



TOWNSEND WATER DEPARTMENT
540 Main Street West Townsend, Massachusetts 01474

1.5

Michael MacEachern, *Chairman*
Paul L. Rafuse,
Water Superintendent

Nathan Mattila, *Vice-Chairman*

Lance Lewand, *Clerk*
(978) 597-2212
Fax (978) 597-5561

WATER COMMISSIONERS MEETING MINUTES
January 9, 2017 - 5:30P.M.
Water Department 540 Main Street, Meeting Room

NM
LL
3-17
2-17-17

I. PRELIMINARIES:

- 1.1 Mm called the meeting to order at 5:30P.M. 540 Main Street.
- 1.2 Roll call showed Members Present: Michael MacEachern (MM), Nathan Mattila (NM) and Lance Lewand (LL). Guests Present: Paul Rafuse, Superintendent and Brenda Boudreau.
- 1.3 MM announced that the meeting is being tape recorded.
- 1.4 Chairman's additions or deletions. None
- 1.5 Review/Approve meeting minutes of December 12, 2016. Unavailable
- 1.6 Review correspondence. None

II. APPOINTMENTS:

III. MEETING BUSINESS:

- 3.1 Assign a BOWC designee to sign bill payable warrants provided copies are available for review at the next meeting. RE: Municipal modernization law, Section 56, Chapter 41. After much discussion LL made a **motion to assign Nathan Mattila as the designee to sign the bills payable warrants when the full board is not present according to the rules of the Municipal Modernization Law. NM seconded. Unanimous vote.**
- 3.2 Review draft agreement changes for town counsel review. RE: Amadon's water installation. After reviewing the agreement the board would like to omit a paragraph referencing unreasonable insurance guidelines providing the insurance company agrees.
- 3.3 Review Draft of FY 2018 Budget. LL made a **motion that the Board reviewed the FY18 budget and agreed to move forward noting there may be changes due to union negotiations. NM seconded. Unanimous vote.**
- 3.4 Discuss/Review/Approve Proposal for Upgrades/Improvements to the booster pumps at the West Meadow Rd. Booster Station. After a lengthy discussion the board decided to table the discussion until it is clarified on how many pumps are needed.
- 3.5 Approve abatement to acct# 60435, 359 Main Street. \$26.93. RE: Late charge applied in error. NM made a **motion to approve an adjustment to acct# 60435, 359 Main Street in the amount of \$26.93. LL seconded. Unanimous vote.**
- 3.6 Discuss/Approve eliminating the \$1.00 demand charge on overdue bills. NM made a **motion to approve the elimination of the quarterly \$1.00 demand charge. LL seconded. Unanimous vote.**

IV. COMMISSIONERS UPDATES AND REPORTS.

V. WATER SUPERINTENDENTS UPDATES AND REPORTS.

- 5.1 Scrap meters/metals investigation by CPA firm Eric Kinsherf hired by Town Administrator Jim Kreidler. Paul reported that the Water Department is under audit again due to an employee/board red flag reporting resource. Brenda met with Lisa and went over the Badger meters and meter change out reports. Apparently there were some computer discrepancies that she found due to a software error that were are certain our billing vendor can update. The report showed there were 180 meters replaced on the Badger meter report.

1
After eliminating errors found in the program and new installations Lisa concluded that she came within one or two to the actual number. Paul reported that Lisa had told him that she will send him a draft report before it is sent to the town administrator in addition Lisa had counted every scrap meter in the garage and determined that there was more than enough meters. Paul is confident that the findings will be favorable although all audits come with some suggestions. The Board is requesting a copy of the report to review.

VI. OFFICE UPDATES AND REPORTS.

6.1 Review and Sign Bills Payable Warrants.

6.3 Review and sign Schedule of Bills Receivable report

6.4 Review Accounts Receivable report.

NM made a motion to sign bill payable warrants and reports out of session. LL seconded. Unanimous vote.

MM adjourned the meeting at 6:36 P.M.

Respectfully submitted,

Brenda Boudreau, Office Administrator

Brenda Boudreau

From: Lauri Plourde <lplourde@townsend.ma.us>
Sent: Monday, December 05, 2016 8:54 AM
To: 'Brenda Boudreau'
Subject: FW: Message from KM_224e
Attachments: SKM_224e16120509530.pdf

Hi Brenda,

This is the section on the Municipal Modernization Law that pertains to approval of bills payable warrants. I have also attached a copy of the Municipal Modernization Law summary guide.

SECTION 55. Section 56 of said chapter 41, as so appearing, is hereby amended by inserting after the first sentence the following sentences:- For purposes of this section, the board of selectmen and any other board, committee or head of department consisting of more than 1 member authorized to expend money may designate any 1 of its members to approve all bills, drafts, orders and payrolls; provided, however, that the member shall make available to the board, committee or other department head, at its next meeting, a record of such actions. This provision shall not limit the responsibility of each member of the board in the event of a noncompliance with this section.

Lauri Plourde

Town Accountant
272 Main St.
Townsend, MA 01469
(978) 597-1700 ex:1705
lplourde@townsend.ma.us

From: scanner@townsend.ma.us [mailto:scanner@townsend.ma.us]
Sent: Monday, December 05, 2016 9:54 AM
To: lplourde@townsend.ma.us
Subject: Message from KM_224e

Water and Sewer Commissions (40-41) – These sections make a technical correction to the methods of local acceptance of statutory provisions creating local water and sewer commissions, by referencing the methods of local acceptance in c. 4, § 4, and clarifying that a water and sewer commission is an independent body politic. These sections also permit the commissions that enter into agreements with municipalities to have liens added to city or town tax bills and collected by the tax collector, rather than by the commissions.

District Improvement Financing (42-47) – These sections amend the district improvement financing statutes so that the “DIF” reserved for debt service and project costs equals the new property tax revenue generated by new development and added to the community’s levy limit as new growth under Proposition 2½. They also clarify that the requirement to reserve tax increment funds ends when monies are set aside to pay all debt service. The formula in the law is based on models used in other states that do not have levy limitations or require tax rate recalculation based on current values, i.e., where valuation increases generate additional revenue. For this reason, the tax increment is very difficult for local assessors to calculate and more importantly does not actually reflect the new property tax revenue generated by the project.

Fine Collection (48) – Revises municipal enforcement authority over violations of municipal housing, sanitary and ice removal requirements, by allowing the municipality to impose a lien on the related property, using the same procedures used for liens on real property for any unpaid local charge or fee.

Combine Treasurer Collector (49, 50) – These sections would allow municipalities to combine their treasurers and tax collectors into one appointed position without first obtaining a special act.

Town Administrator Term (51) – Increases the allowable term for an executive secretary or town administrator to serve, up to five years.

Appoint/Remove Finance Officers (52) – This section repeals three sections under which the Department of Revenue (DOR) may appoint, approve the appointment of or remove local finance officers (assessors, collectors, deputy collectors and treasurers) for non-performance. The statutes date back to a different era and are outdated given changes in the governance and operation of municipal finance offices. Responsibility and accountability for the performance of these officials belongs with the local appointing authority or the voters. Also, DOR has no record of exercising these functions in years, if ever.

Direct Deposit (53) – This section authorizes any city or town which accepts the section to require the use of direct deposit to pay employees.

Approval Bills Warrants (54, 55) – Allows multi-member boards, committee, commissions heading departments, including boards of selectmen, to designate one of its members, to review and approve bills or payment warrants, with a report provided at the next meeting. Currently, a

An Act to Modernize Municipal Finance and Government

Section by Section Summary

Municipal Procurement 1 (1-3, 6-7, 9-12) – These sections amend the “horizontal” construction procurement statute, c. 30, § 39M, to increase the dollar threshold for contracts requiring less-than-full competitive bidding from \$10K to \$50K. They also make procurement methods consistent with other construction and municipal procurement statutes by adding a “middle tier” of contracts valued at between \$10-50K, for which public entities may either give public notification of the contract or use OSD statewide contracts or other “blanket” contracts to solicit a minimum of three bids. Finally, these sections make conforming changes to dollar thresholds for existing exemptions under c. 30, § 39M, and the municipal procurement statute, c. 30B.

