to accessibility and preservation of write in voting records. - *Representative Ann-Margaret Ferrante (D)*
- [HB683](#) An Act relative to pre-registration of voters - *Representative Ellen Story (D)*
- [SB338](#) An Act relative to voter registration - *Senator Cynthia S. Creem (D)*
- [HB653](#) An Act relative to the joint election of the Governor and Lieutenant Governor - *Representative Robert M. Koczera (D)*
- [HB686](#) An Act relative to certain County Elections for certain vacancies - *Representative William M. Straus (D)*
- [HB580](#) An Act to change the voting system used in most elections in Massachusetts to approval voting - *Representative Sean Garballey (D)*
- [HB647](#) An Act relative to voting by the instant runoff voting method - *Representative Jay R. Kaufman (D)*
- [HB685](#) An Act relative to voting by the instant runoff voting method - *Representative Ellen Story (D)*
- [HB648](#) An Act relative to voting by the instant runoff voting method in primaries - *Representative Jay R. Kaufman (D)*
- [HB684](#) An Act relative to voting by the instant runoff voting method in primary elections - *Representative Ellen Story (D)*
- [HB680](#) An Act implementing voting by the instant runoff method for special elections - *Representative Carl M. Sciortino, Jr. (D)*
- [HB691](#) An Act relative to instant runoff voting in congressional elections - *Representative Alice K. Wolf (D)*
- [HB558](#) An Act relative to Election Day registration - *Representative Garrett J. Bradley (D)*

- [HB576](#) An Act to establish election day registration - *Representative Gloria L. Fox (D)*
- [SB341](#) An Act to establish election day registration - *Senator Cynthia S. Creem (D)*
- [HB564](#) An Act establishing a task force on election day registration - *Representative Thomas J. Calter, III (D)*
- [HB651](#) An Act ensuring the freedom to vote in the Commonwealth - *Representative Jay R. Kaufman (D)*
- [SB348](#) An Act ensuring the freedom to vote in the Commonwealth - *Senator James B. Eldridge (D)*

As you can see, we're going to have our hands full at this hearing. In terms of our approach at the hearing, we will suggest, as we have for several years, that the Committee should pass legislation to establish a special commission to conduct a comprehensive review of EDR, absentee voting, early voting, and other elections proposals BEFORE passage of any new elections laws. I'm sure that we will work the famous "Pumpkin Ballots: along the way.

Our friends at MassVote are obviously taking a different approach – here's a notice regarding the EDR hearing that was posted at MassVote's Face Book website:

Avi (Green) invited you to "Mass Freedom to Vote Act Hearing" on Wednesday, October 7 at 12:30pm.

Avi says, "Hope you can join me next Wednesday. Pizza and Press Conference in Nurses' Hall beginning 12:30, Hearing to support voting rights beginning at 1pm in A-1. Come for your lunch break or stay all afternoon! Spread the word. Thanks, Avi "

**Event: Mass Freedom to Vote Act Hearing
 "Until we fix the law, a new Florida 2000 remains possible"
 What: Rally
 Start Time: Wednesday, October 7 at 12:30pm
 End Time: Wednesday, October 7 at 4:00pm
 Where: The State House: meet in Nurses' Hall, then come to A-1**

Massachusetts could become the "new Florida 2000" – what does that mean? Looks sad, doesn't it.

Although, our proposals to eliminate the check-out table and the use of the cancellation device are included in Senator Eldridge's EDR bill – **Senate 348**.

VITAL RECORDS BILL IS ON DECK

We have cranked up our efforts as we near a public hearing on our bill – **House 2064**. The Public Health Committee will be holding a hearing on House 2064 and other vital records bill on October 27th.

In preparation for that hearing, we have conducted a number of meetings at the State House, including meetings with Rep. Lida Harkins, the lead sponsor of House 2064, and the staff at the office of Senator Susan Fargo, the Senate Chair of the Public Health Committee. We have also recruited other supporters of the bill to speak at the public hearing, including the Massachusetts Department of Public Health, the City Clerks and the Mass. Funeral Directors Association.

MORE STATE BUDGET WOES

The recession continues to hammer state revenues – recent reports show that we’re down over \$243 million just for the month of September and down over \$400 million for the FY2010 fiscal year to date.

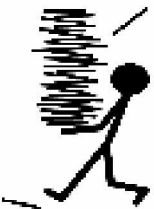
The Patrick Administration sent out a memorandum last month warning state managers that the state may need to cut another \$300 million in FY2010 – this was before the news hit on September’s lackluster numbers!

Many on Beacon Hill are bracing for another round of 9C cuts. The Governor recently said Local Aid – and everything else – is on the table for consideration for cuts.

It’s going to be a while before we recover, folks – maybe not until FY2013.



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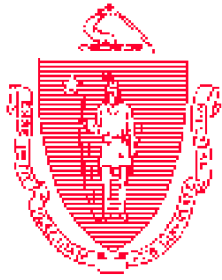
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NEWS FROM THE ATTORNEY GENERAL'S OFFICE RE: OUI NOTICES

The Attorney General's Office will shortly begin e-mailing to cities and towns, on a monthly basis, information about the licensed establishments where defendants convicted of operating under the influence had their last drink.

As you may know, pursuant to General Laws Chapter 90, Section 24J,^a before sentencing a defendant convicted of operating under the influence of alcohol, the court is required to inquire of a defendant whether before the violation, he was served alcohol at an establishment licensed to serve alcohol on the premises and the name and location of such establishment. The Trial Court provides this information to the Attorney General's Office and the Alcoholic Beverage Control Commission (ABCC). Although not required to provide this information to local licensing authorities, the Attorney General will begin making this information available to you on a monthly basis in view of the public safety issue that operating under the influence presents. In some cases, the information supplied by the Trial Court is not complete; for example, the name of the city might not appear. The Attorney General does not have additional information beyond what the court supplies.

