



## Massachusetts Town Clerks' Association

# The Public Recorder

Volume 57, No. 81

JUNE 2012

### Report of the President, Donna Hooper

#### Celebrating the Past and Guiding the Future

Over 250 town and city clerks gathered at the June 2012 summer conference at Falmouth's SeaCrest Beach Resort Hotel to celebrate our past, receive updates, and to learn about new initiatives impacting municipal clerks into the future.

Representatives from the Pew Center on the States provided an overview on 3 Pew initiatives on elections:

- *Upgrading Voter Registration* – improvements to voter registration systems
- *Voting Information Project* – technology initiatives to provide voters with the information needed to cast a ballot – when they need it and where they are most likely to seek it
- *Elections Performance Index* – an empirical assessment on how well our nation is conducting elections based upon such criteria as accuracy of voter registration rolls, integrity of military and absentee voting processes, and design and security of voting technology and ballots

Following these presentations an open discussion was held for Clerks to be informed and comment on election reform legislation before the Massachusetts.

Election reform legislation was again a topic of discussion following Thursday's business meeting as we welcomed Secretary of State William Galvin for his comments and perspective on the recent measures passed by the Massachusetts House of Representatives and awaiting action by the Senate. With the busy 2012 fall elections just ahead, Secretary Galvin also conveyed his support and commitment to partnering on important election initiatives of common interest of the Clerks and Elections Office.

Thursday's evening banquet attendees welcomed

and honored fifteen retired Clerks for their dedicated - Virginia Allis, Whately; Nancy Butler, Plympton; Jacqueline Dellicker, Holliston; Patricia Donovan, Palmer; Sandra Harris, Hanson; Peter Koutoujian, Waltham; Marion Leonard, West Bridgewater; Linda Lincoln, Brookfield; Janet Linehan, Easton; Frances MacDonald, Beverly; Pamela Martin, Whitman; James Mullen, Milton; Shirley Page, Orange; Judith St. Croix, Wayland; Carol Valcourt, Fall River; Marcia Weidenfeller, East Bridgewater.

Although this summer's conference had great emphasis on many aspects and initiatives on elections, sessions offered on the Department of Public Health/Registry of Vital Records and Statistics Electronic Vitals Program; 2012 Primary and Election preparations and administration, Town Meeting review, New Clerk orientation and overview for inquiring Clerks, Raffle and Bazaar Overview, and open discussion on Public Records-Commissions Division responsibilities in the areas of recordings, commissions and appointments, provided important information and opportunities for discussion.

The display of good and services by participating vendors enlightened Clerks on current offerings to assist Clerks in effective and efficient means for service delivery.

The MTCA will be served over the upcoming year through the newly installed officers prepared to guide our Association and committed to the Association's mission - *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.*

Best wishes for a refreshing and enjoyable summer!

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## MTCA LOBBYIST REPORT—JUNE 2012

### by Stephen Roche

#### *ELECTION LAWS CHANGES ON THE WAY?*

As you know, the House of Representatives approved an elections “reform” bill on May 30<sup>th</sup> notwithstanding the strong objections of town clerks, city clerks, and the Secretary of State; see **House 4139**. For those of you who attended the MTCA Summer Conference, you received a very detailed presentation by Secretary Galvin and me on what occurred on May 30<sup>th</sup> and a blow-by-blow description of the various actions by the MTCA and the House in the weeks leading up to that vote.

A few comments on what happened and where we go from here:

- At all times, state representatives were told that it was a bad bill opposed by town clerks, city clerks, and the State Secretary
  - The House Leadership pushed for passage of the bill
  - Many reps commented on how well organized the clerks were in communication with them; many heard from all the clerks in their districts
  - A few amendments were adopted, including an amendment on behalf of the MTCA to establish a Task Force to study the effects of the legislation; the chair of the Task Force would be the MTCA President
  - Many reps stated that the clerks had established themselves as a force to be dealt with notwithstanding the outcome of the vote on the bill
- The next step is the State Senate – our goal is to kill the bill there!