Municipal Procurement 2 (4, 226) – These sections create exemptions from construction bidding for contracts for the “installation, repair and maintenance of telecommunication and data cabling and wiring; telecommunication, security, audiovisual and computer equipment; and carpeting.” These sections require that such contracts be procured through OSD statewide contracts, but preserve the discretion of public entities to follow construction procurement rules, if it is in the “best interest” of the project (*e.g.*, if such work is part of a larger construction project).

Exemptions from Uniform Procurement (5) – This section removes the existing exemption from the municipal procurement statute, c. 30B, for contracts for bank services that are subject to the maintenance of a compensating balance. The exemption for bank services subject to a compensating balance is removed because municipalities are otherwise subject to c. 30B rules for other types of banking services. This is also consistent with loosening state oversight of such agreements, as described in sections 85-87.

Procurement Advertising (8, 229) – This section modifies the public advertising requirements for contracts awarded under the competitive bidding provisions of c. 30B, the municipal procurement statute, and c. 149, the “vertical” construction bidding statute, to permit advertising on the COMMBUYS system, rather than through costly newspapers.

Retiree Health Cost Sharing (13) – This section repeals the requirement in c. 32B, § 9A½ that a municipality be reimbursed in full, in the event a retired municipal employee or beneficiary receives healthcare premium contributions under circumstances in which a portion of the retiree’s creditable service is attributable to service in another municipality. This legislation was enacted in 2010 with municipal support, but has proven to be unworkable in practice.

OPEB Trust Fund (14, 239) – These sections permits governmental units—defined broadly to include any political subdivision of the Commonwealth and housing authorities, redevelopment

authorities, regional councils of government, regional school districts and educational collaboratives—to establish an OPEB trust fund that complies with the legal requirements for trusts and with GASB. This change is necessary to clarify current language, which only authorizes a reserve/stabilization fund for retiree health insurance purposes. These sections also make clear that any OPEB fund created prior to the effective date of this act will continue unless the governmental unit re-accepts the provisions of this act.

County Borrowing Tech Correction (15) – This section permits counties to borrow money for emergency purposes upon approval by the municipal finance oversight board, and not (as is currently required) a board composed of the attorney general, the state treasurer and the director of accounts (within DLS).

Supervision of County Government 1 (16) – This section repeals provisions of the county finance statute that require DLS to review the accounts of county treasurers and other offices receiving money payable to the counties, prescribe accounting standards and provide technical assistance, and submit annual reports on county accounts to the Governor and Legislature. DLS does not perform these functions for any remaining county governments.

Supervision of County Government 2 (17) – This section repeals the provision of the county finance statute that requires DLS to submit county employee classification and compensation plans to county personnel boards, and to advise county commissioners and personnel boards on employment matters. DLS does not perform these functions for any remaining county governments.

Local Advertising 1 (18) – This section modifies the public notice requirement for town warrants, which are required for every town meeting or election, to permit municipalities to post notice in any manner prescribed or approved under the Open Meeting Law, rather than through bylaw or attorney general approval as is currently required. The Open Meeting Law requires meeting notices to be posted in a manner “conspicuously visible” at all hours, or in another manner prescribed or approved by the attorney general (such as on the town’s website).

Rental Revolving Fund (19) – This section allows cities and towns to create a revolving fund for proceeds from rental of surplus non-school properties, and authorizes expenditures without appropriation for upkeep of such properties. This is an expansion of current law, which authorizes a revolving fund only for the rental of surplus school properties.

City Reserve Funds (20) – This section increases the amount that cities may appropriate, as a reserve fund for extraordinary or unforeseen expenditures, from 3% to 5% of the tax levy for the preceding fiscal year. The 5% level conforms to that currently authorized for towns and districts.

Stabilization Funds 1 (21) – This section amends current law, which allows municipalities to create one or more stabilization funds, by permitting appropriations into the fund by majority vote and permitting the municipality, without appropriation, to dedicate all or a portion of

particular revenue streams to the fund. This section also eliminates the cap on the amount reserved (10% of the prior year property tax levy), but retains the requirement to obtain a 2/3 vote to make appropriations from the fund.

Parking Local Acceptance (22-24) – These sections allow revenue generated from parking meters to revert to the city or town’s general fund, unless specifically accepted by the city or town to be accounted for in a separate fund.

Local Advertising 2 (25-29, 36-39) – These sections amend the public notice requirements for zoning by-laws or amendments, as well as associated public hearings notices. Current law requires posting of a recently approved zoning by-law or proposed amendment in a town bulletin or pamphlet in several locations in the town, or publication in costly newspapers; cities are required to publish in newspapers. Public hearing notices must be published in newspapers and posted at the city or town hall. These sections permit cities and towns to post all zoning-related notices in any manner prescribed or approved under the Open Meeting Law.

Collection Liens Non-Resident (30, 184) – There is a common statutory scheme that lets municipalities and districts, by local option, establish liens when customers of municipal utility services – gas, electricity, steam, water and sewer – do not pay user charges when due. Lighting plants, water departments and sewer departments often provide utility services to ratepayers living in neighboring communities. However, only lighting plants may impose liens for customers located in those municipalities. This section extends that option to municipalities and districts that provide water and sewer services to customers outside their borders.

Certification of Local Property Assessments (31-32, 243) – These sections decrease the frequency with which DOR must certify that local property assessments reflect fair cash valuation from every three years to every five years. The certification is a condition of approving the municipality’s property classifications for purposes of allocating responsibility for the local tax levy. This change would take effect for the fiscal years starting on or after July 1, 2017.

Collections Taxpayer Good Standing (33-34) – These sections permit municipalities to deny local licenses and permits to any taxpayer who has neglected or refused to pay local taxes and who has not filed a good faith application for an abatement. Current law permits this collection method, but only if the taxpayer has been delinquent for at least one year. This change is intended to allow municipalities to mirror a “good standing” requirement for licensure under their implementation by-law or ordinance.

Municipal Fines Lien Collection (35) – This section amends current law, which permits a municipality to impose a lien on real property for unpaid local charges or fees, to permit a lien for unpaid fines. Consistent with current law, such unpaid amounts may be certified to the local assessors to be added to property taxes for collection. This section would have the effect of adding this method of collection for fines that are unpaid by persons who own real estate.

Water and Sewer Commissions (40-41) – These sections make a technical correction to the methods of local acceptance of statutory provisions creating local water and sewer commissions, by referencing the methods of local acceptance in c. 4, § 4, and clarifying that a water and sewer commission is an independent body politic. These sections also permit the commissions that enter into agreements with municipalities to have liens added to city or town tax bills and collected by the tax collector, rather than by the commissions.

District Improvement Financing (42-47) – These sections amend the district improvement financing statutes so that the “DIF” reserved for debt service and project costs equals the new property tax revenue generated by new development and added to the community’s levy limit as new growth under Proposition 2½. They also clarify that the requirement to reserve tax increment funds ends when monies are set aside to pay all debt service. The formula in the law is based on models used in other states that do not have levy limitations or require tax rate recalculation based on current values, i.e., where valuation increases generate additional revenue. For this reason, the tax increment is very difficult for local assessors to calculate and more importantly does not actually reflect the new property tax revenue generated by the project.

Fine Collection (48) – Revises municipal enforcement authority over violations of municipal housing, sanitary and ice removal requirements, by allowing the municipality to impose a lien on the related property, using the same procedures used for liens on real property for any unpaid local charge or fee.

Combine Treasurer Collector (49, 50) – These sections would allow municipalities to combine their treasurers and tax collectors into one appointed position without first obtaining a special act.

