Town of Rowe – FY2010
Board of Selectmen
Minutes – Wednesday, April 7, 2010 – 6:30pm

Call to order: The meeting was called to order at 6:40pm by Chair Bill Loomis.

Present: Selectmen Bill Loomis and Paul McLatchy III; Town Coordinator Ellen Miller

Also Present: Finance Committee members: David Dvore and Anne Besgen

Dog Complaint: Richard Quinn (present) of 16 Hazelton Road attended meeting to hear of status of his March 18 dog complaint. Dog Officer Russ Powers did visit the dog owner Lisa Bryant of 11 Hazelton Road. She was advised that dogs need to stop nuisance barking. At the request of Chair Loomis, Ms. Miller contacted Attorney Pumphrey for wording for adoption of a non-criminal disposition by law, as provided in **MGL c.40, Sec 21D**, which states:

> Any city or town may by ordinance or by-law not inconsistent with this section provide for non-criminal disposition of violations of any ordinance or by-law or any rule or regulation of any municipal officer, board or department the violation of which is subject to a specific penalty.

Adoption of a **non-criminal disposition bylaw** would allow violations to be treated as a non-criminal matter. Without such a bylaw, violations only have the option as being enforced as criminal matters, resulting in criminal records for violators. Attorney Pumphrey provided a memo with three samples of non-criminal disposition bylaws that may be adopted. After some discussion it was voted to place an article on the Annual Town Meeting warrant using Sample #2, but only for the following dog bylaw: ***Article VII, Section 3: No personal shall keep any dog which by biting, howling, damaging public or private property or in any other manner disturbs the peace and quiet of the neighborhood or endangers the safety of any person.***

Wording for proposed non-criminal disposition bylaw:

> ARTICLE VIII - ENFORCEMENT
>
> Section 2: Noncriminal Disposition
>
> A. Rowe Bylaw Article VII, Section 3, pertaining to dog nuisances, may be enforced in the method provided in MGL c.40, §21D.
>
> B. For purposes of this Bylaw, the "enforcing person" shall mean any police officer of the Town of Rowe, the Dog Officer, his or her designees, and such other officials as the Board of Selectmen may from time to time designate. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.
>
> C. Notwithstanding any other provisions of this article, when enforced pursuant to the noncriminal disposition procedures of MGL c.40, §21D, the following shall be the fines applicable to the listed offenses, unless otherwise specifically provided by by-law, rule or regulation:
>
> | | |
> |---|---|
> | First Violation | $100.00 |
> | Second Violation | $200.00 |
> | Third Violation | $300.00 |
>
> D. Each day a violation exists shall constitute a separate violation.

She was also to find out if you can limit, by bylaw, the number of dogs on a single property. Mr. Quinn thanked the Board for taking these steps, and hopes that they will provide relief as the dog nuisance is creating stress and health problems for him and his wife. They need to sleep with a sound machine at night because of the barking.

Planning Board Budget: A memo was received from the Planning Board concerning two portions of their proposed FY2011 budget. Danette Reynolds-Gallaghar of the Planning Board was present to discuss the memo, which concerns the following:

- **$5000 for Legal Expenses:** They recently became aware of a firm proposing to locate a wind energy project in town (currently in negotiations with property owner and has option to lease land), and that there are other wind

generation companies looking at land in north Rowe. They need the $5000 legal expense line item to seek legal advice on these issues, as well as other issues that may arise.

- **Goal Post Operations:** They calculate that expenses are $9600 per year, and if budget reduced to $10,100 as recommended by Selectmen and Finance Committee, that would only leave $500 for unexpected expenses. They had originally requested $12,100—which would give a $2500 cushion.

A petition was also presented by the Planning Board, signed by 12 town residents, asking that an article be placed on the Annual Town Meeting warrant as follows:

> **Article 3:** To see if the Town will vote to **RAISE and APPROPRIATE** the following sum for the conduct of **General Government** for the 2011 fiscal year, or take any action in relation thereto:
>
> **Planning Board**

Planning Board Operations	1,250.00
Planning Board Legal Expenses	5,000.00
Planning Board *Goal Post* Operations	12,100.00

Proposed by the Rowe Planning Board

An opinion was received from Town Counsel concerning the issue of the Planning Board having their own legal expense line item for hiring its own attorney. Excerpts of her full opinion (attached) are:

- "...the Planning Board is precluded by law from having such a line item."
- "Massachusetts case law is well-settled that a municipal department or board lacks the authority to hire its own counsel."
- "In Rowe, Article III of the Bylaws explicitly provides that the 'Selectmen shall be the agents of the Town to initiate, prosecute and defend any and all claims, actions, suits and proceedings to which the Town is a party, or in which the interests of the Town are or may be involved..' Rowe Bylaws, Article III, Section 3. In addition, the 'Selectmen shall act as town agents and have the authority as agents and officers of the Town to appoint and employ a town counsel, **who shall act as attorney and counsel for the Town and the various officers and boards** thereof except where otherwise provided by law.' Rowe Bylaws, Article III, Section 2. Therefore, the Town's own Bylaw specifies that the Rowe Town Counsel acts as the attorney for the various boards."
- "The Planning Board is not a body separate or distinct from the Town of Rowe."
- "The Planning Board is an administrative body in Rowe." "...such a body has no authority to engage counsel, except as permitted by the municipal authority designated to appoint counsel, in Rowe, the Board of Selectmen."

A copy of counsel's opinion was provided to Ms. Gallaghar-Reynolds. Ms. Miller also stated that in an email to her from DOR Bureau of Municipal Finance Law Attorney Chris Hinchey he states that:

> "We've generally been skeptical of town departments' authority to hire their own legal counsel in the absence of statutory authorization, charter provisions, or special circumstances such as a conflict of interest on the part of town counsel. It would make sense to contact the planning board and ask them what authority they rely on to hire their own counsel, and to put them on notice of your intention not to approve bills for payment if they cannot provide satisfactory justification for their decision to hire their own attorney."

It was agreed that it would be better if the full Planning Board was present to discuss the matter. Ms. Gallaghar-Reynolds agreed, and will invite the full Planning Board to attend the next Selectmen's meeting on April 14th at 5pm.

School Solar Project: The Energy Committee would like an article place on a Town Meeting warrant concerning the school solar project. Although the project and EECBG grant (using federal ARRA funds) is already approved by the DOER, this will give townspeople the opportunity to show whether they support the project or not.

WiredWest Fiber Optic Project: Broadband Committee member David Dvore stated that internet speed via this fiber optic system would be 40-80 mbs vs. the highest available DLS service of 3 mbs...an enormous difference. Article wording for town meeting was distributed. This article will affirm the Town of Rowe's intent to enter into an inter-municipal agreement for the purpose of establishing a universal, open access, financially self-sustaining communication system for the provision of broadband service, including high-speed internet access, telephone and cable television to the residents, businesses and institutions of these municipalities. (See attached.)

Special Police Officer Appointment: The Selectboard voted unanimously to appoint Julie Shippee as a Special Police Officer. She plans to start training at the academy in Chicopee on or about April 20th.

Public Records Request: Chair Loomis reported that he attended the last Planning Board meeting and learned that the Planning Board did not vote to request the records (see March 31, 2010 BOS minutes), and there was no vote to send the letters requesting these documents. Ms. Miller, the Energy Committee, and the Yankee Land Committee are therefore not required to provide said records at this time. If David Roberson personally submits a request for these records, they will need to be provided, as per the state Public Records laws.

Conflict of Interest: Ms. Miller reported that she had received a verbal request from a town resident asking her if Planning Board Chair David Roberson had filed a disclosure statement with the Rowe Town Clerk disclosing that he is the Vice President and a Director of National Wind-Watch, an anti-wind power organization. The resident stated that state ethics laws require that as a Planning Board member he is required to file a disclosure statement every two years, and preface any statements he makes in public meetings where wind power is discussed with the statement that he is a VP and Director of said anti-wind organization. Ms. Miller reports that Town Clerk Silva states she has never received such a disclosure statement from Mr. Roberson.

Town Clerk Position: Town Clerk Carrie Silva provided a memo with job description and a detailed listing of hours worked from 6-30-08 to 4-7-10. For FY2010 her position averages 8.25 hours per week, but it does not include the May annual and special town meetings and annual town election.

