

Incorporated 1669
335 Years of Progress



CRANBERRY CAPITAL
OF THE WORLD



Town of Middleborough

Massachusetts

Charles J. Cristello
Town Manager

508-947-0928
FAX 508-946-2320

TOWN MANAGER'S REPORT MARCH 25, 2011

Attached please find correspondence from the office of the Town Manager for your review. Thank you.

Charles J. Cristello
Town Manager

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Town of Middleborough
Massachusetts

508-947-0928
FAX 508-946-2320

March 25, 2011

Catherine MacDonald
11 Court End Avenue
Middleborough, MA 02346

Re: Citizens Environmental Health Impact Committee

Dear Ms. MacDonald:

I am happy to appoint you, effective immediately, to the above-named committee for the unexpired term expiring on October 10, 2012.

You will need to be sworn in by the Town Clerk at her office on 20 Centre Street prior to assuming committee responsibilities.

Please refer to the Town Hall bulletin board for information regarding the time and place of the next committee meeting.

Enclosed please find a complete roster of committee members along with the two separate town meeting motion/votes establishing the committee's authority, purpose and duties.

Thank you very much for volunteering your valuable time in the service of your community, and best of luck with these new responsibilities.

Very truly yours,

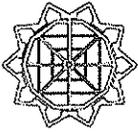
Wayne C. Perkins
Town Moderator

WCP/ajf

Enclosures

cc: CEHIC
Eileen Gates, Town Clerk
Jeanne Spalding, Health Officer
Board of Health

cc: BOS



**MASSACHUSETTS
MUNICIPAL
ASSOCIATION**

ONE WINTHROP SQUARE, BOSTON, MA 02110

617-426-7272 • 800-882-1498 • fax 617-695-1314 • www.mma.org

March 2011

Dear Municipal Executive,

As you know, the MMA is working hard to advocate on behalf of cities and towns on one of the most pressing issues facing local government – municipal health insurance reform.

Recently, opponents of the MMA’s call for municipal health insurance reform have shifted to another tactic to try to impede the momentum for change, suggesting that the association has a conflict because of the MIIA program. As you know, the MMA has absolutely no conflict. This distortion is being raised as a red herring in an attempt to distract attention from the real issue facing cities and towns: taxpayers cannot afford the current restrictions on local government that are forcing higher costs. We have attached a fact sheet that you may find helpful.

The MMA’s municipal health insurance reform position was established by unanimous vote of hundreds of local officials at the organization’s Annual Meeting in January and at previous Annual Meetings (the overwhelming number of municipal officials who set the policy serve communities that do not even participate in the MIIA health program). The MMA’s policy process is driven by the members, and is totally separate from any program or service that the MMA offers or supports.

The bottom line is that there is nothing in any policy position of the MMA that would affect, promote or advance either the MMA or MIIA. There is no conflict. The matter is being raised as a red herring to distract attention away from the real issues.

The MMA’s policy positions are established by local officials from all member communities across the Commonwealth, culminating in a set of policy statements adopted by the general membership that guide MMA’s advocacy work. MMA members set a general municipal policy, and from time-to-time adopt resolutions on specific issues such as local aid, Chapter 90, municipal health insurance reform, unfunded mandates, and other issues.

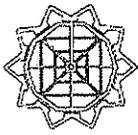
The MMA position supports plan design reform authority for all cities and towns, and the organization fully supports giving cities and towns the option and power to join the state Group Insurance Commission without collective bargaining. The MMA’s position is that cities and towns should have as many options and choices as possible, including joining the GIC if they so desire.

This policy reflects the position of municipal leaders from throughout Massachusetts, as set by the members as part of the policy process. Local officials from across the state are calling for reform, and asking for the tools and authority they need to reduce health insurance costs, all for the purpose of protecting local taxpayers, preserving essential services and preventing the loss of more municipal employees who are being cut from municipal budgets due to growing health costs.

Thank you again for your extraordinary leadership during the most difficult time for cities and towns in decades. Please contact me at any time if you have any questions on this, or any other matter.