The provision of this information to you does not constitute an accusation of criminal or negligent conduct by any establishment and is not meant to be a substitute for your own license monitoring and enforcement practices. The Attorney General has not conducted an independent review of the information, and notes that because section 24J does not require that the statement concerning the establishment be made under oath, such statement may or may not be reliable. Nevertheless, the Attorney General will be making this information available to you for use in your discretion.

^a G. L. Chapter 90, Section 24J.

In every case of a conviction of or a plea of guilty to a violation of subdivision (1) of section twenty-four involving operating a motor vehicle with a percentage, by weight, of alcohol in their blood of eight one-hundredths or greater, or under the influence of intoxicating liquor or a disposition under section twenty-four D, the court shall inquire of the defendant, before sentencing, regarding whether he was served alcohol prior to his violation of said section at an establishment licensed to serve alcohol on the premises and the name and location of said establishment.

Any information so acquired by the court shall be transmitted by the clerk's office to the alcohol beverage control commission, the office of the attorney general, the office of the district attorney for the district in which the establishment is located, and such establishment.

The provision of this information should not be considered the rendering of legal or other professional advice to you. If you have any questions regarding how this information may be used, we suggest you contact the ABCC at 617.727.3040, or abcc_inquiries@tre.state.ma.us.

The Attorney General has what it understands to be the e-mail addresses of the City and Town Clerks, who are in the best position to place the last-drink information before local licensing authorities. If you do not receive an e-mail from the Attorney General's Office about this issue, or if you want to make sure you are on the Attorney General's distribution list, please send an e-mail to: OUINotice@state.ma.us.

Thank you for your cooperation.



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WELCOME NEW CLERKS

New Clerks Corner

Joe Powers was recently appointed as Braintree (pop 33,500, Norfolk County) Town Clerk, succeeding retired Town Clerk Donna Fabiano. Joe previously served as elected clerk for Braintree from 2000-2003. He has also had a distinguished career in elected offices for the town serving as a School Committee member (89-95), Moderator (98-02) and Selectman (05-07). Joe will be very busy this fall with a Local Town Election 11/3, a two year old daughter and another child due soon after election day. We welcome Joe,(and hope he finds some time to sleep between two am feedings and election preparations!!)

Kathy Shaw was elected in June 2009 to take over from Carla Stephenson who resigned upon moving from Westhampton (pop. 1700, Hampshire County). Kathy worked at UMass before taking over the clerk's office and also ran a restaurant and country store in a former life. We know she can multi task! Kathy's position is part time so she tries to save some time to enjoy her new grandson Jack.



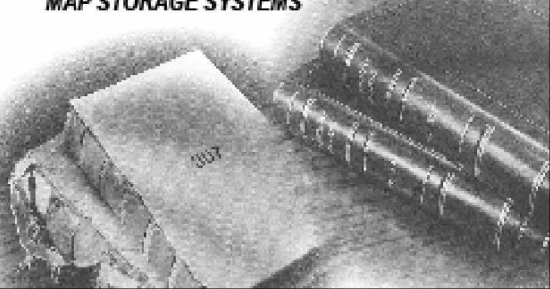
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MTCA CERTIFICATION EXAM (CMMC) IN JANUARY

The MTCA examination for Certified Massachusetts Municipal Clerk (CMMC) designation will be offered in January. Applications must be received by Administrator Barbara LaBombard by **DECEMBER 15th** for the January exam, which will be mailed between January 1st and January 7th.

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 February 10th for the January 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 March 1st. 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 at all MTCA conferences and from the administrator, Barbara LaBombard. If you have questions about the exam, please e-mail cityclerk@easthampton.org or call 413-529-1460



INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS

I am pleased to inform you that the following individual(s) have earned the prestigious Master Municipal Clerk (MMC) designation from the International Institute of Municipal Clerks (IIMC) in the month of August 2009:

Deborah F. Dami, MMC
Town Clerk
Town Of Mashpee
ddami@ci.mashpee.ma.us

The MMC is one of the two professional designations granted by IIMC. To qualify for entrance into the Master Municipal 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.

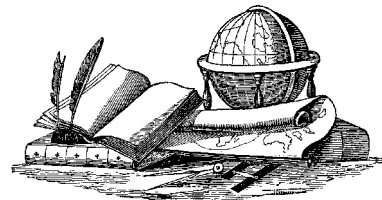
The MMCA is an advanced continuing education program that prepares participants to perform more complex municipal duties. The program has an extensive and rigorous educational component, a professional and social contributions component, and a commitment to lifelong learning. The Academy members must 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.

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.

For more information please visit our website at www.iimc.com or contact us at hq@iimc.com or 909-944-4162.

Sincerely,

Chris Shalby
Executive Director





MTCA CONFERENCE SCHEDULES 2009 - 2010

NEACTC NEW ENGLAND CONFERENCE
NOVEMBER 18, 19, 20, 2009
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MANCHESTER VILLAGE, VERMONT

MTCA WINTER CONFERENCE
JANUARY 27, 28, & 29, 2010
STURBRIDGE HOST HOTEL
STURBRIDGE, MA

MTCA SUMMER CONFERENCE
JUNE 2, 3, & 4, 2010
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OCTOBER - NOVEMBER 2009

Monday	October 12	Columbus Day
Friday	October 16	National Boss Day
Saturday	October 31	Halloween
Sunday	November 1	Daylight Savings Time Ends
Tuesday	November 3	Election Day
Wednesday	November 11	Veterans Day
Thursday	November 26	Thanksgiving



DAYLIGHT SAVINGS TIME ENDS

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back one hour

Newsletter of the MTCA

584 Main Street
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The Public Recorder

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