Town Administrator Term (51) – Increases the allowable term for an executive secretary or town administrator to serve, up to five years.

Appoint/Remove Finance Officers (52) – This section repeals three sections under which the Department of Revenue (DOR) may appoint, approve the appointment of or remove local finance officers (assessors, collectors, deputy collectors and treasurers) for non-performance. The statutes date back to a different era and are outdated given changes in the governance and operation of municipal finance offices. Responsibility and accountability for the performance of these officials belongs with the local appointing authority or the voters. Also, DOR has no record of exercising these functions in years, if ever.

Direct Deposit (53) – This section authorizes any city or town which accepts the section to require the use of direct deposit to pay employees.

Approval Bills Warrants (54, 55) – Allows multi-member boards, committee, commissions heading departments, including boards of selectmen, to designate one of its members, to review and approve bills or payment warrants, with a report provided at the next meeting. Currently, a

board or committee heading a department may delegate authority to approve payrolls to a member and a regional school committee may designate a subcommittee to approve bills and payrolls with a report to the next meeting of full committee. Absent a charter or special act, boards and committees must approve bills or payment warrants by majority vote at a meeting subject to the Open Meeting Law.

Compensation District Assessor (56) – Removes the DOR Commissioner’s role as mediator if a dispute arises about the amount annually appropriated for the salaries and compensations of assessors and tax collectors in tax levying districts.

Injured on Duty Fund (57) – Allows municipalities to create, appropriate money to and expend from a special injury leave indemnity fund for payment of police officer and firefighter injury leave compensation or medical bills, rather than charging them to current departmental appropriations.

CEO Charter Initiate (58, 59) – Allows selectmen or mayors to initiate movement to optional forms of municipal administration by a charter commission. This will provide flexibility in initiating governance changes, all of which require a referendum as a charter change. Currently, a citizens’ petition process is the only avenue to initiate a charter commission.

Debt Purposes (60, 62-63, 172) – These sections modernize and simplify the current laws that authorize cities, towns and districts to borrow by consolidating, updating and restructuring the allowable borrowing purposes. Also allows borrowing for a court judgment for more than 1 year if approved by the Municipal Finance Oversight Board.

Grant Anticipation Notes (61) – Broadens current law to allow municipalities to borrow in advance of any state or federal grant – advance or reimbursable. This updates the statute to add federal grants and reflect changes in state grant administration, as fewer advance grants that can be spent without appropriation are being made.

Ten Year BANs (64) – Amends current law to allow 10 year bond anticipation notes (BANs) with the same required principal paydown as current law, to provide treasurers greater flexibility in structuring debt, particularly for smaller purchases or projects.

Refunding Bonds (65, 67) – Allows final payment (of the original debt schedule) to be made no later than 6/30 of the fiscal year payment otherwise due, instead of annual anniversary of prior payments. Also, amends current law to allow with a finding by the mayor/manager/select-board that refunding is necessary for federal tax compliance purposes. This section also makes a technical change to the refunding procedures and payment schedule – allowing first principal payment of refunding bonds to be due no later than 6/30 of the fiscal year the payment would have otherwise been due, e.g., instead of 11/1 or 5/1. The payment still must be in the same fiscal year and cannot be deferred to another fiscal year.

Bond Premiums and Surplus Proceeds (66) – Amends current law by providing communities with a choice regarding how to treat bond premiums (net of issuance costs). Communities will be able to either apply it to the issuance, thereby reducing the amount needed to borrow, or place it in a separate fund and appropriate it for a capital project. It also amends current law by increasing the amount of surplus bond proceeds that can be applied to debt service from \$1,000 to \$50,000.

Lease Purchase (68) – Establishes a procedure governing the use of tax-exempt lease-purchase financing agreements (TELPs) by municipal departments and allows borrowing to pay off a TELP if it would result in interest savings.

Eliminate Debt Report (69) – Eliminates the requirement that the municipal treasurer notify the director of accounts when a payment is made. This eliminates the need to notify of duplicative information, as the annual year-end statement of indebtedness shows changes in debt levels over the course of the year.

Emergency Spending (70) – Amends current law to provide for automatic approval of payment for liabilities incurred as a result of emergencies and disasters, when the Governor declares a state of emergency.

Court Judgments (71, 72) – Amends current law to allow payment without appropriation of final court judgments and other final adjudicatory claims with municipal counsel certification. Currently, such payments over \$10K, require the approval of the director of accounts. Further, amends the statute to reflect the current operating environment where obligations to make immediate payments based on various legal claims now are just as likely to result from decisions of administrative agencies rather than just court judgments.

Snow and Ice Removal (73) – Eliminates prior approval for deficit spending for snow and ice removal by the council/selectboard; and alternatively, requires only that the chief administrative office of the municipality authorize deficit spending.

Year End Transfers (74, 75) – These sections eliminate the limits on types and amounts of appropriation transfers that can be made by the selectmen with finance committee approval at end of year. This would allow end-of-fiscal-year transfers from health insurance, debt service or other unclassified/non-departmental line item appropriation and eliminate a cap of 3% on the amount that may be transferred from any department (school and light department line items remain exempt from this procedure). Eliminating the cap on transfers will provide for greater flexibility in avoiding deficits and eliminate the need for additional town meetings by July 15 for minor transfers.

Director Powers (76-81, 174, 205) – These sections make several updates to statutes governing municipal audit and accounting systems to reflect the current focus of state oversight on establishing uniform accounting and reporting standards, ensuring periodic audits and instituting

best practices based on end of year reports, local management reviews and DLS reviews of cities, towns and special purpose districts. These changes are made through repealing or amending a number of statutes that have not been updated in years and still reflect the original mission of the Bureau of Accounts to install accounting systems, conduct financial and forensic audits and investigations of cities, towns and districts.

Insurance/ Restitution Funds (82) – This section amends the statute that requires all municipal receipts to be deposited to the general fund and be appropriated. This current statute includes several exceptions that allow certain receipts to be spent without appropriation for particular purposes, including insurance and restitution proceeds. This section increases the amount that may be spent without appropriation to restore or replace the damaged property from \$20,000 to \$150,000 and updates the lost or damaged school book and materials restitution exception to include electronic devices and equipment provided to students.

Grant Available Fund (83) – Makes all reimbursable grants from federal or state government available for appropriation once approved by the granting agency. The proposed amendment eliminates the need for the Director of Account’s approval in future bond bills for G.L. c. 90 grant funds and broadens the immediate availability of other reimbursable grants for expenditure.

Departmental Revolving Fund (84, 85) – These sections amend the revolving funds statutes to provide more flexibility by eliminating the departmental per fund and total fund caps, broadening the types of departmental receipts which funds can be established, and allowing revolving funds to be established by bylaw or ordinance. These sections also repeal the statute that governs revolving funds for parks and recreation program fees, as this separate statute is not necessary under our proposal to increase departmental flexibility over revolving funds.

Compensating Balance (86-88) – These sections remove DOR’s role in prescribing types of services and in receiving reports on municipal agreements with banking institutions for “compensating balance” agreements. However, these sections still require that the treasurer or collector of a municipality produce the report and submit to local officials and the inspector general.

Refundable Consulting Fees (89) – Current law allows consultant fees imposed by certain municipal permitting boards to pay the costs of their reviewing applications for permits or licenses, including zoning special permits, subdivision control, comprehensive permits, board of health permits, and conservation commission permits. The statute allows the board to spend the fees for consulting services, and if monies remain after the board makes its determination, to refund them to the applicant, without appropriation. This amendment would expand the use of special funds to include consulting fees charged by any municipal officer (for example, building inspector) or board with permitting authority where the imposition of fees for outside consultants is established by its own rule-making authority (if any), statute, ordinance or by-law.

Performance Deposits (90) – This section adds a provision that would allow municipalities to set up escrow accounts for refundable cash performance deposits and set standards for administration, investment and expenditure upon default.