Adjournment: The Selectboard voted unanimously to adjourn the meeting at 9:05pm.

Respectfully submitted,
Ellen B. Miller, Town Coordinator

Approved: _____
William A. Loomis, Chair

_____
Paul McLatchy III

_____
[Vacant]

July 7 2010
_____
Date Approved

Documents:

- Agenda
- Town Counsel April 6, 2010 letter Re: Noncriminal Disposition
- MGL c.40, Sec 21D re Non-criminal disposition of ordinance, by-law, rule or regulation violations
- Planning Board April 7, 2010 memo Re: FY2011 Budget
- Petition received April 7, 2010 re Planning Board Fy2011 Budget
- Town Counsel April 4, 2010 letter Re: Planning Board Outside Counsel Line Item
- WiredWest report on building a municipally-owned fiber-optic network
- Town Clerk April 6, 2010 memo Re: Town Clerk Job Description/Hours, etc.

Town of Rowe – FY2010

Board of Selectmen

Meeting Agenda – Wednesday, April 7, 2010 – 6:30pm

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1. Call to Order

2. Audience of Citizens

3. FY2011 Budget

4. FY2011 Annual Town Meeting Warrant

5. New Business
   a. Town Hall Internet

6. Routine Business - None

7. Next Regular Meeting: Wed, Apr 14, 2010
   Upcoming Meetings/Events: STAM mtg tomorrow 12 noon – Ayer Town Hall "Open Mtg Law"
   MGFOA Annual Mtg – Sturbridge, Friday May 7th

8. Adjourn Meeting

Next Town Meeting

a. Elevator Upgrade $1295 (infrared door protection system)
b. Prior Year Bills: Police (Stagecoach Auto) $135.00; School (First Student) $36.53
c. Transfer *Fire Pond Maintenance* to *Fire Pond Upgrade Project*

ATM

a. Right-to-Farm Bylaw – new
b. Finance Comm Bylaw – amend Art III, Sec. 11
c. FCSWMD – Leyden request to join district
d. Street Lights – sense of meeting (follow up to Paul Adams' request)
e. Sense of meeting – change some elected offices to appointed
f. Adopt MGL c.39, Sec 23D – attendance at adjudicatory hearings
g. WiredWest warrant article

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April 6, 2010

Janet Pumphrey
Jhpumphrey@k-plaw.com

Ellen Miller, Town Coordinator
Town of Rowe
321 Zoar Road, P.O. Box 462
Rowe, Massachusetts 01367

RE: Noncriminal Disposition

Dear Ms. Miller:

You asked for advice regarding the use of noncriminal disposition as a method for enforcing violations of state and local law. General Laws c. 40, §21D permits cities and towns, by ordinance or by-law, to provide for the noncriminal disposition of violations of any local law (ordinance, by-law, rule or regulation of a municipal officer, board or department), and in so doing, to provide for an enforcing person and a specific penalty. Accordingly, to utilize this procedure for violations of local laws, the Town must adopt a noncriminal disposition general by-law consistent with G.L. c.40, §21D.

The statute provides that municipalities may adopt such a by-law for violations of local ordinances, by-laws, rules and regulations. Therefore, it is my opinion that the noncriminal disposition procedure may not be used for violations of the General Laws, Code of Massachusetts Regulations or other state law, unless otherwise stated in the state statute, rule or regulation at issue. For example, G.L. c.40, §21D lists the following state statutes for which a municipality may utilize noncriminal disposition for enforcement of violations: G.L. c.85, §11C (bicycles); G.L. c.90, §18A (pedestrians); G.L. c.140, §173A (dog control); and G.L. c.270, §16A (rubbish disposal). Please note that G.L. c.40, §21D prohibits the use of noncriminal disposition for the enforcement of municipal traffic rules and regulations.

Therefore, if the Town votes to adopt a noncriminal disposition by-law pursuant to G.L. c.40, §21D, the procedure may be used for the enforcement of any local by-law, rule or regulation that provides for an enforcing person and a specific penalty for violation. The Town has the option of either:

(1) listing within the noncriminal disposition by-law each Town by-law, rule and regulation which may be enforced in accordance with the noncriminal disposition

by-law, along with the name of the enforcing person and specific penalty for each by-law, rule or regulation; or

(2) adopting a more general noncriminal disposition by-law and amending each particular Town by-law, rule or regulation which may be enforced by noncriminal disposition to state that it may be enforced in accordance with the noncriminal disposition by-law and to identify the enforcing person and specific penalty for a violation thereof.

Please note that the General Laws limit the penalty for a violation to $300 for each offense, although each day a violation exists may be deemed to be a separate offense. See G.L. c. 40, §§21, 21D.

I am providing you with the following three samples of non-criminal disposition by-laws. All of them would put all of the noncriminal disposition provisions in one general bylaw, but they could be adapted to follow option 1, above.

Sample 1

Whoever violates any provision of the By-laws of the Town of Rowe, or of any regulation of any municipal officer, board or department, may be penalized by non-criminal disposition as provided in MGL, Chapter 40, Section 21D. Each day on which any violation exists shall be deemed to be a separate offense. Violations of any by-law or rule or regulation of any town officer, board or department, may be enforced by any police officer of the Town, or by municipal personnel specifically referenced in a particular by-law, rule or regulation. Please note that penalties of up to $300.00 may be enforced through non-criminal disposition

When enforced through non-criminal disposition, the following Schedule of Penalties shall apply to violations of a by-law, rule or regulation, except as otherwise specified provided in such by-law, rule or regulation:

A. for a first violation of any provision in one calendar year
$25.00
B. for the second violation of the same provision within the same calendar year
$50.00
C. for the third and subsequent violations of the same provision within the same calendar year
$100.00

Sample 2

A. Any By-law of the Town of Rowe, or rule or regulation of its officers, boards, commissions and committees, may, in the discretion of the town official who is the appropriate enforcing person, be enforced in the method provided in MGL c. 40, § 21D.

B. "Enforcing person," as used in this section, shall mean any police officer of the Town of Rowe, with respect to any offense and the Building Inspector and his or her designees, the members of the Conservation Commission and its designees, the Board of Health and its designees, the Sealer of Weights and Measures [you may want to modify this list to make it particular to Rowe] and his or her designees and such other officials as the Board of Selectmen or by-law may from time to time designate, each with respect to violation of bylaws and rules and regulations within their respective jurisdictions. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.

C. Notwithstanding any other provisions of this article, when enforced pursuant to the noncriminal disposition procedures of MGL c. 40, § 21D, the following shall be the fines applicable to the listed offenses, unless otherwise specifically provided by by-law, rule or regulation:

First Offense _____
Second Offense _____
Third and subsequent offenses _____

Each day a violation exists shall constitute a separate violation.

Sample 3

The provisions of the Rowe General Bylaws or any rule or regulation of any Town board, officer, commission, or committee, may be enforced by the Board of Selectmen, any Police Officer of the Town of Rowe, or other enforcing authority specifically authorized by by-law, rule or regulation, by any available means in law or equity, including but not limited to enforcement by noncriminal disposition pursuant to G.L. c. 40, §21D. Each day a violation exists shall constitute a separate violation. When enforced through noncriminal disposition, unless otherwise specifically provided for by by-law, rule or regulation, the penalties shall be as follows:

First violation:	$100.00
Second violation:	$200.00
Third and subsequent:	$300.00

Please feel free to contact me if you have any further questions or would like additional assistance in this matter.

Very truly yours,

Janet Pumphrey

PART I. ADMINISTRATION OF THE GOVERNMENT
TITLE VII. CITIES, TOWNS AND DISTRICTS

CHAPTER 40. POWERS AND DUTIES OF CITIES AND TOWNS

ORDINANCES, BY-LAWS AND REGULATIONS

Chapter 40: Section 21D. Noncriminal disposition of ordinance, by-law, rule or regulation violations
Section 21D.

Any city or town may by ordinance or by-law not inconsistent with this section provide for non-criminal disposition of violations of any ordinance or by-law or any rule or regulation of any municipal officer, board or department the violation of which is subject to a specific penalty.