The final language for the Task Force in House 4139 reads as follows:

**SECTION 7A.** Notwithstanding any general or special law to the contrary, there shall be established an elections task force, (a) Said task force shall undertake a study of the implementation of ss. 3, 4, 5, and 6 of HB 4120. Said study shall include an analysis of: (1) the state and local costs of implementing said proposals, the costs of increasing access to the Central Registry of Voters, and the availability of federal funding through the Help America Vote Act; (2) the administrative requirements for adopting such a system, including their impact upon poll operations and upon the operation of municipal clerks

offices on election day; (3) the possibility of fraud; (4) the effects upon finalizing a vote and possible recounts.

The task force shall complete its study and submit its final report in writing to the joint committee on election laws and the state secretary no later than February 1, 2013.

The task force shall consist of the house and senate chairs of the joint committee on election laws; the speaker of the house of representatives or his designee; the president of the senate or her designee; the house minority leader or his designee; the senate minority leader or his designee; the state secretary or his designee; the registrar of motor vehicles or her designee; **3 representatives of the Massachusetts Town Clerks Association, one of whom is the President of the Massachusetts Town Clerk Association (who shall serve as the task force chair), one of whom shall be from a town of between 2,001 and 12,000 inhabitants, and one of whom shall be from a town of 2,000 or fewer inhabitants,** 3 representatives of the Massachusetts Municipal Association, one of whom shall be the chief election officer of a city under 100,000 inhabitants, one of who shall be the chief election officer of a city over 100,001 inhabitants; and 1 representative of each of the following groups: the League of Women Voters of Massachusetts, the Massachusetts Chapter of the NAACP, Common Cause, and Mass VOTE, and OISTE.

<sup>1</sup> House 4139 is the final version of the bill after the House debate on House 4120.

Note that the Task Force would file its report in February 2013, in advance of the referenced sections taking effect.

The next step in the process is a vote by the State Senate if the Senate opts to take up the bill before the end of formal sessions at Midnight on July 31<sup>st</sup>. Under the House and Senate Joint Rules, any controversial matters, fiscal matters, and matters requiring a roll call vote have to be passed by that deadline.

*Lobbyist Report cont.*

Of course, other pending issues are consuming much of the Legislature's attention at this time, including the FY2013 state budget and health care cost containment.

The MTCA Legislative Committee and I are carefully monitoring the situation and will keep you posted; please be prepared for another "Call To Action" soon.

**FY2013 STATE BUDGET**

The Senate's budget debate also went fairly quickly this year. The Senate also approved changes to the Community Preservation Act (CPA) and increased funding for communities. For more details, check out the final version of the Senate budget, **Senate 2275**.

A Conference Committee, consisting of three senators and three representatives, has been appointed to work out a compromise budget in time for the Governor to act prior to the start of the new fiscal year on July 1<sup>st</sup>.

**HOUSE 1981 – MTCA BILL CONCERNING ID FOR NEWLY REGISTERED VOTERS AT LOCAL ELECTIONS**

**House 1981** is on the move!

The bill, which was reported favorably from the Election Laws Committee on March 21<sup>st</sup>, was recently read in the House and was referred to the House Committee on bills in 3<sup>rd</sup> Reading. The bill requires one more vote before being sent to the Senate for its approval.

Needless-to-say, we will be pushing for final approval.

**MTCA LEGISLATOR OF THE YEAR**

As was announced at the MTCA Summer Conference, this year's recipient of this honor is State Representative Alice Hanlon Peisch.

I believe the MTCA is quite fortunate to have "one of their own" serving in the Massachusetts General Court. As the former town clerk of Wellesley, Alice is very familiar with the various duties of the position and brings that knowledge and experience to the State House.

In turn, Alice's colleagues in the House rely upon her opinion in matters affecting town clerks and their responsibilities, from election laws to JP duties to open

meeting requirements.

Alice is a key member of House Leadership where she serves as House Chair of the Education Committee. She has consistently fought for fair education funding formulas and is a leader in updating vocational education laws.

This year Alice has been particularly supportive of the MTCA. Her efforts include:

Serving as the lead sponsor (House 1981) and of all other MTCA bills.

