

# Massachusetts Town Clerks' Association

# The Public Recorder

Volume 57, No. 89

MARCH 2013

## From the President, Donna Hooper

### Town Election & Town Meeting Time = Municipal Governance

Spring – the time for town elections and town meetings!

The form of legislative and executive branches by which Massachusetts' municipalities are governed (i.e., the manner by which they operate) are the commonly known open town meeting, representative town meeting, and town councils; appointed town managers, town administrators, town coordinators, or executive secretaries.

The networking within the clerk community and the training received to perform our responsibilities as Town Clerk are of vital importance. Through networking we not only gain the knowledge and expertise to better perform our role as Town Clerk, but we also become more familiar with the similarities and the differences between our communities.

Of the 351 municipalities, 53 operate by a city form of government, 36 towns have a representative town meeting, and 262 towns are governed by an open town meeting. The position of Clerk/Treasurer, long ago a position found in most towns, is still held by 2 appointed and 3 elected Town Clerks.

Positions appearing on town election ballots range from the offices deemed to have the greatest authority, and with the greatest visibility - including Selectmen, School Committee and Moderator, to the lesser

known trustees, and the many board and committees by which towns are managed. Town Clerks from 78 towns are appointed, 33 City Clerks are appointed and 6 elected, and Town Clerks from 232 communities are elected.

The operation of municipal government continues to become more complex and challenging. Since 1996 when a statute passed providing for the position of Town Administrator as an alternate to Executive Secretary, the number of Executive Secretaries has been reduced by 75% - from approximately 55 to 13. Two categories of Town Administrator are now found – one with similar powers and responsibilities as the Town Manager position and the other with more restricted powers as those of the Executive Secretary.

The post-1996 Town Administrator position has the authority to make appointments and prepare budgets, while the pre-1996 Town Administrators serve as agents of the elected Board of Selectmen.

Whether professionally managed by a Town Manager, Town Administrator, or another form of executive leadership, communities continue to review charters and form of government, review positions previously elected, and bring forth proposals for change on an ongoing basis – form of government and positions elected.

Continued on page 3

#### Inside this issue:

Beacon Hill Report	2
Stanley Nyberg Retirement	3
NEMCI&A	4
IIMC Conference	4
IPER Project	5
Municipal Clerks Week	6
NEACTC Conference	6
MTCA Nominating Committee	7
Vendor Ads	8

## BEACON HILL REPORT

by Thomas Joyce, Esq.

February has been a month of settling in and getting acquainted. New lawmakers have been assigned offices and members who were promoted in the Legislature have coordinated staffs and worked tirelessly to become familiar with their new responsibilities. Your association has used this time of transition to identify allies, refine positions on public policy and meet with Chairpersons and Legislative Leaders to begin the process of advancing your Legislative agenda.

As your Legislative Counsel, I have been reviewing thousands of bills in an attempt to determine if they may affect the MTCA. It has been an interesting learning process for me to say the least. Having been delighted to meet many of you at the conference in Sturbridge, I am pleased by the positive response and many offers to assist me in my task. I can report that I am feeling better prepared on your issues as each day passes.

Coming up on March 27<sup>th</sup> the important Joint Committee on Election Laws will conduct their first public hearing. It will hear testimony on a total of 19 bills. The subject matters up for testimony are bills proposing amendments to the Massachusetts Constitution and bills that raise Constitutional issues. All of the proposals deal with absentee voting, early voting, defining the process for filling certain statewide vacancies, and redistricting. We are working daily to develop the most productive process to effectively approach all upcoming public hearings at the various committees.

Generally speaking, most Massachusetts public policy discussions have been focused on raising taxes and fees to fund programs ranging from repairing old transportation infrastructure to expanding education initiatives. While Governor Patrick has proposed raising the income tax, reducing the sales tax, as well as eliminating nearly 60 tax deductions to raise almost 2 billion additional dollars to fund these initiatives, the Legislature, beginning with the House Ways & Means Committee, Chaired by Representative Brian Dempsey of Haverhill, is meeting seven days a week to craft their own plan by mid April. At that time it will be considered before the full House,

passed and then sent to the Senate to develop their own plan. Reportedly, the House plan is to address critical transportation reform in a separate stand-alone proposal funded primarily by user fees and propose their fiscal budget without including an increase in the state income tax. To be certain this exemplifies the age-old adage that "the Governor proposes and the Legislature disposes!"

In closing, I am pleased to report that I have briefed Legislative Leaders and key committee Chairpersons as well as other important members on the breadth and importance of your legislative priorities. As the Legislature gets into full swing this month I will be certain to keep you abreast of developments. Also, lastly, I would be remiss if I did not thank the MTCA as a whole and the many members who have reached out to assist me. I appreciate your patience and support.