Special Events Fund / Mitigation & Permitting/ Betterment Reserve (91) – This section amends or adds three special revenue funds, The first broadens the municipal celebration fund to include any special event (anniversary celebrations). The second specifically reserves betterment and special assessment revenue for appropriation for the payment of debt service on any bonds issued to finance the improvements for which the betterments were assessed. The third allows mitigation or other monies deriving from, or in connection with, an agreement or licensure or permitting obligation to be reserved and spent for the purposes for which they were received.

Revenue Cash Investment (92) – Amends current law to permit investment in certificates of deposit (CDs) for up to 3 years, an increase from the current no longer than 1 year requirement. This change also addresses an ambiguity in the statute as to whether a 1 year limit applies to these investments or solely to investments in United States treasury bonds. It would give treasurers more flexibility in investing short-term for better rates.

Penalty Electronic Payments (93, 94) – These sections amend the process for appealing penalties imposed on individuals who tender a check for local fees with insufficient funds, requiring the individual to appeal at the local level, rather than with the DOR Commissioner. It further amends the statute to cover electronic payments that are made with insufficient funds.

CPA Surcharge Exemptions (95) – This section sets a deadline for taxpayer applications for exemptions from the statutory surcharge on real property under the Community Preservation Act. The deadline is the same as that for other types of applications for local tax exemptions, and provisions are also made for appeals to the Appellate Tax Board and confidentiality on the same terms as those applicable to such other applications.

Elections 1 (96-98) – These sections require municipalities to hold voter registration sessions on the last day of registration from 9 a.m. until at least 5 p.m., but no later than 8 p.m. (the official deadline is 8 p.m.), and, for towns having less than 1,500 voters, from 2 to 5 p.m. This is a change from current law, which requires sessions to last continuously from 9 a.m. to 8 p.m., and, for town with less than 1,500 voters, from 2 to 4 p.m., and 7 to 8 p.m.

Elections 2 (99) – This section is taken from H. 587, which permits municipalities to use “electronic poll books,” in lieu of paper voting lists, at polling stations. The section requires poll books to produce a receipt with a voter’s name, address, date of birth, and voter identification number, and requires the election worker at the check-out table to accept the receipt before permitting the voter to deposit his or her ballot.

Elections 3 (100) – This section gives discretion to the presiding officer of each polling place to determine the most expedient manner in which to conduct the “dual checkoff” procedure under

c. 54, § 67, which requires voter names to be checked both when handing the voter a ballot and after the individual has cast his or her vote.

Corporations List (101, 116) – These sections require that the Department of Revenue identify those corporations that are classified as research and development corporations, so that cities and towns can use that classification in their administration of property tax exemptions.

Approval of Forms (102, 109, 131-132, 154, 162) – These sections eliminate existing requirements that the Department of Revenue print and distribute various forms, and approve electronic formats, used in the assessment and collection of local taxes.

Collection Title Foreclosure (103, 155) – These sections eliminate an existing but apparently never-exercised mechanism under which the Department of Revenue took over collection actions on behalf of towns.

Affordable Housing Abatements (104-105, 139-140) – These sections amend the property tax laws to allow local implementation of affordable housing abatement agreements in the same manner as brownfield abatement agreements under G.L. c. 59, § 59A. The brownfield abatement agreement is an entirely local process with an implementation by-law or ordinance providing transparency in allowable abatements within the statutory parameters. That process would be appropriate for affordable housing abatements as well.

State-Owned Land Valuation (106-107, 249) – These sections eliminate the current procedure under which the Department of Revenue values state-owned land every four years, replacing that process with a statutory formula for determining the valuation every two years after the 2017 valuation required by current law. That valuation will be adjusted every two years by the equalized valuation and the value of acquisitions and dispositions. The acquisitions and dispositions will be based on a per acre value that will also be adjusted every two years by the equalized valuation. These sections are proposed to take effect as of January 1, 2018, to govern the state-owned valuation on January 1, 2019 for distributions made in fiscal year 2021.

Schedule A Compliance (108) – This section improves compliance for municipal reporting by changing from October 1 to November 30 the annual deadline for cities and towns to submit the prior year's annual financial report. This would also modify the law to provide the intended consequence for non-compliance and withhold all future payments (regardless of fiscal year) until such time as the Schedule A is submitted and accepted.

Supplemental Assessments (110-113, 244) – Current law provides for supplemental assessments on new construction, and abatement of regular real estate for damage due to fire or natural disaster, unless a community rejects this option. These sections change this assessment by excluding the value of the land from the calculation of the 50% trigger for the supplemental assessment. They also clarify the applicable tax rate, and establish a one-year time limit in

which a property owner may apply to the assessors for abatement after a fire or other natural disaster.

Right of First Refusal (114) – This section would give a municipality a right of first refusal if property owned by a charitable organization or a church is being sold or developed for a non-exempt purpose. The right of first refusal would be similar to a municipality’s right when an owner of forest, farm or recreational land which has received a tax benefit sells for or converts that property for development. A tax-exempt organization would be required to give notice of the proposed sale or development to the city or town, which would have 120 days to exercise its right of first refusal. A city or town would be authorized to assign its rights to a nonprofit conservation organization, the Commonwealth or any of its political subdivisions.

Charitable Exemption Technical Correction (115) – This section corrects two references in the charitable exemption for real property to local adoption of a “paragraph.” The local adoption should be of the “sentence.”

Exemption Applications (117, 119, 121-122, 138, 242) – This section creates a single due date for personal exemption applications regardless of billing system used. This section would make April 1 the deadline for personal exemption applications in all communities, creating a uniform and consistent deadline for taxpayers.

Commercial Fishing Exemption (118) -- This section increases from \$10,000 to \$50,000 the value of the property tax exemption for boats, nets and gear used in commercial fishing, consistent with changes made to the boat excise exemption under Sections 118, 166, 185 and 186 of the bill. It also increases eligibility for the exemption by eliminating the current requirement that the exempt property be used “exclusively” in commercial fishing, requiring instead that at least half of the taxpayer’s income is from commercial fishing.

Residential Exemption (120, 242) – Increases from 20% to 35% the statutory limit on the amount of a residential exemption that can be granted, if a municipality grants such an exemption as one of its property tax classification options. Five of the thirteen municipalities that have decided to grant such an exemption have asked for, and received approval for, residential exemption amounts that are higher than the current statutory limit of 20%.

DOR’s Authorization to Assess (123-125, 244) – These sections eliminate the requirement that local assessors obtain the Department of Revenue’s approval before assessing taxes on real property to unknown owners or owners of present interests. The Department is unable to conduct independent title or other analyses to verify these requests. Moreover, local assessors determine record ownership for assessment purpose for millions of real estate parcels and there is no regulatory purpose served in having them obtain the Department’s approval about the party assessed in these selected situations. The Department has the power to issue guidelines on

assessment administration and can provide appropriate oversight and guidance on the statutory standards and best practices.

Single Overlay (126-127, 143, 246) – This section would create a single overlay account and remove anachronistic references to a repealed cap on cities. Currently, there is a separate overlay reserve for each fiscal year. A surplus in one year cannot be used to cover a deficit in another year without the assessors declaring a surplus, the accounting officer transferring the amount to an overlay surplus account and the legislative body appropriating from the surplus by year end. This is cumbersome and inefficient.

Central Valuation (128-130) – These sections change the timelines for company reporting and DOR certification to conform to the same schedule as pipeline companies, and to be able to obtain the most current company regulatory reports. These sections also define a telephone company for central valuation purposes to include only landline incumbent local exchange carriers (ILECs) under the federal Telecommunications Act and allow DOR to share information with local assessors so they can make an informed decision whether to appeal. Finally, these sections provide for a more streamlined and expeditious appeal process by allowing one party to file a notice of appeal in response to another parties' filing.