Any such ordinance or by-law shall provide that any person taking cognizance of a violation of a specific ordinance, by-law, rule or regulation which he is empowered to enforce, hereinafter referred to as the enforcing person, as an alternative to initiating criminal proceedings shall, or, if so provided in such ordinance or by-law, may, give to the offender a written notice to appear before the clerk of the district court having jurisdiction thereof at any time during office hours, not later than twenty-one days after the date of such notice. Such notice shall be in triplicate and shall contain the name and address, if known, of the offender, the specific offense charged, and the time and place for his required appearance. Such notice shall be signed by the enforcing person, and shall be signed by the offender whenever practicable in acknowledgment that such notice has been received.

The enforcing person shall, if possible, deliver to the offender a copy of said notice at the time and place of the violation. If it is not possible to deliver a copy of said notice to the offender at the time and place of the violation, said copy shall be mailed or delivered by the enforcing person, or by his commanding officer or the head of his department or by any person authorized by such commanding officer, department or head to the offender's last known address, within fifteen days after said violation. Such notice as so mailed shall be deemed a sufficient notice, and a certificate of the person so mailing such notice that it has been mailed in accordance with this section shall be prima facie evidence thereof.

At or before the completion of each tour of duty, or at the beginning of the first subsequent tour of duty, the enforcing person shall give to his commanding officer or department head those copies of each notice of such a violation he has taken cognizance of during such tour which have not already been delivered or mailed by him as aforesaid. Said commanding officer or department head shall retain and safely preserve one copy and shall, at a time not later than the next court day after such delivery or mailing, deliver the other copy to the clerk of the court before which the offender has been notified to appear. The clerk of each district court and of the Boston municipal court shall maintain a separate docket of such notices to appear.

Any person notified to appear before the clerk of a district court as hereinbefore provided may so appear and confess the offense charged, either personally or through a duly authorized agent or by mailing to the city or town clerk of the municipality within which the violation occurred together with the notice such specific sum of money not exceeding three hundred dollars as the town shall fix as penalty for violation of the ordinance, by-law, rule or regulation.

Such payment shall if mailed be made only by postal note, money order or check. Upon receipt of such notice, the city or town clerk shall forthwith notify the district court clerk of such payment and the receipt by the district court clerk of such notification shall operate as a final disposition of the case. An appearance under this paragraph shall not be deemed to be a criminal proceeding. No person so notified to appear before the clerk of a district court shall be required to report to any probation officer, and no record of the case shall be entered in any probation records.

If any person so notified to appear desires to contest the violation alleged in the notice to appear and also to avail himself of the procedure established pursuant to this section, he may, within twenty-one days after the date of the notice, request a hearing in writing. Such hearing shall be held before a district court judge, clerk, or assistant clerk, as the court shall direct, and if the judge, clerk, or assistant clerk shall, after hearing, find that the violation occurred and that it was committed by the person so notified to appear, the person so notified shall be permitted to dispose of the case by paying the specific sum of money fixed as a penalty as aforesaid, or such lesser amount as the judge, clerk or assistant clerk shall order, which payment shall operate as a final disposition of the case. If the judge, clerk, or assistant clerk shall, after hearing, find that violation alleged did not occur or was not committed by the person notified to appear, that finding shall be entered in the docket, which shall operate as a final disposition of the case. Proceedings held pursuant to this paragraph shall not be deemed to be criminal proceedings. No person disposing of a case by payment of such a penalty shall be required to report to any probation office as a result of such violation, nor shall any record of the case be entered in the probation records.

If any person so notified to appear before the clerk of a district court fails to pay the fine provided hereunder within the time specified or, having appeared, does not confess the offense before the clerk or pay the sum of money fixed as a penalty after a hearing and finding as provided in the preceding paragraph, the clerk shall notify the enforcing person who issued the original notice, who shall determine whether to apply for the issuance of a complaint for the violation of the appropriate ordinance, by-law, rule or regulation.

As used in this section the term "district court" shall include, within the limits of their jurisdiction, the municipal court of the city of Boston and the divisions of the housing court department of the trial court.

The notice to appear provided for herein shall be printed in such form as the chief justice of the municipal court of the city of Boston shall prescribe for said court, and as the chief justice of the district courts shall prescribe for the district courts. Said notice may also include notice of violations pursuant to section eleven C of chapter eighty-five, section eighteen A of chapter ninety, section one hundred and seventy-three A of chapter one hundred and forty and section sixteen A of chapter two hundred and seventy. Any fines imposed under the provisions of this section shall enure to the city or town for such use as said city or town may direct. This procedure shall not be used for the enforcement of municipal traffic rules and regulations. Chapter ninety C shall be the exclusive method of enforcement of municipal traffic rules and regulations.

Town of Rowe

MEMO

Ph: 413-339-5520
Fax: 413-339-8585

PLANNING BOARD

RECEIVED
APR 7 2010
TOWN OF ROWE

To: Board of Selectmen and Finance Committee

From: Planning Board

Date: April 7, 2010

Re: FY2011 Budget

Since our meeting with you on March 18, 2010, we have become aware of a situation that the Planning Board will be faced with in the near future that will impact our [Legal]Consulting Expenses request. On March 30, 2010 representatives from Quabbin Wind (based in Barre, MA) attended an Energy Committee meeting to introduce themselves and outline a proposed wind energy project to be located in Rowe. The project would consist of one wind turbine, 305 to 350 feet in height, to be sited on the north side of Cyrus Stage Road. Quabbin Wind has been in negotiations with the property owner and has an option to lease some of their land. We have also heard that there are other wind generation companies looking at land in north Rowe.

Our request for $5,000 for Legal Expenses was not only for guidance on revising the current zoning bylaws, but to seek legal advice for other situations that may present themselves to the Board. This is one of those situations. We understand your concern that our having a separate counsel may be a duplication of services (the possibility that town counsel may also need to be consulted) and, therefore, a waste of money. However, we believe it is necessary for the Planning Board to have ready access to legal counsel, a quick response from that counsel and, most importantly, that the counsel be someone who is local and understands the local culture and values.

We hope you will reconsider our [Legal]Consulting Expenses request and approve the $5,000 we have requested.

We also recalculated the figures for the Goal Post as the first calculations did not include postage. It costs approximately $800 to publish and mail each issue of the Goal Post - a total of $9600 per year. If the budget was reduced to your recommended $10,100 per year, it would leave $500 for unexpected expenses (extra postage, supplies, etc).

Thank you for your consideration.

We the undersigned residents of Rowe, request that the following article be placed on the warrant for Annual Town Meeting on May 11, 2010:

Article 3: To see if the Town will vote to **RAISE and APPROPRIATE** the following sum for the conduct of **General Government** for the 2011 fiscal year, or take any action in relation thereto:

Planning Board

Planning Board Operations	$1,250
Planning Board Legal Expenses	$5,000
Goal Post Publication	$12,100

Proposed by the Rowe Planning Board

RECEIVED
APR 7 2010
TOWN OF ROWE

(NAME)	(ADDRESS)	(DATE)
David Roberson (DAVID ROBERSON)	539 TUNNEL RD, ROWE	April 5, 2010
Joann M. Brown (JOANN M. BROWN)	27 Newell Cross rd, ROWE	April 5 2010
Angela Foskey	19 Ford Hill	4-5-10
Dorothy Hagaard-Gallagher	30 Potter Rd	4-5-10
Katharine Heelgren	71 Cross Rd	4-5-10
Carlos Hedegaard	71 Cross Rd	4-5-10
Susan Taylor	58 Pond Rd	4-5-10
Linda Birkford	182 Ford Hill Rd	4-5-10
James Lively	4 Stone Hill Rd	4-5-10
Edwin A Palmer	6 PALMER RD	5 APR 10
Shirley Vehrer	3 Pine Hill Dr	4/6/10
John R Backard	47 Stone Hill Rd	3/6/10

We, Board of Registrars, Certify Above Names Are Registered Voters Of The Town Of Rowe This Wednesday, April 7, 2010.