With Warm Regards,

Geoff Beckwith
Executive Director



MMA and MIIA: A History of Success for Cities and Towns

The Massachusetts Municipal Association

The Massachusetts Municipal Association (MMA) was established in 1979 as a statewide nonprofit, nonpartisan association to serve the needs of cities and towns, and improve the overall effectiveness of local government in the Commonwealth. The MMA is the voice of cities and towns before the Massachusetts Legislature, the administration, regulatory bodies and agencies. The association provides the elected and appointed officials of its member communities with a wide range of services, including advocacy, training, information, policy research, publications, innovative programs, and an annual meeting and trade show which is the largest gathering of local government officials in New England.

The MMA also administers five affiliate associations serving municipal officials. They are the Massachusetts Selectmen's Association, the Massachusetts Mayors' Association, the Massachusetts Municipal Councilors' Association, the Massachusetts Municipal Management Association, and the Association of Town Finance Committees.

The MMA is the only statewide organization that brings municipal officials together to establish unified municipal policies, to advocate for these policies, and to ensure the effective delivery of services to community residents. The MMA's policy positions are set and guided by the local officials of Massachusetts. Currently, 350 of the Commonwealth's 351 cities and towns are dues-paying members.

The organization also provides nationally recognized programs designed exclusively to save cities and towns money in several areas, including low-cost electricity, through its MunEnergy program, and innovative low-cost insurance and risk management services, through the Massachusetts Interlocal Insurance Association (MIIA). These initiatives have saved cities and towns millions of dollars over the years.

MMA Policy Positions Are Established by Member Cities and Towns

Beyond the borders of cities and towns, the MMA is mostly known for its advocacy work on behalf of local government. The MMA's policy positions are established by local officials from all member communities across the Commonwealth, culminating in a set of policy statements adopted by the general membership that guide MMA's advocacy work. MMA members set a general municipal policy, and from time-to-time adopt resolutions on specific issues such as local aid, Chapter 90, municipal health insurance reform, unfunded mandates, and other issues.

Recently, opponents of the MMA's position calling for municipal health insurance reform have suggested that the association has a conflict because of the MIIA program. The association has absolutely no conflict, and is concerned that this distortion is being raised as a red herring to distract attention from the real issue facing cities and towns: taxpayers cannot afford the current restrictions on local government that are forcing higher costs.

The MMA's municipal health insurance reform position was established by unanimous vote of hundreds of local officials at the organization's Annual Meeting in January and at previous Annual Meetings. The overwhelming number of municipal officials who set the policy serve communities that do not participate in the MIIA health program.

The MMA's policy process is driven by the members, and is totally separate from any program or service that the MMA offers or supports.

The MMA position supports plan design reform authority for all cities and towns, and the organization fully supports giving cities and towns the option and power to join the state Group Insurance Commission without collective bargaining. The members' position is that cities and towns should have as many options and choices as possible, including joining the GIC if they so desire.

The MMA's policy reflects the position of municipal leaders from throughout Massachusetts, as set by the members as part of the policy process. Local officials from across the state are calling for reform, and asking for the tools and authority they need to reduce health insurance costs, all for the purpose of protecting local taxpayers, preserving essential services and preventing the loss of more municipal employees who are being cut from municipal budgets due to growing health costs.

There is nothing in any policy position of the MMA that would affect, promote or advance either the MMA or MIIA. And that is not a factor in the Association's policy process, anyway.

A Long History of Serving Cities and Towns

This is a good opportunity to review the reasons why cities and towns asked the MMA to create the MIIA program nearly 30 years ago. Also, it is important to note that the MMA is not alone in the nation. At least 34 state municipal associations across the country have established similar programs as a service to their member municipalities, and the National League of Cities has a similar municipal insurance service program as well.

The Massachusetts Municipal Association formed the Massachusetts Interlocal Insurance Association in a time of crisis in the 1980s. The private insurance industry was abandoning the municipal insurance field, especially the workers' compensation and property and casualty market, driving insurance prices upward at an unaffordable rate.