Interest on Collections (133-135, 245) – These sections standardize the accrual of interest on delinquent property tax installments, addressing an inequity in the accrual of interest on overdue installments between communities using semiannual and quarterly billing. Currently, under semiannual systems, interest accrues from the date the tax bills are mailed, i.e., if the payment is one day overdue, the taxpayer is charged 31 days interest. Under the quarterly system, interest does not accrue until the due date. They also permit all communities to make small bills of \$100 or less payable in one installment.

Mortgagee Abatements (136-137, 242) – These sections change the timeline for applying for an abatement, in recognition of the widespread use of quarterly billing systems in cities and towns of the Commonwealth. Currently, any holder of a mortgage (regardless of the property tax payment system in use in the city or town) must apply for abatement between September 20 and October 1. These sections change that requirement so that the application must be filed during the last ten days of the abatement period, regardless of the city or town's billing system. They also correct a reference to ensure that Section 59 of Chapter 59 of the General Laws applies to all persons who may represent a person's estate. These changes are proposed to take effect for the fiscal year starting on July 1, 2016.

Appeals (141-142) – These sections clarify that the failure to pay semiannual and quarterly preliminary tax payments, as well as actual tax payments, is a bar to Appellate Tax Board appeal. Taxpayers are obligated to pay preliminary taxes based on prior year actual under quarterly and semiannual systems. Their failure to pay preliminary taxes subjects them to the same interest on overdue amounts that accrues on overdue actual installment payments.

Abatement on Low Value Lands (144, 146) – These sections repeal the Department of Revenue’s authority to authorize assessors to abate taxes on low value lands and under a local option, let assessors abate these taxes when the collector determines the costs to collect are more than the amount owed. Treasurers can also foreclose the tax title under the land of low value procedure.

Apportionment Appeal (145) – This section extends from seven to thirty days the time period within which a taxpayer may appeal an apportionment decision.

Mailing Tax Bills (147) – This section modernizes where tax bills are mailed in absence of written direction by the taxpayer. Under current law, the tax bill only has to be sent to the “town” where the person resides. This is anachronistic language. Bills should be mailed to the taxpayer’s address if known, or the property address, unless the taxpayer directs otherwise.

E-Billing Technical Correction (148) – This section corrects an internal cross-reference to the electronic billing program.

Betterment Suspension (149) – Under current law, the Department is authorized to approve assessors’ suspension of betterments for persons receiving certain exemptions. There is no institutional record of exercising this authority and if a request was received, it is not clear what criteria are to be used to determine approval. This section will delete an obsolete provision that pre-dates the enactment of local option G.L. c. 80, § 13B, which allows for betterment deferrals for seniors.

Scholarship and Educational Funds (150-153) – These sections amend the authorization for cities and towns to form such funds to clarify that each fund is separately accepted and to clarify the distinct purposes for which such funds can be used.

Electronic Payment Penalties (156-157) – These sections amend the process for appealing penalties imposed on individuals who tender a check for local taxes with insufficient funds, requiring the individual to appeal at the local level, rather than with the DOR Commissioner. It further amends the statute to cover electronic payments that are made with insufficient funds.

Covenant Extension (158) – Under current law, a city or town must apply to the Department of Revenue to extend (for up to one year) the duration of the municipality’s statutory exemption from the terms of a covenant running with the land. There is no institutional record of receiving any request to exercise these powers and DOR is not in position to do so. There is no regulatory purpose served by a DOR role in the local tax title foreclosure process. This section strikes references to post-foreclosure extensions of such exemptions.

Foreclosure of Abandoned Buildings (159-160) – These sections eliminate the need for the involvement of the Department of Revenue in determining whether buildings are abandoned. Currently, the Commissioner is required to “make an affidavit” confirming that the

Commissioner agrees with the conclusions of local officials that the building is abandoned. These sections eliminate references to the involvement of the Department of Revenue, and allow the affidavits and writings of the local officials involved, including a recitation of efforts to locate the property owner, to be recorded and to be treated as prima facie evidence that the building is in fact abandoned.

Taxes in Litigation (161) -- This section eliminates a purely ministerial requirement that the Department of Revenue authorize and allow the transfer of taxes in litigation by an accounting officer. By law, if the collector cannot perfect the tax lien due to bankruptcy or other litigation, the lien securing collection continues when the tax collector records a statement of the legal action. Providing a copy of the recorded statement to the accounting officer should be sufficient for the transfer of those taxes from the collector's current books.

Prisoners of War Exemption from Motor Vehicle Excise (163) – This section re-organizes and clarifies the paragraph granting a local option exemption from the motor vehicle excise to prisoners of war or their surviving spouses.

Motor Vehicle Excise Collection (164-165) – These sections allow a tax collector to be able to notify the Registry of Motor Vehicles of non-payment of the motor vehicle excise directly, after notifying delinquent taxpayer of the intent to “mark” their license or registration for non-payment. This would reduce fees imposed on taxpayers. These sections are intended to address the *Wright* court decision, that a warrant to collect must be issued to a deputy collector for a collector to mark.

Boat Excise (166, 185-186, 247) – These sections reform the administration and collection of the excise on boats. They address the lack of data on documented boats by requiring boat owners to supply statutorily-prescribed information to the Environmental Police and to obtain a decal. They include a procedure to require payment of boat excise for non-commercial boat owners to renew their registrations with the director of the division of law enforcement of the department of fisheries, wildlife and environmental law enforcement, similar to the non-renewal procedure when vehicle owners do not pay their motor vehicle excises. These proposals were developed with the Environmental Police. These sections also allow boat owners an extra month within which to file their return with the city or town where their vessel is habitually moored, or otherwise principally situated. They also update the excise exemption for fishing boats and gears to reflect changes in the fishing industry that no longer make it a full-time occupation and sole source of income for most fishermen.

Jet Fuel Excise (167-169, 248) – These sections implement changes to comply with a recent change in FAA policy that requires use of state and local taxes on aviation fuel for airport purposes. Under the amended policy, excises imposed after December 30, 1987 are subject to federal revenue use restrictions, i.e., can be used for just aviation and airport purposes. If any municipality accepted and imposed the excise after that date, the FAA requires a state action plan

to amend any non-compliant laws. States have until the end of 2015 to come up with any required action plan. All but 1 community that has adopted the excise is either grandfathered from complying with the new policy or has adopted/can adopt an enterprise fund for its municipal airport that will effectuate this policy. The sections also allow a community whose airport is located in another community to receive and use the taxes for airport purposes.

Regional School District Debt (171) – Makes a technical change, inserting the word “committee”, to clarify that it is the regional district school committee that may require the approval of any particular authorized issue of indebtedness by referendum.

Regional School District Transportation (173) – Clarifies that any funds to be reimbursed by the Commonwealth for regional school district transportation are subject to appropriation.

Regional School District Stabilization Fund (175-176) – Under current law, a regional school district can have a stabilization fund, not to exceed 5% of the total assessment upon member communities. These amendments substitute the Commissioner of Elementary and Secondary Education instead of the Director of Accounts to approve a higher level of stabilization fund appropriation and expenditures from the fund for other than capital purposes.

Extended School Programs (177 -179) – Under current law, school committees may provide pre-school and extended school services for certain children and establish a revolving fund for payments made by parents and other monies received in connection with these programs. These amendments would remove outdated restrictions on the students who may receive the services and extend these sections to regional school committees.

Community School Program Fund (180) – Increases the current community school fund’s \$3,000 expenditure limit for material and equipment purchases within a fiscal year, to \$10,000.

School Revolving Fund (181) – Qualifies revenue received from enrichment and summer programs authorized by the school committee, and parking fees as monies received in connection with the "use of school property" for the purposes of the district’s revolving fund.

Vocational School Revolving Fund (182) – Removes the \$5,000 expenditure limit placed on vocational schools’ revolving funds, used for culinary arts or other related programs.