Carrie Y. Silva - Carrie Y. Silva

Lisa L. Miller - Lisa L. Miller

Helen R. Shields - HELEN R. SHIELDS

Judith A. Pierce - Judith A. Pierce

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BL
PM III
FinCom

April 4, 2010

Janet Pumphrey
Jhpumphrey@k-plaw.com

Ellen Miller, Town Coordinator
Town of Rowe
321 Zoar Road, P.O. Box 462
Rowe, Massachusetts 01367

RECEIVED
APR 7 2010
TOWN OF ROWE

RE: Planning Board Outside Counsel Line Item

Dear Ms. Miller:

You requested that I follow-up my opinion from September, 2009 on the issue of whether the Planning Board may hire its own attorney who would perform "consulting services" for the Planning Board.

Massachusetts case law is well-settled that a municipal department or board lacks the authority to hire its own counsel. In the leading case of Board of Public Works v. Board of Selectmen of Wellesley, 377 Mass. 621, 624 (1979), the Supreme Judicial Court reiterated the fundamental principle: "It is conventional learning that a municipal department is not permitted to bring suit for the town without specific authorization from the town or from agents entitled to act for it unless, indeed, there is governing legislation conferring the power on the department. . . The rule serves to prevent confusion or conflict in the direction and management of municipal litigation."

In another more recent ruling, Town of Rehoboth, et al. v. Roger Breault, et al., Land Court Misc. No. 09-405262-CWT, a Land Court judge, based upon the Wellesley case, ruled that counsel could not appear to defend the Town of Rehoboth zoning board of appeals where the appropriate officials in that community (the board of selectmen) refused to appoint counsel for the board. The Land Court ruled, "the Board of Appeals is

without the executive authority to direct the legal interests of the Town of Rehoboth, whether Town funds are expended or not."

In Rowe, Article III of the Bylaws explicitly provides that the "Selectmen shall be the agents of the Town to initiate, prosecute and defend any and all claims, actions, suits and proceedings to which the Town is a party, or in which the interests of the Town are or may be involved..." Rowe Bylaws, Article III, section 3. In addition, the "Selectmen shall act as town agents and have the authority as agents and officers of the Town to appoint and employ a town counsel, **who shall act as attorney and counsel for the Town and the various officers and boards** thereof except where otherwise provided by law." Rowe Bylaws, Article III, section 2. Therefore, the Town's own Bylaw specifies that the Rowe Town Counsel acts as the attorney for the various boards.

The Planning Board is not a body separate or distinct from the Town of Rowe. While the Planning Board exists pursuant to state law, G.L. c.40B, the Planning Board, like many other municipal boards, is not an independent body for the purpose of hiring counsel in circumstances where the Board of Selectmen has determined that counsel should not be provided. *Compare* Middleborough v. Middleborough Gas & Electric Dep't., 422 Mass. 583, 585 (1996) (whether a suit may lie between a town and a municipal body within it "depends on whether [the municipal body] and the town are sufficiently distinct as financial and political entities to support a suit by" one against the other). The Planning Board is an administrative body in Rowe. Like those entities, absent specific authorization, such a body has no authority to engage counsel, except as permitted by the municipal authority designated to appoint counsel, in Rowe, the Board of Selectmen.

It would be extremely detrimental to the management and functioning of municipal government in Massachusetts if every local board or official were allowed to retain counsel whenever the board or official disagrees with the position of the entity possessing the power to determine when and if the municipality will be represented in litigation. The basic control by the designated municipal officials to conduct public business would be severely undermined. The public interest is protected when the public authorities vested with the power to appoint as counsel are vested with the discretion to determine when, if, and whom to appoint as counsel to represent the municipality.

Towns do sometimes hire consultants who happen to be attorneys to advise them with respect to discrete tasks, such as the drafting of zoning or personnel bylaws. These consultants can be planners, employment specialists, or attorneys with expertise in drafting bylaws and ordinance. Kopelman and Paige is often hired as Special Counsel to perform such services for towns seeking expert help in redrafting their zoning, personnel or other regulations.

The question here is whether the Planning Board is seeking its own attorney to perform legal services, such as legal advice and opinions, or for the specific task of re-drafting the zoning bylaw. I would advise that the Board of Selectmen and Finance Committee determine exactly what role the Planning Board intends to have their attorney perform. If that role is at odds with the principles I have set out in the beginning of this opinion – i.e., the Planning Board is retaining counsel when the board disagrees with the position of the Board of Selectmen – then it is my opinion that the Planning Board is precluded by law from having such a line item. But, if the Planning Board can inform the Board of Selectmen and Finance Committee as to the provisions in the Zoning Bylaw which need revision and explain why an outside consultant is required, then it would be up to the Finance Committee to approve that requested line item in the budget.[2]

Very truly yours,

Janet Pumphrey

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[2] General Laws chapter 39, § 16 provides that "In every town having a committee appointed under authority of this section, such committee, or the selectmen if authorized by a by-law of the town, and, in any town not having such a committee, the selectmen, shall submit a budget at the annual town meeting." In Rowe, the Finance Committee submits the budget article for the warrant at the annual town meeting.

Report on Building a Municipally-Owned Fiber-Optic Network

WiredWest Communications, a community broadband network representing citizens in more than 30 towns in Berkshire, Franklin, Hampden and Hampshire counties, has studied how to make high-speed Internet access available to every household and business in our rural towns and has concluded that a universally-accessible, municipally-owned fiber-optic network, open to all providers, is the best solution. We believe that commercial Internet providers, such as Comcast and Verizon, will never expand significantly to reach unserved customers and will certainly never deliver universal coverage. Building it ourselves is our only alternative.

A joint, publicly-owned entity among towns should be formed.
This warrant article requests that our town Select Board consider entering into an agreement with other western Massachusetts towns to create a jointly-owned municipal entity. This entity will fully develop the business and economic model, secure appropriate financing through private and/or public sources, contract the design, construction and operation of the network, and own the network assets - all under the supervision of the participating towns. The network will be managed in the interests of our town's citizens and will be fiscally responsible, transparent, and financially self-sustaining. A fundamental goal of the joint entity will be to structure the financing such that towns will not incur debt burden and to capitalize the network through private or public loans and grants.

A fiber optic network is vastly superior to other telecommunications technologies.
After considering other technologies, including DSL, cable, and wireless broadband, we have concluded that a fiber-optic network is technically superior because it is the only infrastructure that has the capacity to handle the increasing requirements of modern applications today, and its capacity is expandable for the foreseeable future. Fiber optic technology provides the fastest internet service possible, and offers the best value in terms of longevity, utility and ability to provide universal coverage. A fiber optic network will not only provide competitively priced, high quality internet, telephone and television services but a host of other services such as interactive video, telemedicine and more. The network infrastructure is robust and experts put its lifespan at 40 years or more. Similar municipally-owned fiber optic networks are successfully operating in many communities across the country.

The proposed network will be universal and open.
We believe that network services should be made available within member towns to every home and business in town that wants service. No other provider is committed to this objective and alternative systems such as DSL, cable and wireless cannot ensure universal availability. Moreover, our municipally-owned network will be an open network which will allow multiple providers to offer an array of services and content for subscribers at competitive prices.

The proposed warrant article for Annual Town Meeting appears below.

Article [*X*]: To see if the Town will vote to enter into immediate discussions with other Western Massachusetts municipalities with the intent of entering [into] an inter-municipal agreement, by and through the Select Board, pursuant to Chapter 40, Section 4A of the Massachusetts General Laws, for the purpose of establishing a universal, open access, financially self-sustaining communication system for the provision of broadband service, including high-speed Internet access, telephone and cable television to the residents, businesses and institutions of these municipalities; or act in relation thereto.

BC
PM III

MEMORANDUM

TO: BOARD OF SELECTMEN

FROM: CARRIE Y. SILVA
TOWN CLERK

DATE: APRIL 6, 2010

RE: TOWN CLERK JOB DESCRIPTION / HOURS, ETC.