### Need to know what MTCA classes you have taken?

Contact Database Coordinator:

**Katherine Ingram**

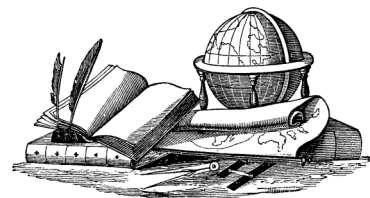
Town Clerk

20 Williams Street

Longmeadow MA 01106

413-565-4103

kingram@longmeadow.org



## STANLEY NYBERG RETIREMENT

### by Larry Pizer

In a move astonishing for its negative impact for Clerks, the Department of Public Health accepted the retirement of Dr. Stanley Nyberg, Registrar of Vital Records and Statistics. Dr. Nyberg chose not to comment on the situation.

Stan has been a friend to Clerks since his arrival at the Registry over ten years ago. We take it for granted, but Stan's insistence that inquiries bring consistent responses has made our work in vital records easier. Even in the rare instance when staffers disagreed, Stan would see to it that a firm policy for the future would ensue.

Without Stan there would be no vital records bill and no VIP. From behind the scenes practically from his first days at the Registry, he coordinated the work of the Department of Public Health on the Vitals Bill. DPH legal staff responded to his work with Clerks and like us they respected him. Stan commanded the respect of the people within the legislative process who asked questions about the impact of the bill. His quiet speaking style did not hide his command of the facts. Through the years when DPH could not take an official position on a bill not officially supported by the governor, Stan provided information as Clerks pushed

the bill. When he finally convinced DPH to take the lead, he was the go-to person at the agency.

Even as he was working on the vitals bill, he was locating funding for VIP. The statewide database has made registration of birth records far faster and far more accurate. As Massachusetts moves to statewide issuance, it will be Stan's legacy. Although the deaths section of VIP has lagged because of insufficient funding, that segment will follow because of Stan's care in design. The work of coordinating Clerks, funeral directors, boards of health, burial agents, the Medical Examiner's office, doctors, hospital registrars, and far more took a deft hand, and Stan provided that.

For Clerks, Dr. Nyberg understood that vital records registration was an exercise in cooperation. He never bullied Clerks, but he did see that we met the state's standards. He was an exemplar in the proposition that neither the state nor towns could go it alone. Never did he not return a call. Never did he not follow through on a promise.

For me Dr. Stanley Nyberg was an honored colleague and a treasured friend. I am disconsolate that he no longer leads the Registry of Vital Records and Statistics.

---

### ***Presidents Report cont.***

As Clerks become involved in the elected vs. appointed discussion within their communities it is important to appreciate the broader discussion of the community's form of government, the stated goals of the community in addressing the complexities of its local government, and how the responsibilities and identified role of Town Clerk can be fulfilled. All forms of government are valid and must be respected for the different values and strengths that each brings to a community – it is the role of the local electorate to recognize and accept what is best for its form of governance in the 21<sup>st</sup> century, which may or may not be different from what was beneficial in the past.

The movement toward fewer elected board members and fewer elected professional staff including Treasurer, Collector, and Town Clerk, is likely to continue. Elected or appointed, the importance of continuity and

stability requires all staff to develop and strengthen technical expertise for the position they hold.

The statutory responsibilities of the Town Clerk, to which each Clerk is sworn to uphold, are clearly identified. The responsibilities are successfully fulfilled under a variety of forms of government. As municipal government becomes more complex and local charters continue to be reviewed for change, whether the position is elected or appointed is not as critical as whether the Town Clerk is properly trained and prepared to develop and maintain the technical competencies to perform the responsibilities in a manner that upholds the statutes governing the position, and supports the professionalization of the position and its value and role within the community.

Happy Spring – democracy displayed in its purest form – Town Meeting Time!

## NEW ENGLAND MUNICIPAL CLERKS' INSTITUTE & ACADEMY

**Save the date! July 13 to July 19, 2013...**"Grow and Learn with Us" in the beautiful Lakes Region of Plymouth, New Hampshire!

Your Board of Directors have worked diligently to provide a wonderful learning experience for every Clerk, and are very excited about our four (4) yes, that's right four Academy Classes this year. Academy A & B will be held Monday through Thursday; Academy C & D will be held Wednesday to Thursday, so now is the time to come and join us at Plymouth State University.

If you have never been, the Institute classes will open the door to a most rewarding experience, to lifelong friendships and to a wonderful group of Clerks that will have your back!

Do yourself, your profession, and your community a favor by attending NEMCI&A. If you are feeling the financial crunch in your town, remember there are many scholarships available.