The MMA responded to calls for action and assistance from communities across the state, and established MIIA, a nonprofit entity whose sole purpose is to provide comprehensive, low-cost, high-value insurance products and services to local governments.

MIIA's operating principle for all of its programs is that cities, towns and all public entities are good insurance risks, and that they can manage their claims given the proper tools and proper level of service. Flexibility, high-quality wellness programs, aggressive risk management, efficient claims administration, superior customer service, and a singular focus on local government have proven to be an extremely effective approach to public entity risk management.

MIIA's model is to create an interdependent pool of members in three separate areas; workers' compensation, property and casualty, and health benefits. This member-driven partnership provides unique motivation to create custom-designed, cost-effective products and services to best serve the needs of our members. Each of MIIA's programs are overseen and governed by

local government officials who are elected from the membership to serve in these capacities. Board members are not – and have never been – compensated for their volunteer services to lead MIIA.

Like the traditional barn raising, where neighbors gathered to help family or friends build a new barn or replace one damaged by fire or other causes, communities banded together to form MIIA. The program began with workers' compensation services in 1982, expanded to property and casualty services in 1984, and introduced its health program in 1992.

The results are clear. MIIA has saved member communities millions of dollars since its founding. Beyond that, MIIA's mere presence in the marketplace has helped even non-MIIA members realize savings by ensuring that all providers are being competitive. Today, 201 cities and towns participate in the MIIA Workers' Compensation Program, 222 cities and towns participate in the MIIA Property and Casualty Program, and 93 cities and towns participate in the MIIA Health Program.

All of MIIA's programs must be competitively priced, and members join the program only when MIIA is selected by the community as the lowest priced, best value offering following a competitive local RFP process.

There is nothing magic about MIIA's success. MIIA makes its members aware of information on the most frequent injuries in the workers compensation program and how those injuries come about. MIIA educates building managers and municipal decision-makers of the importance of making wise maintenance, personnel, and legal decisions. MIIA reviews aggregate medical claims data with managers to assist in designing wellness and disease management programs to mitigate the rising cost of health insurance. The information comes from experts who study such trends for the insurance industry as well as actual experience from Massachusetts municipalities. Members have discovered that investing in loss prevention and wellness both saves premiums and prevents costly and sometimes tragic losses, accidents, lawsuits, and illness.

We hold the fundamental belief that cities, towns and all public entities are good insurance risks, and that they can manage their claims given the proper tools and proper level of service. High-quality wellness programs, risk management, claims administration, superior customer service, and a singular focus on local government have proven to be an extremely effective approach to public entity risk management.

Each component of the MIIA programs, from underwriting and claims administration to investing the pools' assets is performed by acknowledged experts in their respective fields, under contract with MIIA. MIIA's own staff, who are MMA staff dedicated to MIIA, has remained small. Its function is to supervise the provision of services by third parties; to provide loss control and wellness services; and to make sure that all of MIIA's programs remain focused on serving municipalities. This model has kept MIIA's administrative and management costs at a fraction of the industry norm.

MIIA was formed as an organization committed to the principles of trust, integrity, service, partnership, and competence. MIIA is governed with a unique understanding of the needs and perspectives of local government. After more than 30 years the MIIA model is proven and sound, and has shown that these operating values are vitally important.

The MMA and MIIA Operational Relationship

As noted, the MMA established MIIA nearly 30 years ago. Since the inception of this service to cities and towns, the MMA has been the program administrator. The operation is highly professional and well organized to ensure maximum efficiency and economies of scale. The MMA is governed by a separate Board of Directors, and MIIA has separate Boards of Directors for its programs. As noted, these members are all unpaid volunteer local officials. The MMA and MIIA each adopt separate annual budgets, and maintain two separate accounting staffs to ensure that there is a clear financial wall between the two entities.

To operate the program, the MMA has an administrative services arrangement with MIIA. Operational and overhead costs borne by the MMA are reimbursed by MIIA and expenses are reconciled quarterly. These direct costs include rent, shared personnel and other expenses, which totaled \$707,435 in fiscal 2010 (\$262,198 for the property and casualty program and \$445,237 for the health program). MIIA reimburses the MMA for institutional value and benefits of joint administration as well, and this totaled \$301,999 for the property and casualty program and \$648,801 for the health program during fiscal 2010. These numbers are reflected in the financial statements that follow this report.