I have attached a detailed timesheet containing most of my accountable time since I became elected as Town Clerk in May, 2008. As you will see, I have increased in hours, yet decreasing in pay. I feel, since I have been Town Clerk now for about 2 years, 1st year of learning basics and implementing, the 2nd year has been continuing basics yet learning and implementing new tasks, i.e. "Conflict of Interest", new Re-marry Forms, etc. Although I would personally consider Town Clerk as one who serves the public, I would also state he/she is a secretary/administrative assistant to the State of Massachusetts being accountable to both. And, as times/years change, so doesn't the role of Town Clerk where earlier Town Clerks had to handwrite records, minutes, etc. And we are fortunate with the computer; we are also given more responsibilities, knowledge needed to know and remember and more record keeping. I have created a job description below pertaining to responsibilities/duties a Town Clerk must possess:

TOWN CLERK RESPONSIBILITIES / JOB DESCRIPTION
Include But Are Not Limited To

April 6, 2010

1. Must possess knowledge of laws, both State and Federal, or know where to find the laws and/or answers and abide by them and have excellent communication skills as he/she both deals with the public and the state. Not only does the Town Clerk need to work independently, but also he/she needs to know who to see and talk to when needed.
2. Town Clerk needs to be able to listen with open ears and be sensitive with others.
3. Town Clerk must be diplomatic as he/she works both with Town Residents and Town Government.
4. Confidentiality is also a must in certain circumstances yet maintaining public information.
5. Must be able to multi-task and meet deadlines and manage the process with notification, procedures and who needs to be informed, i.e. Town Residents, Town Government, State of Massachusetts (Secretary Galvin's office, etc.).
6. Town Clerk not only serves the Town Residents and Town Government, but also serves the Public and the State of Massachusetts.

7. Town Clerk is the key holder of Vital Records and Statistics, which consist of the past, present and future, i.e. birth, death, marriage, etc. While he/she maintains the information, part of the responsibilities is also creating, copying and certifying on an as needed basis.
8. Maintains voter / census information on the VRIS System (Voter Registration Information System State Computer) which includes registering new voters, voter registration changes, removing voters who have written notification of moving and/or deceased and sending out acknowledgement forms of it being done, keeping residents/individuals informed.
9. Maintains and issues Dog Licenses and knowledge of dog laws. Keeps record of licenses issued and record of rabies' certificates. Holds Rabies' Clinic once a year switching from Heath Town Hall to Rowe Town Hall year to year and coordinates setting up and getting the information out to the public (via Goal Post, Newspapers, etc.).
10. Maintains and issues Hunting/Fishing Licenses and Stamps and knowledge of the laws from the Division of Fish and Wildlife ("DIFW") and abiding by them. Transmitting information on DIFW Forms and mailing off information and check payable to DIFW once a month.
11. Town Clerk must maintain information and money to turnover to Treasurer once a month (known as "month-end") and preparing appropriate forms with correct and complete information (i.e. dog licenses, hunt/fish licenses & stamps, genealogy requests, copy requests and certified copy requests, marriage intentions and licenses, birth, death and information, etc.) and copy of all.
12. Research Genealogy Requests in old records, compiling information and either sending back info or copying and mailing as requested.
13. Takes minutes at STMs and ATMs (Special Town Meetings and Annual Town Meetings), compile materials needed (voter lists, recorder, etc.). Prepares official results and posts at Town Hall, School, Library and/or Transfer Station and makes sure gets put into Town Record Books. If needed, when there is a new by-law to implement and or certain money borrowing situations, need to do appropriate forms and submit to all parties they pertain to, including DOR (Department of Revenue) and AG's Office (Attorney General's Office) and make sure records are kept.
14. Elections – although Town Clerk is not required by law to be at elections, he/she is required to be attainable via phone, etc. if something should arise. Town Clerk deals with elections from beginning to end by finding and assigning poll workers, makes sure voter registration is up-to-date, maintains absentee ballot applications and mailing and receiving both applications and absentee ballots in timely manner and keeps record for day of election for Constable, sets up all materials and gathers all materials, prepares warrant for State Elections, records all unofficial and official results for both the State and the Town on both state computer and town computer, notifies all appropriate parties of all results, including newspapers, Goal Post, Associated Press, etc. and files results in Town Records. With Town Elections, prepares ballot for printing from Adam's Printing and ES&S, makes sure has computer chip card for Automark Machine, sets up machine on day of election but has to test machine prior to election with ballots,

prepares nomination papers and coordinates with Board of Registrars for review to submit to Town Clerk, enters information in VRIS System of whose running etc. and enters information to ES&S of same.

15. Swears in all Appointees and Elected Officials of which they take an Oath of Office. Keeping appointment papers and resignation papers on file.
16. Prepares and submits list of appointments for Board of Registrars and Election Workers making sure there is equal party representation.
17. Prepares and submits monthly Town Clerk News to the Goal Post (Town Newsletter) pertaining to various information, i.e. hunting info, dog license, elections, vacant positions, residents running for positions, results of elections and/or meeting, etc.
18. New, as of 2009, Conflict of Interest Summaries to municipal employees and new employees and trying to implement and inform of online training and maintaining records of acknowledgement and training certificates on file. Summaries need to be done on a yearly basis and training needs to be done every two (2) years and again submitting all back to Town Clerk to keep on file.
19. Preparing and issuing of Raffle/Bazaar Permits as requested/needed and keeping record on file and sending to Mass Lottery in Braintree.
20. Preparing and issuing Business Certificates and keeping record on file and informing appropriate parties, as needed.
21. On a yearly basis, review and prepare budget worksheets for review and approval, prepare and review Certification of Appropriations and Sources of Funding sheet and review recap and approve for submittal to DOR, compile all years (January – December) records/information, including meetings, elections and results for all, and create files to submit to Town Coordinator for Annual Report.
22. Sending out Census Letters on an annual basis to all residents and updating all information in VRIS System and keeping information on file.
23. Coordinates Voter Registration Sessions.
24. Also is on Board of Registrars.
25. And perform whatever duties that may arise as needed, as everyday there is something new.

Carrie Y. Sil Elected Town Clerk in May 17, 2008
1 = One Hour; .25 = 15 Minutes; .50 = Half Hour; .75 = 45 Minutes

May 17 thru July 14, 2008 - Did Not keep track of time

Date		Times	Hours	
FY 2008 End	**6/30/2008**	6:30 pm - 8:00 pm	1.50	STM 7:00 - 8:00 **(This is not included in totals below)**
FY 2009 Begins 7/1/08		**Missing Time 7/1/08 - 7/14/08 Didn't Record**		**This is not included in totals below**
	07/15/2008	10:30 - 1:30	3.00	Town Hall - Phone calls, emails, appointment papers, etc.
	07/16/2008	9:00 - 1:30	4.50	Town Hall - Phone calls, emails, geneology requests, prepare Registrar of Voter's List; Election Tellers List; memo for apptmts; labels, review MGL's etc.
	07/17/2008	11:00 - 12:00	1.00	Town Hall
			8.50	**Week Ending 7/20/08**
	07/21/2008	10:45 - 1:15	2.50	Town Hall
	07/22/2008	10:30 - 1:30	3.00	Town Hall
			5.50	**Week Ending 7/27/08**
	07/29/2008	8:45 - 1:45	5.00	Town Hall
	08/01/2008		0.25	Fish License @ Home
			5.25	**Week Ending 8/3/08**
	08/04/2008		1.00	Fish License @ Home & went to Town Hall and went thru Mail
	08/05/2008	8:30 - 2:00	5.50	Swore Appointee in at home and went to Town Hall (various - business certificates; nom papers; end of month forms, etc.)
	08/08/2008		1.25	7 Fish Licenses @ Home
			1.00	Went to Town Hall (Birth Cert and Voter Registration)
			8.75	**Week Ending 8/10/08**
	08/12/2008	8:45 - 2:15	5.50	Town Hall
			5.50	**Week Ending 8/17/08**
	08/19/2008	8:30 - 12:00	3.50	Town Hall
			3.50	**Week Ending 8/24/08**