- Speaking at the MTCA 2012 "Clerks' Day".
- Most recently, Alice played a key role in negotiations on the MTCA amendment to the so-called "Elections Reform" bill, House 4139. While the overall bill was unacceptable to town clerks, the addition of the Elections Task Force language assures significant input from the MTCA should House 4139 become law. Communicating regularly with her town clerks on issues of concern.

We will also honor State Representative Vinny deMacedo for his friendship and continuing strong support of town clerks. Vinny is constantly looking out for the best interests of town clerks and has been instrumental in preventing some bad bills from becoming law. He will be awarded a "Certificate of Commendation."

**MTCA Fall Conference**

[www.jiminypeak.com](http://www.jiminypeak.com)

Hancock, MA

September 26<sup>th</sup> – 28<sup>th</sup>

**SUMMARY OF STATE OFFICIALS UPDATE**  
**Massachusetts Town Clerks' Association**  
**Summer Conference—SeaCrest Beach Hotel, Falmouth, MA**  
**Friday, June 8, 2012**

**Mike Sullivan, Director and Jason Tait, Director of Communications & Public Education (and Contact for Clerks) Office of Campaign & Political Finance (OCPF)**  
**Contact Information:** 617-979-8300, Ext. 28309

**Web Site:** [www.mass.gov/ocpf](http://www.mass.gov/ocpf)

Mike indicated that a new Clerk's Guide to Campaign Finance has been developed, and will be mailed out next week. He thanks Clerks Joe Powers, Nancy Blackmer and Larry Pizer for their assistance. He reminded Clerks that local Party Committee organization papers must be filed with us as well as with OCPF. The State filings are on the OCPF web site. Carol Valcourt from OCPF staff is in the process of conducting audits of our files. Common errors she has found are: (1) two names for one contribution—should be listed as the individual who has signed the check, even if the funds are coming from a joint bank account; (2) signature missing on forms—must be properly signed, with an original signature; (3) you may not have a negative balance—should be shown as a contribution from the candidate; (4) there is not a 30-day post-election report required for fall elections (mostly cities). A campaign finance “check-list” for Clerks has been created as an added tool—feel free to use it. Posting on our web site is only required if expenditures exceed \$1,000—Mike urged us to post even if less than \$1,000, to avoid complaints and inquiries. There is a bill still pending for OCPF filing requirements for casino ballot questions. The bill would have the filing done at the State level, which would get us off the hook. Even if the bill doesn't pass, Mike is asking that all affected Clerks file these reports with OCPF anyway, so that they can place them on their web site. He offered a thank-you shout-out to Ellen Glidden of Barre who intervened on behalf of a neighboring community in order to avoid an illegal backpack distribution of “Vote Yes” materials on a local ballot question.

**Margaret Hurley, Assistant Attorney General & Director, Municipal Law Unit (MLU)**

**Contact Information:** [margaret.hurley@state.ma.us](mailto:margaret.hurley@state.ma.us)

**508-792-7600, Ext. 4402**

**Address: Municipal Law Unit, 10 Mechanic St., Suite 301, Worcester, MA 01608**

**Web Site:** [www.mass.gov/ago](http://www.mass.gov/ago)

Margaret introduced Nicole Caprioli as a new Assistant Attorney General in the MLU. Kelli is on maternity leave and is expected back at the end of the summer. The Office has seen an increase in Clerks filing their bylaw submittals electronically, for which she is grateful. This makes the process go more smoothly. We only need to send one copy of the required information—not three. We also no longer need to send the existing bylaw if it is available on our web site (include the web address), nor do we need to send an annotated version. We only need one Form 1 sent with all of the articles listed—separate forms for each bylaw is not necessary. In response to a question about FEMA maps (later clarified in an e-mail from Margaret)—we should file the FEMA maps/bylaws with DCR in order to meet the compliance deadlines for renewal of flood coverage, even if we haven't yet received AGO approval. We should send

the CD to the AGO for approval, and they will return the approved CD to us with a fairly quick turnaround. But if we're up against a deadline, we shouldn't wait for the approval before sending the certified copies to DCR. Margaret mentioned that they are seeing lots of CORI bylaws. The AGO is transitioning to a new web site. The case lookup feature is no longer on the site, but she will consider reinstituting it in the future. Margaret indicated that if we are under a special deadline for a particular bylaw, please give her a heads-up and she will try to accommodate our needs, if possible.