The administrative expenses for MIIA are among the lowest in the country for operating such a program.

Remarkable Savings For Cities and Towns

In fiscal 2010 alone, the MIIA program offered workers' compensation premiums far below the state's published rates, returned \$15,613,040 to property and casualty and workers' compensation members in the form of participation credits, underwriting credits and dividends, and the health program provided a \$6,693,387 rate subsidy to its participating communities. In one year alone, the program returned or saved cities and towns \$22,306,427.

FINANCIAL STATEMENTS

Fiscal Year Ending June 30, 2010

MIIA Property and Casualty

Revenues	
Net earned premiums	\$55,144,529
Investment income and other income, net	<u>15,241,423</u>
	70,385,952
Expenses	
Loss and loss adjustment expenses	44,810,053
Other underwriting expenses	
Direct administration - MIIA	5,434,437
Reimbursements to MMA	
Direct costs	262,198
Institutional value & benefit	<u>301,999</u>
of joint administration	
	50,808,687
Excess of expenses over revenues	19,577,265
Member surplus, beginning of year	89,160,886
Participation, underwriting & other credits	(15,113,040)
Dividends	<u>(500,000)</u>
Member surplus, end of year	93,125,111

MIIA Health Benefits Program

Revenues	
Net earned premiums	\$309,850,099
Investment income, net	<u>3,333,487</u>
	313,183,586
Expenses	
Loss and loss adjustment expenses	315,251,114
Other underwriting expenses	
Direct administration - MIIA	3,531,821
Reimbursements to MMA	
Direct costs	445,237
Institutional value & benefit	<u>648,801</u>
of joint administration	
	319,876,973
Excess of expenses over revenues	(6,693,387)
Member surplus, beginning of year	<u>89,526,382</u>
Balance, end of year	82,832,995

FINANCIAL STATEMENTS

Fiscal Year Ending June 30, 2010

Massachusetts Municipal Association

Revenues

Dues	\$1,169,766
Annual meetings and conferences	583,628
MunEnergy program	228,000
Publications	177,299
Reimbursements - MIIA P&C/WC	
Direct administrative costs	262,198
Inst. value & benefit of joint admin.	301,999
Reimbursements - MIIA Health	
Direct administrative costs	445,237
Inst. value & benefit of joint admin.	648,801
Available net assets used in operations	126,041
Other income	115,232
Interest income	7,969
	<u>4,066,170</u>

Expenses

Personnel	1,962,240*
Rent	539,605*
Meetings, conferences & travel	448,438
Printing	149,111
Depreciation/amortization	63,644
Legal expenses	60,481
Postage	44,087
Other operating costs	467,852*
	<u>3,735,458</u>

Fund balance, beginning of year	3,706,741
Change in net assets	<u>204,671</u>
Fund balance, end of year	3,911,412

*Includes direct cost reimbursements from MIIA of 246,195 for personnel, 334,017 for rent (based on square feet), and 127,223 in other operating costs, accounting for a total of 707,435 or 18.9% of overall expenses.

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OF THE WORLD



Town of Middleborough
Massachusetts

Town Manager

508-947-0928
FAX 508-946-2320

To: Board of Selectmen

From: Charles J. Cristello, Town Manager

Date: March 25, 2011

RE: Town Clerk Job Description

Town Clerk Eileen Gates and I met recently to review the current Town Clerk job description. Enclosed please find the changes that I am recommending.

Please feel free to contact me if you have any questions.

TOWN CLERK

Definition

Administrative and supervisory work in the administration of federal, State and local statutes, the maintenance of official municipal records, the issuing of various licenses and documents, and the administration of fair and accurate elections; all other related work as required.

Supervision

Works under the administrative direction of the Town Manager. Functions independently, referring specific problems to appointing authority, Town Counsel or appropriate authority only where clarification or interpretation of Town policy or procedure is required.