Betterment Installments (183) – This section amends current law to allow cities, towns, and districts greater flexibility in setting interest rates that run on betterments or special assessments, at any level up to 2% above the rate of borrowing the city, town, or district is paying. It also makes interest accrual/due date run from the mailing of the bill (not the commitment to the tax collector).

RMV E-Citations (187-203) – These sections make various changes to c. 90C, regarding motor vehicle offenses, to implement the new “E-Citations” project jointly administered by EOPSS and the RMV. The changes amend definitions and other references to paper citations to include

electronically issued citations; give EOPSS authority to promulgate regulations to set standards for e-citations and associated equipment requirements; and ensure that both paper and electronic copies of citations are properly delivered by police departments to the RMV and district courts.

Veterans Service District (204) – Removes the current restriction that prevents two cities from sharing a veterans’ service director. This will provide for greater flexibility in providing for effective and efficient operation of veteran services.

Municipal Debt/Urban Renewal (206-208) – This amendment repeals a duplicative requirement regarding approval of debt issued by cities and towns to support housing and urban renewal projects, as cities and towns are subject to an overall debt limit under G.L. c. 44, § 10, which may be exceeded with approval of MFOB. In addition, the statute still refers to the Emergency Finance Board (EFB) rather than the Municipal Finance Oversight Board (MFOB).

Liquor Licenses (209-20, 238, 240) – These sections permit municipalities, except Boston, to set quotas for liquor licenses issued to facilities (such as restaurants) permitting on-premises drinking (all such licenses to be non-transferable) and to managers of special outdoor events. These sections do not change the statutory quota for facilities (such as liquor stores) not permitting on-premises drinking, though other provisions permitting supplemental licenses beyond the minimum quota and capping the total number of licenses issued to any person or corporation will be repealed. These sections also make clear that the number of licenses authorized under current law will continue, unless changed by a municipality pursuant to the municipal plan permitted under these sections.

Demolition Liens (221) – This section extends the period of time in which a “demolition lien,” imposed on a property for failure to demolish damaged or dilapidated buildings or structures, may last. Specifically, this section permits a lien added to real estate tax property in the next year to extend for the same period of time permitted for the tax lien. If the demolition lien is not added to a tax until later, it expires on October 1 of the third year after filing of the lien (current law specifies October 1 of the next year after filing).

Municipal Procurement 3 (222-25, 227-28) – These sections amend the “vertical” construction procurement statute, c. 149, § 44A, to increase the dollar threshold for contracts requiring less-than-full competitive bidding from \$25K to \$50K. It also makes procurement methods consistent with other construction and municipal procurement statutes by modifying the method for “middle tier” contracts, valued at between \$10-50K, to permit public entities to either give public notification of the contract or use OSD statewide contracts or other “blanket” contracts to solicit a minimum of three bids. These sections increase the dollar thresholds for contracts requiring competitive bidding (from \$100K to \$150K for first tier) and for triggering the requirement to submit “sub-bids” and “sub-trade” bids.

Unemployment Insurance (230-31) – These sections extend existing exemptions from unemployment insurance benefits—which are applicable to school employees absent during

sabbaticals and school vacations with a “reasonable assurance” of returning to work—to employees who provide services to or on behalf of schools, but are paid by municipalities. These sections also reduce the amount of unemployment insurance benefits to 65% for employees receiving government pensions.

Double Poles (232) – This section allows cities and towns to enforce the statutory prohibition on keeping double poles up after ninety days, after passing a local ordinance authorizing them to do so. Penalties authorized to be imposed are limited to up to \$1,000 per occurrence.

Registers of Probate (233) – Requires registrars of probate to provide assessors with copies of petitions upon request. Assessors are charged with knowledge of records of registry of deeds and probate regarding ownership of real estate, but only registrars of deeds are required to provide them with information on transactions relating to title of real estate within their municipality. This will allow assessors to access names of deceased so they can check against their records and set up a mechanism to track and review later for disposition of property.

Small Claims Actions (234, 235) – Amends the jurisdiction of small claims court to hear all cases to collect locally assessed personal property taxes regardless of amount. This would provide tax collectors with the ability to make more effective use of lawsuits as a remedy to collect delinquent property taxes where there is personal liability only, i.e., no lien such as for personal property taxes.

Federal Public Work Borrowing (236, 237) – Eliminates the requirement that the Governor approve local borrowing for federally funded public works projects and substitutes the municipal finance oversight board

Civil Service Exemptions (241) – This section permits municipalities to exempt positions from civil service rules by vote of the governing body or executive, rather than through special legislation as is currently required to obtain an exemption from c. 31.

**TOWN OF TOWNSEND
WATER SERVICE INSTALLATION AGREEMENT
5 WHEELER ROAD**

This Water Service Installation Agreement (the "Agreement") is entered into this _____ day of _____, 2016, by and between the Town of Townsend, through its Board of Water Commissioners (the "Town") and Gary and Kathleen Amadon, 5 Wheeler Road, West Townsend, Massachusetts (the "Owners), collectively referred to as the "Parties".

WHEREAS, the "Owners" are the owners as tenants by the entireties of property located at 5 Wheeler Road, Townsend, Massachusetts (the "Property"); and

WHEREAS, the Owners have requested an extension of the existing Town water system to service the Property; and

WHEREAS, although the Town is agreeable to providing such extension of Town Water System to the Property, due to the Property's unique location and topography, the Town cannot guarantee that it will be able to provide adequate water pressure at all times;

WHEREAS, the Owners are willing to assume the risk that due to the Property's unique location and topography that there may be a lack of adequate water pressure at times; and

WHEREAS, the Owners shall be solely responsible for the survey, design and construction of the Water Service ~~Installation~~ and for all costs related thereto and the Owners will indemnify and hold the Town harmless from any liability that may arise as a result of the water service installation.

Deleted: Installation

NOW THEREFORE, in consideration of the covenants and promises contained herein and for other consideration, the receipt and sufficiency of which are hereby acknowledged, the Town and the Owners agree as follows:

1. Water Service Installation

The Owners shall install a service from the Town-owned Water System from the curb stop on Wheeler Road, to the Owners' home. The size of which shall be determined by the Owners, ~~subject to the Town's approval as set forth in section 3 hereof. In addition to such other terms and conditions that the Town deems necessary for approval of the installation, if the length of the water service exceeds 475 feet by design or during construction the Owners shall install a meter pit 5 feet beyond the curb stop.~~

Deleted: installed at the time the 8 inch water main

Deleted: is tapped by the Town

Deleted: Property

Deleted: I

2. Prosecution of the Work

The Owners shall conduct work in connection with the design and construction of the Water Service Installation (the "Work") through the services of duly qualified engineers, designers, contractors and subcontractors, provided, however, that in conducting the Work the Owners shall be responsible for obtaining all necessary permits, approvals and rights in real property as may be required by federal, state and local laws, rules and regulations, and shall maintain the same in full force and effect throughout the entire term of this Agreement. This Agreement does not constitute a permit, and shall not in any way relieve the Owners of their obligation to obtain any permits and comply with the requirements of any applicable laws relative to the Work.

The Work shall be done in a good and workmanlike manner **by licensed and insured contractors** and the Owners and their contractors shall take all commercially and reasonably necessary measures to minimize any damage, disruption or inconvenience caused by the Work and will make adequate provision for the safety and convenience of all persons affected thereby.

Deleted: .

The Owners shall be solely responsible for all license and permit fees associated with the Work.

3. Construction/Payment of Construction Costs

The Parties hereto acknowledge that survey, design and construction of the Water Service Installation and all costs related thereto are the sole and complete responsibility of the Owners. The Town shall not be responsible to any engineer, designer, contractor, subcontractor or agent thereof hired by the Owners to perform the work. Further, the Owners agree to construct the Water Service Installation in accordance with design, plans and specifications approved by the Town and the permit/license requirements of applicable federal, state and local laws, rules and regulations.