Registration form available at [www.nemcia.org](http://www.nemcia.org)

Ann M. Quirk, CMC  
Assistant Town Clerk  
Town of Barnstable  
NEMCI&A Vice Chair  
508-862-4044




---

## IIMC CONFERENCE



**67th IIMC Annual Conference**  
**Atlantic City, New Jersey**  
**May 19 - May 23, 2013**

***'Lighting the Way Through  
Education'***

"IIMC's Annual Conference in Atlantic City provides a way for you to receive the leadership and knowledge you need to help deal with specific and current job-related problems and situations-successful communication, the current state of ethics and values, records management tools, good customer service on limited budget, creating a money-saving sustainable office, and so much more!"

Registration form and further details can be found on the IIMC website [www.iimc.com](http://www.iimc.com)

Payment and Registration form must be received by April 6, 2013 to receive the Early Bird Special.

Registration can be submitted as follows:

- online at [www.iimc.com](http://www.iimc.com)
- fax to 909-944-8545
- mail with payment to IIMC headquarters

Contact:  
Chris Shalby  
Executive Director  
[chriss@iimc.com](mailto:chriss@iimc.com)

8331 Utica Ave.  
Rancho Cucamonga, CA 91730

Ph: 909-944-4162  
Fax: 909-944-8545

## THE IPER PROJECT

The Council of State Archivists led IPER project to develop and deliver Web- and CD-based training for state and local governments nationwide. The Intergovernmental Preparedness for Essential Records (IPER) project was made possible by a \$2.6 million award from the Federal Emergency Management Agency (FEMA)

The June 2013 conference of the MTCA/MCCA will include an opportunity to participate a training on Essential Records, this first of 4 IPER courses designed for municipal record holders.

Below is a summary of the courses developed through the IPER Project.

Additional information on the upcoming June conference training opportunities will be forthcoming in the April and May editions of The Public Recorder.

### IPER Courses

#### Introduction to Records and Information Management

This 90-minute narrated presentation is available online, free of charge. It focuses on the practices fundamental to the efficient and economical operations of any government agency. When disasters strike, state and local governments with effective records and information management programs are more likely to be able to access essential records and resume critical business operations quickly.

#### Essential Records

This course will prepare participants to:

- identify an agency's essential records;
- analyze and prioritize records, assessing specific risks and identifying protection strategies;
- specify time frames for essential records availability in emergencies
- develop procedures to ensure access to and security of essential records;
- outline an essential records plan for inclusion in COOP;

- become familiar with federal, state, and local COOP regulations and procedures.

See the [Directory of IPER Webinars](#) for upcoming offerings of instructor-led Essential Records webinars in your state.

See the [Directory of IPER Courses Delivered In Person](#) for a list of Essential Records courses delivered in person in your state

#### Records Emergency Planning and Response

This course will prepare participants to:

- understand the benefits of records emergency planning;
- relate records emergency planning to COOP plans and procedures;
- plan, develop, analyze, test a records emergency action plan;
- assess the damage to records after an emergency and implement a response; and
- identify federal, state, and local resources and the availability of intergovernmental personnel and support to assist when a disaster occurs.



#### MTCA BUSINESS MEETING MINUTES

The business meeting minutes from Jiminy Peak will be printed in the April edition of the Public Recorder.

The business meeting minutes from Sturbridge will be printed in the May edition of the Public Recorder.

**Both minutes will be voted on at SeaCrest in June.**



## MUNICIPAL CLERKS WEEK

### 44th Annual Municipal Clerks Week

IIMC 44th Annual Municipal Clerks Week, to take place May 5 - May 11, 2013, will feature a week-long series of activities aimed at increasing the public's awareness of Municipal Clerks and the vital services they provide for local government and the community.

IIMC has sponsored Municipal Clerks Week since 1969. In 1984 and in 1994, Presidents Ronald Reagan and Bill Clinton, respectively, signed a Proclamation officially declaring Municipal Clerks Week the first full week of May and recognizing the essential role Municipal Clerks play in local government.

Promotional Materials are listed on IIMC's website at [www.iimc.com](http://www.iimc.com) and include:

- New Municipal Clerks Week Poster
- New Municipal Clerks Week Poster - Version #2
- IIMC Press Release promoting the week
- Proclamation to complete
- City Proclamation News Release to complete
- Radio Release promoting the week to complete
- Mayor and Manager Notification Request
- Even Promotion Fact Sheet
- Event Promotion Checklist



## NEW ENGLAND ASSOCIATION OF CITY & TOWN CLERKS CONFERENCE

NEACTC conference will be held in Portland, Maine on November 13 - 15, 2013. The conference theme is "Changing Tides - Riding the Waves of Ever Changing Government".

The conference will be held at the Holiday Inn by the Bay, which overlooks Casco Bay and is within walking distance to restaurants, area shops and museums.