Deleted: Board of Selectmen

Exercises independent judgment and initiative in the planning, administration and execution of the Department's services, in the interpretation and application of laws, regulations and procedures, and in the direction of personnel. Performs a variety of responsible functions in accordance with State statutes and local bylaws.

Has direct supervisory responsibility for *one full-time and one part-time* employees, and part-time seasonal election workers during elections.

Deleted: four full-time

Job Environment

Work is performed under typical office conditions with continuous interruptions from the general public. Sometimes required to work outside of normal business hours including evening office hours during the week. In addition, may be required to work on weekends.

Operates computer and general office equipment such as copier, facsimile machine, and telephone; may be required to operate various types of voting equipment.

Makes frequent contacts requiring perceptiveness with other Town departments, boards and committees, State and County officials, and the media; makes constant contacts with the general public at all times during the day. Contacts are by phone, correspondence, and in person and require persuasiveness and resourcefulness to influence the behavior of others.

Has access to department-oriented confidential information, such as restricted vital statistics records, and personnel records; however, most departmental information is considered public information.

Errors could result in delay and confusion, result in the irretrievable loss of valuable historical data, have legal and/or financial repercussions, and cause adverse public relations for the Department, as well as the Town.

Middleborough, Massachusetts
Town Clerk

Essential Functions

The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

Oversees and participates in the receipt, recording and maintenance of all public records including road layouts, deeds to Town property, general and zoning bylaws, rules and regulations of all Town boards and committees, business certificates, professional registrations, conflict of interest disclosures, federal and State tax liens, historic records, etc.

Deleted: uniform commercial codes,

Develops and implements improved management practices to improve public records filings. Provides various Town departments with public record information and needs.

Participates in and supervises the issuance of a variety of State, County and Town licenses, permits and certificates; distributes applications for variances, special permits and site plan approvals; receives completed forms and processes; submits weekly reports and fees to the Treasurer.

Deleted: monthly

Prepares all necessary documentation for submission to the Attorney General for all zoning and general bylaws for State approval.

Serves as Registrar of Vital Statistics; oversees and participates in the recording and issuing of certified copies of births, deaths and marriages; submits reports to State and other authorities as required. Responsible for the repair, binding, maintenance and proper storage of all permanent records in compliance with the State public records laws. Researches old records to verify information requested for genealogical studies; researches Town Meeting actions of past years, and past Board of Appeals decisions.

Acts as Clerk to the Board of Registrars; attends all Registrar of Voters meetings; takes minutes and transcribes notes.

Maintains the integrity of the resident and voter information through the Commonwealth's central voter registry computer system.

Conducts Town elections; coordinates all polling locations of upcoming elections; prepares election materials, supplies and equipment for various sites; supervises election workers for each election; processes payroll for poll workers; prepares election results for the Secretary of State and for recording in Town records; certifies elected candidates in writing; enforces the campaign finance law. Certifies signatures on nomination papers (State and local).

Registers new residents and new voters and updates related files.

*Middleborough, Massachusetts
Town Clerk*

Administers the oath of office to Town officials.

Administers the annual Town Census; responsible for the updating, printing, stuffing, labeling, and mailing of the census; conducts follow-up calls for unreturned census.

Assists at Town Meetings; reviews and attests warrant; prepares voting lists; records votes on all matters voted at Town Meeting; assists the Moderator throughout Town Meeting. Prepares all necessary related local, County and State reports of Town Meeting. Furnishes all boards, committees and commissions with copies of all Town Meeting actions which affect their departments in any way.

Supervises, trains and evaluates subordinates; assigns staff and develops work schedules; handles all personnel management functions including hiring, discipline, and firing; maintains personnel records.

Develops Department budget. Oversees the preparation of payroll and bill warrants; ensures that the systems for records of expenditures and receipts is functioning properly and efficiently.

Oversees the recording and filing of various applications for Zoning Board of Appeals and Planning Board, following statute requirements; notifies involved boards. Accepts and records all legal filings. Records and posts meeting notices of all Town boards and committees.