The Owners shall provide the Town with all specifications and plans for the Work for approval by the Water Commissioners prior to the commencement of construction. Upon completion of construction, the Work shall be subject to final inspection and the Owners shall provide the Town with an as-built plan prior to the commencement of water service.

The Parties agree that upon the completion of the Work, all the maintenance, repairs and associated costs of the Water Service from the curb stop to the Property shall be the responsibility of the Owners.

4. Acceptance of Water and Payment of Fees

Upon completion of the Work, the Town shall provide the Owners with a supply of potable water subject to payment of applicable connection and usage fees and in

accordance with the terms and conditions set forth in the Townsend Water Department Rules and Regulations.

Notwithstanding any provision of this Agreement or any applicable law or regulation to the contrary, the Owners acknowledge and agree that, due to the unique location and topography of the property, the Town cannot guarantee that it will be able to provide adequate water pressure at all times and the owners hereby acknowledge that the Town's inability to supply adequate pressure at all times may expose them to risk of injury or loss for which the Town will not be responsible. The Owners hereby accept the Town's water service with full knowledge of the potential risks and hazards that may result from the Town's inability to provide adequate pressure and they accept the Town's service, as is, without any warranties of any kind, express or implied, as to the suitability of the water for any intended use by the Owners.

5. Indemnification and Release

The Owners are accepting the Town's water service at their own risk and in consideration of the Town's agreement to extend its water service and for other good and valuable consideration hereby acknowledged, the Owners do hereby agree on behalf of themselves, their heirs, and personal representatives, to forever RELEASE the Town and its successors, assigns, employees, agents, staff, representatives, officers, volunteers, or contractors (the "Releasees"), from any and all claims, actions, rights of action and causes of action, damages, costs, loss of services, expenses, compensation and attorneys' fees that may arise, directly or indirectly, as the result of the Work and/or their acceptance of Town water in accordance with the terms of this Agreement, including but not limited to claims for injury or death to persons or loss or damage to real or personal property.

The Owners agree to INDEMNIFY, DEFEND AND HOLD HARMLESS the Town, its employees, agents, staff, representatives, officers, volunteers, or contractors, against any claims, demands, losses, costs, expenses (including attorneys' fees) damages, liabilities and causes of action whatsoever by any person arising out of or related to this Agreement, including, but not limited to, claims for injury or death to persons or loss or damage to any property occurring as a result of or in any way related to the Work or the provision of water at low pressure, and also including, but not limited to, any claims, demands, losses, costs, damages, liabilities and causes of action whatsoever as a result of the discharge, release or threatened release of oil, asbestos urea formaldehyde foam insulation, wastewater, sewage, or any other hazardous material, hazardous, chemical, hazardous waste, or hazardous substance, as those terms are defined by applicable law, whenever any such release or threatened release may be discovered.

The obligations of indemnification and release as stated herein shall survive expiration of this Agreement.

6. Insurance

The Owners shall ensure that any Contractor hired to perform the Work shall maintain in force, at its expense, insurance coverage with minimum limits as follows:

- a. Commercial General Liability to be written on a "primary and non-contributory basis" favoring the Town in the following amounts:

- \$2,000,000 Products/Completed Operations Aggregate Limit, which shall be maintained for up to 3 years after the termination or expiration of the contract.

- \$2,000,000 General Aggregate (Other Than Products / Completed Operations)

- \$1,000,000 on account of one occurrence and

- \$1,000,000 Personal and Advertising Injury

- b. Automobile Liability (Owned, Non-Owned and Hired Automobiles and Vehicles):

- \$1,000,000 each accident (Combined Single Limit)

- c. Commercial Umbrella:

- \$5,000,000 Products and Completed Operations

- \$5,000,000 General Aggregate

- \$5,000,000 Any One Occurrence

- d. Employer's Liability:

- \$500,000 Each Accident

- \$500,000 Each Employee Injury by Disease

- \$500,000 Aggregate for Injury by Disease

- e. Worker's Compensation Insurance in the following amounts:

- as required by the General Laws of the Commonwealth of Massachusetts.

The insurance certificate will be supplemented by a notice of cancellation endorsement that will provide the Town thirty (30) days written notice prior to the effective date of such cancellation and any failure of which by the Contractor will be deemed a material breach of this Agreement pursuant to which the Town may terminate this Agreement. A certificate from the Contractor's insurance carrier showing at least the coverage and limits of liability specified above and expiration date shall be filed with the Town before operations are begun. The Contractor shall make no claims against the Town for any injury to any of his officers or employees or for damage to its trucks or equipment arising out of work contemplated by this Agreement. Failure to comply with the requirements of this Agreement shall be cause to terminate this Agreement by the Town.

Commented [p2]: This section was deleted per agreement with Town Counsel.

Deleted: The certificate of insurance shall be delivered to the Town at least fifteen (15) days prior to July 1 of each year that this Agreement is in force and effect

Deleted: .

All insurance required by this Agreement shall be obtained from insurance companies that are duly licensed or authorized to conduct business in the Commonwealth of Massachusetts to issue insurance policies for the limits and coverage's so required. The Town shall be named as additional insured parties on all policies issued hereunder, except Worker's Compensation via blanket additional insured endorsement.

7. Amendment

No provision of this Agreement may be amended, modified, waived, discharged or terminated orally or by any other means except by written instrument signed by all parties.

8. Successors and assigns

This Agreement shall be binding upon and inure to the benefit of all the parties hereto and their respective successors and assigns.

9. Governing Law

This Agreement shall be subject to the laws of the Commonwealth of Massachusetts, and any dispute arising hereunder which cannot be resolved between the parties shall be resolved in a court of competent jurisdiction in Massachusetts.

10. Notices

Notices will be deemed properly directed and delivered on the day of delivery, if delivered in person or by a nationally recognized overnight mail service as follows:

As to the Town: Superintendent
 Townsend Water Department
 540 Main Street
 Townsend, MA 01474

As to the Owners: Gary and Kathleen Amadon
 5 Wheeler Road
 Townsend, MA 01474

11. Entire Agreement

This Agreement, including all documents incorporated herein by reference, constitutes the entire integrated agreement between the parties with respect to the matters described. This Agreement supersedes all prior agreements, negotiations and representations, either written or oral, and it shall not be modified or amended except by a written document executed by the parties hereto.

12. Severability

If any provision of this Agreement is declared to be illegal, unenforceable, or void, then both parties shall be relieved of all obligations under that provision provided, however, that the remainder of the Agreement shall be enforced to its fullest extent.

Executed under seal as of day and year first above written.

GARY AMADON AND KATHLEEN AMADON

By: _____
Name: Gary Amadon

By: _____
Name: Kathleen Amadon

TOWNSEND BOARD OF
WATER COMMISSIONERS

By _____

By _____

By _____

33

Budget Worksheet


Department Name	Department Number	Fiscal Year
Water	061	2018

Budget Summary	FY2017 Approp.	FY 2018 Proposed	% Change	Comments/Notes
Personal Services	318,052	325,532	2.35%	Supt., 3 Wtr Tech's & Office Admin. part of Coll. Barg. Agmt.
Purchase of Services	152,200	162,200	6.57%	
Supplies	80,300	80,500	0.25%	
Other Charges and Expenses	5,700	5,700	0.00%	
Capital Outlay	10,000	10,000	0.00%	
Debt Service	107,290	107,290	0.00%	
Total Dept. Operating Budget	673,542	691,222	2.62%	