Date	Times	Hours	
08/26/2008	**Didn't Work - Sick**	**0.00**	**OUT**
08/29/2008	10:00 - 10:30	0.50	Town Hall
		0.50	**Week Ending 8/31/08**
09/02/2008	8:30 - 12:00	3.50	Town Hall
09/03/2008	12:30 - 2:45	2.75	Town Hall - Mailed Absentee Ballots; Reviewed Warrant, etc.
09/04/2008	4:15 - 5:15	1.00	Town Hall - Email, mail, dog license, posting notes, etc.
		7.25	**Week Ending 9/7/08**
09/08/2008	8:40 - 9:40	1.00	Town Hall
09/09/2008	8:40 - 12:10	3.50	Town Hall
09/12/2008	9:15 - 10:00	0.75	Town Hall
		5.25	**Week Ending 9/14/08**
09/15/2008	3:45 - 6:00	2.25	Town Hall
09/16/2008	6:00 am - 10:00 pm	16.00	**State Primary Election / Town Clerk Work**
09/17/2008	8:45 - 12:15	3.50	Town Hall
		21.75	**Week Ending 9/21/08**
09/23/2008	8:45 - 12:15	3.50	Town Hall
09/28/2008		0.25	Archery Stamp @ Home
		3.75	**Week Ending 9/28/08**
09/29/2008		0.50	Fish License @ Home
09/30/2008	8:45 - 12:15	3.50	Town Hall
		4.00	**Week Ending 10/5/08**
10/07/2008	**Out - Catie in Hospital**	**0.00**	**OUT**
10/09/2008	10:30 - 12:00	1.50	Town Hall
10/11/2008		0.50	2 Hunting Licenses @ Home
		2.00	**Week Ending 10/12/08**
10/14/2008	8:45 - 12:15	3.50	Town Hall
	4:45 - 5:45	1.00	Worked at Home
	9:00 pm - 12:30 am	3.50	Worked at Home Creating Excel Spreadsheet / Dog List
10/15/2008	1:00 - 4:45	3.75	Town Hall
10/17/2008	2:30 - 3:30	1.00	Town Hall
		12.75	**Week Ending 10/19/08**

Date	Times	Hours	
10/21/2008	8:45 - 12:15	3.50	Town Hall
10/22/2008	2:15 - 2:45	0.50	Town Hall - Checking Mail, etc.
10/24/2008	12:00 - 12:30	0.50	Town Hall
		4.50	**Week Ending 10/26/08**
10/27/2008	12:30 - 1:00	0.50	Town Hall
10/28/2008	9:00 - 12:15	3.25	Town Hall
10/30/2008	4:00 - 5:00	1.00	Town Hall
		4.75	**Week Ending 11/2/08**
11/03/2008	8:45 - 12:15	3.50	Town Hall
11/04/2008	6:00 am - 1:00 am	19.00	**State Election / Town Clerk Work**
11/05/2008	12:00 pm - 2:30 pm	2.50	Town Hall
		25.00	**Week Ending 11/9/08**
11/13/2008	11:00 - 12:00	1.00	Town Hall
11/14/2008	12:15 - 2:00 pm	1.75	Town Hall - Certifying Election Results, etc.
		2.75	**Week Ending 11/16/08**
11/18/2008	9:00 - 12:15	3.25	Town Hall
		3.25	**Week Ending 11/23/08**
11/24/2008	9:00 - 2:30	5.50	Town Hall
11/25/2008	8:45 - 12:15	3.50	Town Hall
		9.00	**Week Ending 11/30/08**
12/02/2008	8:45 - 12:15	3.50	Town Hall
12/05/2008		4.00	Dog Licenses @ Home and Making Separate Folders for all owners, etc.
12/06/2008		0.25	Dog License @ Home
12/07/2008		0.25	Dog License @ Home
		8.00	**Week Ending 12/7/08**
12/08/2008		3.00	Worked @ Home Updating Dog List
12/09/2008	8:45 - 12:00	3.25	Town Hall
12/10/2008		1.00	Licenses @ Home
12/11/2008	2:30 - 4:15	1.75	Town Hall
		9.00	**Week Ending 12/14/08**
12/16/2008	9:30 - 1:45	4.25	Town Hall
12/18/2008	9:00 - 12:00	3.00	Town Hall
	7:05 - 8:20	1.25	STM 7:00 - 8:00
		8.50	**Week Ending 12/21/08**

Date	Times	Hours	
12/23/2008	9:05 - 12:20	3.25	Town Hall
		3.25	**Week Ending 12/28/08**
12/30/2008	9:00 - 12:00	3.00	Town Hall
		3.00	**Week Ending 1/4/09**
01/05/2009		0.50	Did 2 Hunt Licenses @ Home
	10:50 - 12:20	1.50	Town Hall
01/06/2009	9:00 - 2:30	5.50	Town Hall
01/08/2009		2.00	Month End @ Home & Fish & Hunt License
01/09/2009	11:15 - 12:45	1.50	Town Hall
		11.00	**Week Ending 1/11/09**
01/12/2009	10:10 - 12:10	2.00	Town Hall
01/13/2009	8:50 - 12:20	3.50	Town Hall
		5.50	**Week Ending 1/18/09**
01/20/2009	8:50 - 12:05	3.25	Town Hall
		3.25	**Week Ending 1/25/09**
01/27/2009	9:15 - 12:15	3.00	Town Hall
01/28/2009		2.00	Worked @ Home 09 Census Mailing (208)
01/29/2009		4.00	Worked @ Home 09 Census Mailing (208)
01/30/2009		2.00	Worked @ Home 09 Census Mailing Finished
		11.00	**Week Ending 2/1/09**
02/03/2009	8:45 - 12:15	3.50	Town Hall
02/04/2009	9:45 - 12:15	2.50	Town Hall
02/05/2009	8:40 - 12:40	4.00	Town Hall
		10.00	**Week Ending 2/8/09**
02/09/2009	8:50 - 12:05	3.25	Town Hall
	7:30 pm - 11:30 pm	4.00	Worked @ Home on 08 Ann Report & Calendar (Elections)
02/10/2009	9:30 - 12:15	2.75	Town Hall
	1:30 - 7:30	6.00	Worked @ Home on 08 Ann Report & Calendar
		16.00	**Week Ending 2/15/09**
02/17/2009	9:00 - 11:30	2.50	Town Hall
		2.50	**Week Ending 2/22/09**

Date	Times	Hours	
02/23/2009		1.50	Worked @ Home on 08 Ann Report
	11:00 - 12:00	1.00	Town Hall
02/24/2009	9:00 - 12:00	3.00	Town Hall
02/25/2009	9:00 - 12:00	3.00	Town Hall
02/26/2009	9:00 - 12:00	3.00	Town Hall
		11.50	**Week Ending 3/1/09**
03/03/2009	8:50 - 12:20	3.50	Town Hall
03/05/2009	10:05 - 12:20	2.25	Town Hall
		5.75	**Week Ending 3/8/09**
03/10/2009	9:30 - 12:15	2.75	Town Hall
		3.00	Worked @ Home Month End Work
03/11/2009	10:30 - 12:30	2.00	Town Hall
03/12/2009	10:00 - 11:00	1.00	Town Hall
03/14/2009	9:30 - 12:30	3.00	Heath Town Hall for Rabies Clinic
		11.75	**Week Ending 3/15/09**
03/17/2009	8:50 - 12:20	3.50	Town Hall
03/19/2009	8:35 - 12:20	3.75	Town Hall
		7.25	**Week Ending 3/22/09**
03/24/2009	8:40 - 12:10	3.50	Town Hall
03/25/2009	1:45 - 3:15	1.50	Town Hall
		5.00	**Week Ending 3/29/09**
03/31/2009	8:45 - 10:15	1.50	Town Hall
04/01/2009	8:45 - 12:15	3.50	Town Hall
04/02/2009	9:10 - 12:10	3.00	Town Hall
		8.00	**Week Ending 4/5/09**
04/06/2009	9:30 - 12:00	2.50	Town Hall
04/07/2009	8:45 - 12:15	3.50	Town Hall
04/08/2009	9:00 - 10:00	1.00	Town Hall
	6:35 - 7:35	1.00	Worked @ Home on ATE Stuff
04/09/2009	1:30 - 2:45	1.25	Town Hall
		9.25	**Week Ending 4/12/09**
04/14/2009	8:45 - 12:15	3.50	Town Hall
04/15/2009	10:00 - 12:15	2.25	Town Hall
04/16/2009	9:30 - 10:15	0.75	Town Hall
		6.50	**Week Ending 4/19/09**