The New England Association of City and Town Clerks is the only regional association of its kind in the country, providing clerks from six states the ability to exchange ideas and work together towards unifying procedures.

Discounts are given for first time attendees. Registration forms will be available starting in May. Conference registration fee will be approximately \$200 which will cover all classes and meals, and the hotel

rooms are \$120 plus tax (single or double occupancy) and no fees for parking.

Please check the NEACTC website for further information. [www.newenglandclerks.org](http://www.newenglandclerks.org)



## MTCA NOMINATING COMMITTEE

The MTCA Nominating Committee is charged with the responsibility of nominating and presenting a slate of officers to the MTCA membership at the Annual Meeting in June that duly reflects representation of its membership (as stated in the MTCA Policies & Procedures). The Nominating Committee makes every effort to have statewide representation on the Executive Board.

The following positions are open for the fiscal year beginning July 1, 2013:

President  
First Vice President  
Second Vice President  
Secretary  
Treasurer

Current E-Board members whose terms are expiring represent Berkshire, Essex, and Worcester Counties.

If you are interested in serving on the MTCA Executive Board, please submit a letter of interest by March 15, 2013 to the Nominating Committee.

Thank you,

Tedi Eaton, Needham, Chairman  
Ellen Glidden, Barre  
Jane Hibbert, Yarmouth  
Denise MacAloney, Westminster  
Nancy Morrison, West Bridgewater  
Nancy Blackmer, 1st VP, Orange  
*MTCA Nominating Committee*

Three members of the Executive Board for a three-year term



### MTCA CONFERENCES 2013

#### MTCA SUMMER CONFERENCE



SeaCrest Beach Hotel  
June 5—7, 2013  
[www.seacrestbeachhotel.com](http://www.seacrestbeachhotel.com)

#### MTCA FALL CONFERENCE



Jiminy Peak Mountain Resort  
October 2—4, 2013  
[www.jiminypeak.com](http://www.jiminypeak.com)

**GENERAL  
CODE**

# PAPERLESS SOLUTIONS

*... and more!*

Discover new, easy-to-use ways to meet your  
Document Management needs today

**Laserfiche®**  
Authorized Reseller



Toll Free 855 GEN CODE | GeneralCode.com

**A.M. SULKIN CO.**  
PRINTERS  
&  
BOOKBINDERS  
ESTABLISHED 1902

**MANUFACTURER'S OF  
MUNICIPAL FORMS  
MINUTE BOOKS &  
STORAGE BINDERS**

**HARCOURT BINDERY INC.**  
RECORDS PRESERVATION  
AND RESTORATION

COME VISIT OUR WEB SITE  
[www.sulkincompany.com](http://www.sulkincompany.com)

80 CAMBRIDGE ST. BOSTON MA 02129  
PH: 617-242-5959 FAX: 617-242-3764  
A DIVISION OF ACME BOOKBINDING

*archival*  
**PRESERVATION**

- BOOKS
- PAPER
- MAPS
- IMAGE
- INDEX

**KOFILE**  
PRESERVATION

1-800-639-3027 WWW.KOFILE.US

new name...familiar faces  
formerly *Brown's River Marlett Co.*

**JOE DEGNAN**  
joe.degnan@kofile.us

**BILL STEWART**  
william.stewart@kofile.us







- Election Services & Supplies
- Election System Sales
- Ballot Printing
- Voting Booth Sales
- Census & Street Book Services
- Dog Tags
- Election Consulting

*New England's leader in Election Solutions and Customer Service  
since 1972.*

1-800-LHS-VOTE  
10 Manor Parkway, Unit B, Salem NH 03079

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

# Newsletter of the MTCA

584 Main Street  
Athol MA 01331



## **Massachusetts Town Clerks Association**

### **President**

Donna Hooper, CMC/CMMC, Lexington

### **First Vice-President**

Nancy M. Blackmer, MMC/CMMC, Orange

### **Second Vice-President**

Andrew T. Dowd, CMC/CMMC, Northborough

### **Secretary**

Jeremy P. Gillis, MMC/CMMC, Easton

### **Treasurer**

Robert E. Cutler, Jr., CMC, Foxborough

### **Editor**

Nancy E. Burnham, CMMC, Athol

## **The Public Recorder**

The Public Recorder is published monthly August to June by the Massachusetts Town Clerks' Association for its membership.

Closing date for copy submission is the FIRST DAY of each month. All news, notes, clippings, meeting notices, and address corrections should be sent to Editor Nancy E. Burnham, 584 Main Street, Athol MA 01331

Phone: 978-249-4551

Email: [townclerk@townofathol.org](mailto:townclerk@townofathol.org)

Website: [www.newenglandclerks.org](http://www.newenglandclerks.org)