Margaret indicated that the Division of Open Government has heard from several groups (including the MTCA) about the FAQ on their web site concerning the need to post individual board/committee meetings that may occur within Town Meeting. The Office is backing off from this opinion (they have taken it down from the web site) and doing further research/fine tuning.

**David Gianotti, Public Education & Communications Division Chief, State Ethics Commission**

**Contact Information:** 617-371-9505

**Web Site:** [www.mass.gov/ethics](http://www.mass.gov/ethics)

David addressed what he referred to as the “never-ending nightmare” online training program. While the new municipal test has been developed, it can't yet be released due to the limitations of the PACE system. New regulations about the training requirements are in the works and will be posted once completed. He noted that the Ethics opinion about Clerks working an election when they themselves are on the ballot has been amended to include a family member (i.e., when a family member is on the ballot). About 12 communities saw population shifts following the 2010 census so that they are now either below or over the population threshold limits for the applicability of certain ethics laws. So if we were relying on the population exemption in the past and we are no longer eligible for the exemption, then we have until the next election in order to comply (or 120 days for appointed employees). This should allow us sufficient time to make any necessary changes.

David noted that they have gone from 17 different disclosure forms to 44 forms, all of which are on the web site. He strongly suggested that we call the Ethics Division to assist us in which form should be used for a disclosure. They are now up in PDF format, which must be downloaded and completed manually. Eventually these will be fillable PDF documents. It was suggested that a flow chart be prepared for us to reference in determining which disclosure form should be used, and David responded that they use a flow chart internally, but it is complicated. The affected individual should call and request advice on which form to use—they don't provide third party advice, and it is up to the individual to seek the advice.



### *Summary of State Officials Update cont.*

He noted that 2011 changes include a court reform bill that requires anyone who applies for a state job to disclose family members who also work for the state. In addition, the method of recommending friends/acquaintances/relatives for state positions has changed. He noted the public should not rush to judgment about violations -- hundreds of warning letters are sent out each year to individuals or groups.

He summarized the Online Training issues. The Ethics Reform Bill required mandatory distribution of the COI summary every year to all municipal employees (beginning in Dec. 2009) – we should now be distributing the December 23, 2011 version of the summary. Online training is required every two years. The online training version is designed for state employees, although the underlying principles are the same. Utilizing the PACE system for the training would simplify the record keeping requirement, but there are technical difficulties with adding this heavy load to the PACE system. He urged us to defer the testing until the State resolves its technical issues. If we want to move forward, then we may use the current state test. Compliance deadlines are now on hold for both distribution of the summary and completion of the online training. Several alternatives are under consideration if the State cannot resolve the issue with PACE. Clerks expressed concern that the State is making compliance too difficult—the PACE system (which we use for VIP) is complicated and not user-friendly. We'll have to keep track of passwords, which will be a challenge given that the testing is only required every other year. It was requested that Clerks just be given the program to download ourselves onto our own systems, or just put the new test onto the State's web site, similar to the current test (without the PACE record-keeping feature). David took these suggestions under advisement.

### **Dick Fleming—Liaison with Associated Press**

**Contact Information: 508-778-0893 (home)**

Many thanks to all for reporting election results after the close of polls for the March Primary. He heard from all but two cities and all but four towns. We will receive three checks from AP during 2012—Presidential Primary, State Primary and State/Presidential Election. Remember—we call, he pays. The MCCA received \$2,964 and the MTCA received \$5,190 for our efforts in March. He explained that a final call is critical—one preliminary, then one final call, preferably prior to 9:00 pm. We should receive reporting information from him about 8 days prior to each election. If that doesn't happen, then contact him.

### **Harry Petrucci, Director of Local Administrative Assistance Secretary of State's Office, Elections Division**

**Contact Information: e-mail: elections @sec.state.ma.us**

**1-800-462-VOTE or 617-727-2828**

**Harry's Cell Phone: 617-438-4386**

**Web Site: [www.sec.state.ma.us/ele](http://www.sec.state.ma.us/ele)**

Harry reminded us to take a careful look at the dates in the black election calendar—many important ones. There are a number of positions with no candidates on the Primary ballot, so we will have lots of write-ins—be sure to check all of the

ballots for write-ins, which must be counted. Cartoon characters or dead people count as blanks. We must report all legitimate names of candidates, even if we receive fewer than five votes in our community—the individual may receive a lot more elsewhere in the district. There will not be many write-ins for November.