Date	Times	Hours	
04/21/2009	9:45 - 1:15	3.50	Town Hall
		3.50	**Week Ending 4/26/09**
04/28/2009	8:20 - 12:20	4.00	Town Hall
		1.00	Election Work
04/30/2009	10:15 - 12:00	1.75	Town Hall
		6.75	**Week Ending 5/3/09**
05/04/2009	Went to North Adams Printing	1.50	Went to North Adams Printing
05/05/2009	9:30 - 12:15	2.75	Town Hall
05/07/2009	8:50 - 12:20	3.50	Town Hall
		7.75	**Week Ending 5/10/09**
05/12/2009	**Out due to Dad**	**0.00**	**Week Ending 5/17/09**
05/19/2009	**Out due to Dad**	**0.00**	**Week Ending 5/24/09**
05/26/2009	**Out due to Wake/Funeral for Dad**	**0.00**	
05/28/2009		0.50	Back and went to Town Hall to Check Everything
		0.50	**Week Ending 5/31/09**
06/01/2009	9:00 - 11:45	2.75	Town Hall
06/02/2009	8:30 - 12:00	3.50	Town Hall
06/03/2009	10:00 - 11:00	1.00	Town Hall
06/04/2009	8:45 - 12:15	3.50	Town Hall
		10.75	**Week Ending 6/7/09**
06/08/2009	9:15 - 1:30	4.25	Town Hall
06/09/2009	8:45 - 12:15	3.50	Town Hall
06/11/2009	8:45 - 12:00	3.25	Town Hall
		11.00	**Week Ending 6/14/09**
06/16/2009	9:00 - 12:15	3.25	Town Hall
06/17/2009	8:45 - 12:00	3.25	Town Hall
06/18/2009	10:00 - 12:00	2.00	Town Hall
		8.50	**Week Ending 6/21/09**
06/23/2009	8:45 - 11:45	3.00	Town Hall
		3.00	**Week Ending 6/28/09**

Date	Times	Hours	
06/29/2009	10:00 - 11:00	1.00	Town Hall
06/30/2009	8:15 - 12:00	3.75	Town Hall
		4.75	**FY Ending 2009**

Total for FY 2009	**356.00**	**Hours / 52 weeks Averages to about 6.85 Hours/week +/-**

FY 2009 Stipend $6,531.00 / $544.25/month before taxes/medicaid, etc.

$18.34/hour +/- before taxes/medicaid, etc.

FY 2010 Begins 7/1/09

07/01/2009	10:30 - 12:00	1.50	Town Hall
		1.50	**Week Ending 7/5/09**
07/07/2009	8:45 - 12:30	3.75	Town Hall
07/09/2009	4:30 - 5:00	0.50	Town Hall
		4.25	**Week Ending 7/12/09**
07/14/2009	9:45 - 12:30	2.75	Town Hall
07/16/2009	9:00 - 10:00	1.00	Town Hall
		3.75	**Week Ending 7/19/09**
07/21/2009	10:00 - 1:45	3.75	Town Hall
		3.75	**Week Ending 7/26/09**
07/28/2009	10:30 - 1:15	2.75	Town Hall
07/31/2009	12:00 - 3:00	3.00	Town Hall
		5.75	**Week Ending 8/2/09**
8/3/09 - 8/6/09	BOA Training @ Umass	0.00	At Umass
		0.00	**Week Ending 8/9/09**
08/12/2009	10:15 - 1:30	3.25	Town Hall
		3.25	**Week Ending 8/16/09**
08/18/2009	9:10 - 1:10	4.00	Town Hall
		4.00	**Week Ending 8/23/09**

Date	Times	Hours	
08/25/2009	9:00 - 1:30	4.50	Town Hall
		4.50	**Week Ending 8/30/09**
09/01/2009	9:15 - 12:15	3.00	Town Hall
		3.00	**Week Ending 9/6/09**
09/08/2009	8:45 - 12:15	3.50	Town Hall
		3.50	**Week Ending 9/13/09**
09/15/2009	8:30 - 9:00	0.50	Town Hall
09/16/2009	8:30 - 3:00	6.50	Town Hall
		7.00	**Week Ending 9/20/09**
09/22/2009	8:45 - 1:15	4.50	Town Hall
09/24/2009	11:00 - 2:00	3.00	Town Hall
		7.50	**Week Ending 9/27/09**
09/29/2009	12:00 - 1:30	1.50	Town Hall
09/30/2009	11:00 - 1:00	2.00	Town Hall
10/01/2009	2:15 - 3:00	0.75	Town Hall
		4.25	**Week Ending 10/4/09**
10/05/2009	6:45 pm - 9:45 pm	3.00	STM
10/06/2009	8:45 - 2:45	6.00	Town Hall
10/07/2009	1:10 - 3:10	2.00	Town Hall
10/08/2009	8:30 - 5:30	9.00	Town Hall
		20.00	**Week Ending 10/11/09**
10/13/2009	8:30 - 3:00	6.50	Town Hall
10/15/2009	9:00 - 1:15	4.25	Town Hall
		10.75	**Week Ending 10/18/09**
10/20/2009	12:00 - 2:30	2.50	Town Hall
	2:30 - 3:15	0.75	Drove to Betty Vernes' House to drop off voter registration form and absentee ballot applications
10/21/2009	2:00 - 3:00	1.00	Town Hall
		4.25	**Week Ending 10/25/09**
10/26/2009	12:55 - 2:40	1.75	Town Hall
10/27/2009	9:45 - 2:15	4.50	Town Hall
10/28/2009	11:10 - 2:40	3.50	Town Hall
10/30/2009	Went to North Adams Printing	1.50	Went to North Adams Printing (ballots)
		11.25	**Week Ending 11/1/09**

Date	Times	Hours	
11/03/2009	8:30 - 1:15	4.75	Town Hall
11/05/2009	3:30 - 5:00	1.50	Town Hall
		6.25	**Week Ending 11/8/09**
11/10/2009	9:00 - 12:30	3.50	Town Hall
11/12/2009	9:15 - 10:00	0.75	Town Hall
	12:00 - 2:30	2.50	Town Hall
11/13/2009	9:45 - 12:15	2.50	Town Hall
		9.25	**Week Ending 11/15/09**
11/16/2009	11:00 - 12:00	1.00	Town Hall
11/17/2009	9:00 - 1:30	4.50	Town Hall
11/18/2009	9:00 - 1:00	4.00	Town Hall
11/21/2009	7:00 - 3:30	8.50	**Special Town Election**
		18.00	**Week Ending 11/22/09**
11/23/2009	1:30 - 3:00	1.50	Town Hall
11/24/2009	8:30 - 10:30	2.00	Town Hall
	12:00 - 1:45	1.75	Town Hall
11/25/2009	8:30 - 10:00	1.50	Town Hall
		6.75	**Week Ending 11/29/09**
11/30/09 - 12/6/09		2.00	Worked from Home (Various Fish & Hunt Licenses)
12/01/2009	**Out / Catie Sick**	0.00	
		2.00	**Week Ending 12/6/09**
12/07/2009	1:45 - 3:00	1.25	Town Hall
12/08/2009	6:15 am - 9:45 pm	15.50	**Special State Primary**
12/10/2009	10:30 - 3:00	4.50	Town Hall
		21.25	**Week Ending 12/13/09**
12/15/2009	8:30 - 1:00	4.50	Town Hall
	1:50 - 3:05	1.25	Town Hall
		5.75	**Week Ending 12/20/09**
12/21/2009	2:30 - 3:00	0.50	Town Hall
12/22/2009	9:00 - 1:15	4.25	Town Hall
		4.75	**Week Ending 12/27/09**
12/29/2009	9:30 - 2:30	5.00	Town Hall
		5.00	**Week Ending 1/3/10**