Acts as the Town's Parking Clerk; conducts hearings for citizens on parking ticket issues. Acts as Municipal Hearings Officer; conducts hearings on building and fire code issues; Works closely with the Enhanced 9-1-1 Coordinator.

Deleted: Acts as

Works on special projects; performs similar or related work as required, directed, or as situation dictates.

Acts as Town's representative to the Commission on Disability.

Recommended Minimum Qualifications

Education and Experience

Associate's Degree in, business, or a related field; five years of related experience; experience in municipal government including experience in records management strongly preferred; experience in resolving difficult customer service requests; or an equivalent combination of education and experience.

Special Requirements

Notary Public status required.

Certification as a Municipal Clerk,

Possession of a Massachusetts Motor Vehicle Operator's License.

Deleted: by the Massachusetts Town Clerks Association.

*Middleborough, Massachusetts
Town Clerk*

Knowledge, Ability and Skill

Knowledge. Thorough knowledge of State, local and federal statutes and regulations applicable to the duties and responsibilities of a Town Clerk's office. Working knowledge of office procedures and practices.

Ability. Ability to establish and maintain effective and harmonious working relationships with Town officials and departments, State agencies and the general public. Ability to communicate effectively in written and oral form. Ability to establish and maintain complex record keeping systems. Ability to prepare and administer budgets and to prepare financial reports. Ability to operate a telephone and standard office equipment. Ability to operate a computer. Ability to apply legal interpretations and precedents to current problems.

Skill. Skill in operating computers and applicable word processing and statistical applications. Skill in using all of the above listed tools and equipment. Excellent customer service skills.

Physical Requirements

Minimum physical effort generally required. Ability to operate a keyboard at efficient speed, and work at a computer for long periods of time. Vision and hearing ability at or correctable to normal ranges. Position requires standing and walking for long periods of time at polling places, during elections, and at Town Meeting. May be required to set-up and maintain voting equipment.

This job description does not constitute an employment agreement between the employer and employee, and is subject to change by the employer, as the needs of the employer and requirements of the job change.

Registry of Deeds

William Francis Galvin, Secretary of the Commonwealth

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Secretary Galvin Announces Changes to the Homestead Protection Law

Chapter 395 of the Acts of 2010, an Act Relative to the Estate of Homestead, revises and replaces the provisions of the Massachusetts homestead protection law, General Laws Chapter 188. An overview of the new Homestead reform legislation, effective on March 16, 2011, is provided in Secretary's Galvin's Homestead Act Questions and Answers pamphlet.



[Secretary Galvin's Homestead Act Questions and Answers \(PDF, 676 MB\)](#)



[Declaration of Homestead for Homes Owned by Natural Persons Form \(PDF, 143 MB\)](#)



[Declaration of Homestead for Homes Owned by Trustee\(s\) Form \(PDF, 139 MB\)](#)

If you filed a homestead declaration prior to March 16, 2011, your \$500,000 protection will continue to apply. There is no need to re-file your homestead protections due to these statutory changes. The new law creates an automatic \$125,000 protection on homes that do not have a homestead declaration filed at the Registry of Deeds in order to safeguard deposits and situations where a declaration may be incorrectly filed. Homestead protections now extend to pre-existing debts and the proceeds of a sale or insurance coverage.

Trusts are now eligible for homestead protections. For those individuals over the age of 62 (elderly) or legally disabled, the new law now expressly states that a homestead may be filed on each individual's behalf and the aggregate protection increases to \$1 million. Homestead declarations filed on manufactured homes must now be filed at the local Registry of Deeds, not the town offices.

If you are purchasing your new principal residence, your closing attorney must provide you, as a mortgagor, with notice of your right to declare a homestead protection. At that time, you will be asked to acknowledge receipt of this notice in writing.

If you have any further questions or concerns about how the Registry of Deeds can assist you in filing a declaration of Homestead, please do not hesitate to contact the Registry of Deeds office directly. We are here to serve you.

This information is not designed to provide any legal advice or address the practical effect of a claim of Homestead. As in all areas of the law, to fully understand what your rights are you should consult an attorney of your choice.

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