### **Karin Barrett, Assistant Registrar, Mass. Registry of Vital Records & Statistics**

**Contact Information: 617-740-2621 (Karin);**

**Main #617-740-2600**

**Web Site: <http://mass.gov/dph/rvrs>**

Newton City Clerk David Olsen and Concord Town Clerk Anita Tekle (co-chairs of the Clerk's Subgroup of the task force) updated the group on the status of the Electronic Death Registration VIP program, and distributed a written summary. The pilots will begin in early July 2012, with implementation scheduled to start in January 2013. The benefits of the EDRS were reviewed, and training will be available. Ongoing issues still to be resolved are payment for burial permits; addressing the needs and requirements of all the different partners; access through the State's Virtual Gateway system; and out-of-state funeral directors. Any concerns about the Death program should be sent to David or Anita, who will bring them to the Task Force meeting.

Concern was expressed about the electronic connections to the current VIP birth systems, with frequent "timing out" issues. In response to a question, Karin indicated that the Out-of-Commonwealth module does work, and urged us to continue to try to use it. Call if we are still experiencing problems. Reference guides will be coming out soon, and guides for the Death program will be available prior to the release of the program—they learned from the earlier mistakes in the Birth program. A question was asked about the availability of an electronic version of the birth index, and Karin indicated that we should send an e-mail requesting things that we would like to see in the system and it will be considered for a future release. In response to a question, if the resident community is incorrect, and the birth has already been accepted by the wrong community, then the occurrence community should initiate an affidavit. This is the same as the former manual system. We should make an effort to review the record prior to accepting/recording it, and then reject it if there are errors. Karin is grateful to the Clerks for the partnership and proactive response to the changes we are experiencing with vital records—Massachusetts Clerks are wonderful!

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## What are your Census forms missing?

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123 Main Street  
Anytown, US 01234  
Phone: Monday thru Friday 8:30 AM to 4:30 PM  
For Assistance, call the Town Clerk at (800) 760-4321

General Laws of Anytown mandate an annual street listing of residents as of January 1 of each year. As part of this process, we are including information that is being maintained in the Commonwealth's Voter Registration Information System (VRIS).

Please update and correct the information provided by adding, deleting, or making changes to the printed information. Please sign and return form in the enclosed envelope within ten (10) days, even if no changes are necessary.

← If this address is incorrect, make corrections below:

RESIDENT ADDRESS: 543 SAMPLE LANE  
SMITH HOUSEHOLD  
OR CURRENT RESIDENT  
543 SAMPLE LANE  
ANYTOWN, US 01234

WARNING: FAILURE TO RESPOND TO THIS MAILING SHALL RESULT IN REMOVAL FROM THE ACTIVE VOTING LIST AND MAY RESULT IN REMOVAL FROM THE VOTER REGISTRATION ROLLS. (MGL Ch. 51, Sec. 40c)

Phone #: (800) 132-4567

Unlisted:

A	B	C	D	E	F	G	H	I
NAME LAST, FIRST, MIDDLE	DATE OF BIRTH MMDDYYYY	NATIONALITY	PROVIDED VOTER REGISTRATION INFORMATION	DATE OF BIRTH	DATE OF BIRTH	DATE OF BIRTH	DATE OF BIRTH	DATE OF BIRTH

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**MTCA CONFERENCE SCHEDULES**

**MTCA FALL CONFERENCE**

September 26, 27, & 28, 2012  
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ACADEMY**

July 14 – 20, 2012  
Plymouth State University  
Plymouth, NH

**NEACTC 45<sup>TH</sup> ANNUAL CONFERENCE**

November 14 – 16, 2012  
Providence Biltmore Hotel  
Providence, RI



# Newsletter of the MTCA

584 Main Street  
Athol MA 01331



## **Massachusetts Town Clerks Association**

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## **The Public Recorder**

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