Date	Times	Hours	
01/05/2010	8:30 - 1:00	4.50	Town Hall
01/06/2010	10:30 - 3:00	4.50	Town Hall
		9.00	**Week Ending 1/10/10**
01/12/2010	8:30 - 9:30	1.00	Town Hall
01/13/2010	11:45 - 4:30	4.75	Town Hall
01/15/2010	12:45 - 3:15	2.50	Town Hall
		8.25	**Week Ending 1/17/10**
01/18/2010	8:30 pm - 11:45 pm	3.25	Town Hall (prep for election)
01/19/2010	6:30 am - 7:15 am	0.75	**Special State Election - Town Hall (finish set up & turn automark machine on)**
	8:30 - 12:30	4.00	**Town Hall & Special State Election**
	1:15 - 3:15	2.00	**Town Hall & Special State Election**
	5:30 - 9:15	3.75	**Town Hall & Special State Election**
01/22/2010	11:25 - 2:25	3.00	Town Hall
		16.75	**Week Ending 1/24/10**
01/26/2010	9:30 - 11:15	1.75	Town Hall
01/27/2010	9:50 - 1:35	3.75	Town Hall
01/29/2010	12:25 - 1:40	1.25	Town Hall
		6.75	**Week Ending 1/31/10**
02/02/2010	10:30 - 3:00	4.50	Town Hall
		4.50	**Week Ending 2/7/10**
02/09/2010	**Out Sick - Flu**	0.00	**Out 2/8/10 - 2/14/10**
		0.00	**Week Ending 2/14/10**
02/16/2010	9:00 - 12:15	3.25	Town Hall
		3.25	**Week Ending 2/21/10**
02/23/2010	8:30 - 3:15	6.75	Town Hall
		6.75	**Week Ending 2/28/10**
03/02/2010	8:45 - 3:15	6.50	Town Hall
03/03/2010	8:30 - 12:00	3.50	Town Hall
	1:00 - 3:00	2.00	Town Hall
03/04/2010	11:45 - 12:30	0.75	Town Hall (review email & downloaded info for 2009 Annual Town Report)
		12.75	**Week Ending 3/7/10**

Date	Times	Hours	
03/08/2010	3:30 - 9:00	5.50	Worked @ Home on 2009 Annual Town Report Info
03/09/2010	9:00 - 3:00	6.00	Town Hall
03/11/2010	9:00 - 1:00	4.00	Worked @ Home 2009 Annual Town Report
	2:00 - 5:00	3.00	Town Hall
		18.50	**Week Ending 3/14/10**
03/15/2010	9:00 - 3:30	6.50	Worked @ Home 2009 Annual Town Report
03/16/2010	8:20 - 12:35	4.25	Town Hall
03/18/2010	8:20 - 12:05	3.75	Town Hall
		14.50	**Week Ending 3/21/10**
03/23/2010	8:45 - 12:30	3.75	Town Hall
	1:00 - 3:00	2.00	Town Hall
03/25/2010	8:45 - 12:30	3.75	Town Hall
03/27/2010	9:00 - 12:15	3.25	Rowe Town Hall - Rabies Clinic
		12.75	**Week Ending 3/28/10**
03/29/2010	9:00 - 10:00	1.00	Town Hall - phone call and reviewed paperwork
03/30/2010	8:30 - 1:15	4.75	Town Hall
03/31/2010	9:30 - 11:30	2.00	Town Hall
	1:00 - 2:30	1.50	Town Hall
04/01/2010	8:30 - 12:15	3.75	Town Hall
		13.00	**Week Ending 4/4/10**

Date	Times	Hours	
04/05/2010	1:25 - 3:25	2.00	Worked @ Home on List of Hours for BOS/ Budget Review
	3:45 - 5:30	1.75	Worked @ Home on List of Hours for BOS/ Budget Review
	6:00 - 6:30	0.50	Worked @ Home on List of Hours for BOS/ Budget Review
	8:00 - 11:00	3.00	Worked @ Home on List of Hours for BOS/ Budget Review
04/06/2010	9:00 - 1:30	4.50	Town Hall
	2:45 - 4.45	2.00	Worked @ Home on List of Hours for BOS/ Budget Review
04/07/2010	9:15 -		Town Hall and meet w/Board of Registrars to review and certify nomination papers
		13.75	**Week Isn't Over Yet**

Total to date for FY 2010 w/13 wks Left = $5,182.32 for 39 weeks
FY 2010 Stipend $6,910.00 / $575.83/month before taxes, medicaid, etc.

321.75 Hours / 39 weeks = 8.25+/- Hours/week but w/ 3 mos. To go
$16.10/hour +/- before taxes/medicaid, etc.

MUNICIPAL/TOWN CLERK

	Wage Information						Benefits Eligibility (Y/N)									
	Elected/Appointed	Sum of Fees	Annual Salary	Hourly Rate	Hours Per Week	Date of Hire	Vacation	Sick	Personal	Longevity	Health Ins. Eligible	Percent Town Pays	Retiree Health Ins.	Percent Town Pays	Retirement System	Other Benefits
Ashfield	A		$7,628	9.78	15	6/02	Y	Y	Y	Y	Y		Y	50%	Y	N
Bernardston	E		10,433	20.06	10		N	N	N	N	Y	75%	Y	50%	Y	Fees
Buckland	E	$1,500	18,286	14.07	25		Y	Y	Y	Y	Y	75%	Y	50%	Y	Y
Charlemont	A		9,294		varies		N	N	N	N	N		N		Y	N
Colrain	E		15,953		varies		Y	Y	Y	N	Y	75%	Y	50%	Y	N
Colrain - Asst Town Clk *	A			$15.54	26	4/94	N	N	N	N	Y	75%	Y	50%	Y	N
Conway	E		17,447	13.42	25	11/79	N	N	N	N	N		N		Y	N
Deerfield	See Treasurer/Tax Collector															
Erving	E		8,065		varies		N	N	N	N	N		N		N	N
Erving - Asst Clerk		602			varies		N	N	N	N	N		N		N	N
Gill ***	E		11,150		varies		N	N	N	N	Y	75%	N		Y	Y
Greenfield	A	1950	64,193	34.46	37.5	1/3/89	Y	Y	Y	Y	Y	80%	Y	60%	Y	Y
Greenfield - Asst Clerk	A	1950	49,913	25.60	37.5	4/6/90	Y	Y	Y	Y	Y	80%	Y	60%	Y	Y
Hawley	E	240	4,000	16.67	5-Mar		N	N	N	N	N		N		N	N
Heath	E	416	7,764	18.66	8		N	N	N	N	N		N		N	N
Leverett **	E		14,302		varies	1997	Y	Y	Y	Y	Y	75%	Y	50%	Y	N
Leyden	E	416	5,040	12.11	8		N	N	N	N	N		N	N	N	N
Monroe	E	260	1,482	5.70	5											
Montague	E	1820	56,166	30.86	35	12/97	Y	Y	Y	Y	Y	80%	Y	80%	Y	Y
Montague - Asst. Clerk	A	1820	31,046	17.06	35	7/01	Y	Y	Y	Y	Y	80%	Y	80%	Y	Y
New Salem	E	2,000	6,304	15.15	8	416	N	N	N	N	N		N		N	N
Northfield	E	2,011	25,180	20.17	24	1248	N	N	N	N	Y	75%	Y	50%	Y	
Orange	E		42,314	23.25	35 1820	2000	Y	Y	Y	Y	Y	75%	Y	50%	Y	N
Rowe	E	375	6,910	16.61	3 8	416	N	N	N	N	N		N		N	N
Shelburne	E		18,368	17.64	20	1040	N	N	N	N	Y	75%	Y	50%	Y	Fees
Shutesbury	A		17,950	17.26	20	1040	Y	Y	Y	Y	Y	75%	Y	50%	Y	1000 Cert
Sunderland	E	N/A	36,050	20.16	34 1768	1999	N	N	N	N	Y	55%	Y	55%	Y	Y
Warwick	E	500-700	5,712	12.21	8-10	416 1999	N	N	N	N	N		N	N	Y	Y
Wendell	E		4,000	9.61	8	416	N	N	N	N	N		N		N	
Whately	E		14,763	15.97	15 780	3/1/99	N	N	N	N	N		N		Y	N

* Colrain - Assistant Town Clerk position. This individual also acts as Office Clerk, Board of Health and Conservation Commission Clerk.

*** Gill - Individual also serves as Assessors Clerk which is why she receives benefits.

** Leverett - Town Clerk is eligible for benefits because employee has more than one position in town.