Acct. #	Expenditure Object Descrip	FY2017 Approp.	FY 2018 Proposed	% Change	Comments/Notes
061-04-000-5100-0000-000	Salaries & Wages - Department Head	80,305	82,203	2.36%	Per Ethics Comm. Reg On Call/Holiday incl. in salary
061-04-000-5110-0000-000	Salaries & Wages - Operational Staff	152,463	156,276	2.50%	
061-04-000-5112-0000-000	Salaries & Wages - Office Staff	53,355	58,150	8.99%	Includes Part time Employee at 20 hrs./week
061-04-000-5120-0000-000	Salaries & Wages - Temp. Help	1	0	-100.00%	
061-04-000-5130-0000-000	Additional Gross-Overtime	10,500	13,200	25.71%	
061-04-000-5190-0000-000	Additional Gross - Longevity	3,900	4,100	5.13%	Inc. due to OA will have 15 yrs. Cont. service.
061-04-000-5134-0000-000	Additional Gross - Reg. & Spec. On - Call	10,725	9,600	-10.49%	Less amt. due to Supt. Is incl. in base salary.
061-04-000-5191-0000-000	Commissioners Stipends	3	3	0.00%	
061-04-000-5193-0000-000	Other - Retirement Benefits	2,000	2,000	0.00%	
061-04-000-5195-0000-000	Other - Clothing Allowance	4,800	0	-100.00%	Moved to Expense section of budget per Twn Acct.
	TOTAL PERSONAL SERVICES	318,052	325,532	2.35%	

Note: There are a few changes;

1. The Town Administrator has changed the format of the budget to be submitted. This format will be replaced with the format presented with the Town Administrators memo included in the budget packet.
2. Per the Town Accountant clothing allowance was taken from the salary and wages section and put into the expense section.
3. Contrary to what was recommended a 2.5% increase was included.
4. A Professional Legal Services Account was added to track legal expenses

Reviewed, fiscal packet

 1-9-17

Expense Worksheet

Acct.#	Description	Department Name	Department Number	Fiscal Year	Comments/Notes
		Water	061	2018	
		FY2017 Approp.	FY 2018 Proposed	% Change	
Purchase of Services 2					
5201	Prior Year Unpaid Bills				
061-04-000-5210-0000-000	Energy	70,000	70,000	0.00%	
061-04-000-5240-0000-000	Repairs and Maintenance - Bldg	5,000	5,000	0.00%	
061-04-000-5245-0000-000	Repairs and Maintenance - Equip, Veh	20,000	20,000	0.00%	
061-04-000-5245-0006-000	Repair and Maintain SCADA System	10,000	10,000	0.00%	Implementation of SCADA
061-04-000-5270-0000-000	Rentals	1,000	1,000	0.00%	
	Total Purchase of Services	106,000	106,000	0.00%	
Purchased Services 3					
061-04-000-5300-0000-000	Professional & Technical Services	20,000	20,000	0.00%	
061-04-000-5300-0001-000	Backflow Prevention Survey and Testing	6,000	6,000	0.00%	Required Per Twn. Acct. Not an expense by TWD.
061-04-000-5300-0002-000	Professional Legal Services	0	10,000	#DIV/0!	Acct. Added to track legal expenses.
061-04-000-5340-0000-000	Communication (Tel,Internet,Post, etc)	17,600	17,600	0.00%	
061-04-000-5380-0000-000	Other Purchased Services	2,600	2,600	0.00%	
	Total Purchase of Services	46,200	56,200	21.65%	
Purchased Supplies 4					
061-04-000-5420-0000-000	Office Supplies	5,000	5,000	0.00%	
061-04-000-5430-0000-000	Building Supplies	1,500	1,500	0.00%	
061-04-000-5435-0000-000	Equipment Maint Supplies	1,500	1,500	0.00%	
061-04-000-5460-0000-000	Groundskeeping Supplies	500	500	0.00%	
061-04-000-5480-0000-000	Vehicular Supplies	8,000	8,000	0.00%	
	Total Purchase of Services	16,500	16,500	0.00%	
Purchased Supplies 5					
061-04-000-5530-0000-000	Public Works Supplies	35,000	35,000	0.00%	
061-04-000-5530-0001-000	Chemicals (Treatment)	23,000	23,000	0.00%	
061-04-000-5580-0000-000	Other Supplies	1,000	1,000	0.00%	
061-04-000-5585-0000-000	Clothing Allowance	4,800	5,000		Transferred from Salaries & Wages section per Twn Acct.
	Total Purchased Supplies	63,800	64,000	0.31%	
Title Not On File 6					
5600	Prior Year Encumbrance				
	Total Title Not On File				
Other Charges and Expences 7					
061-04-000-5710-0000-000	Travel, Mileage - In State	1,100	1,100	0.00%	
061-04-000-5720-0000-000	Travel, Mileage - Out of State	100	100	0.00%	
061-04-000-5730-0000-000	Dues and Memberships	2,000	2,000	0.00%	
061-04-000-5780-0000-000	Other Charges	500	500	0.00%	
061-04-000-5785-0000-000	Other Charges - State Water Assess.(DEP)	2,000	2,000	0.00%	
	Total Other Charges and Expences	5,700	5,700	0.00%	
Articles 8					
061-04-000-5850-0000-000	New Equipment	10,000	10,000	0.00%	
061-04-000-5870-0000-000	Replacement Equipment	0	0	#DIV/0!	
	Total Articles	10,000	10,000	0.00%	
Debt Service 9					
061-04-000-5910-0000-000	LT Debt Service-MWPAT-Eastside Phase I	35,043	35,043	0.00%	
061-04-000-5901-0001-000	LT Debt Service-MWPAT- Eastside Phase II	51,001	51,001	0.00%	
061-04-000-5920-0000-000	LT Interest-MWPAT-Eastside Phase I	7,331	7,331	0.00%	
061-04-000-5920-0001-000	LT Interest-MWPAT-Eastside Phase II	13,915	13,915	0.00%	
061-04-000-5975-0000-000	Intermunicipal Agreement	0	0	#DIV/0!	
	Total Debt Service	107,290	107,290	0.00%	
Total Supplies, Services, Charges and Expences		355,490	365,690	2.87%	

Labor Worksheet

Department Name	Department Number	Fiscal Year
Water	061	2018

Department Head		FY2017 Approp.	FY 2018 Proposed	% Change	Comments/Notes
Name: Paul Rafuse	Salary & Wages - Base	80,305	82,203	2.36%	Reg. & Holiday On Call Inc. Per State Ethics Comm. 18 weeks, and 4 holidays on call
Position: Superintendent	Add'l Gross - Overtime				
Hrs/Wk: 40 Rate: (Salary)	Add'l Gross - Reg & Hol. On Call				
Current: 35.30	Add'l Gross - Longevity	900	900	0.00%	
Proposed: 37.07	Other - Stipend				
	Other - Certification				
Per Collective Bargaining Agrmt.	Other - Clothing Allow.	800	0	-100.00%	
	Employee Total	82,005	83,103	1.34%	

Operational Staff		FY2017 Approp.	FY 2018 Proposed	% Change	Comments/Notes
Name: Michael MacEachern	Salary & Wages - Base	50,821	52,092	2.50%	
Position: Water Technician	Add'l Gross - Overtime	3,000	3,300	10.00%	
Hrs/Wk: 40 Rate: Hourly	Add'l Gross - Reg. & Hol. On call	4,725	4,800	1.59%	
Current: 23.65	Add'l Gross - Longevity	1,100	1,300	18.18%	
Proposed: 24.94	Other - Stipend				
	Other - Certification	500	500		
Per Collective Bargaining Agrmt.	Other - Clothing Allow.	1,000	0	-100.00%	
	Employee Total	61,146	61,992	1.38%	

Operational Staff		FY2017 Approp.	FY 2018 Proposed	% Change	Comments/Notes
Name: James Blanchard	Salary & Wages - Base	50,821	52,092	2.50%	
Position: Water Technician	Add'l Gross - Overtime	3,000	3,300	10.00%	
Hrs/Wk: 40 Rate: Hourly	Add'l Gross - Reg. & Hol. On call	6,000	4,800	-20.00%	
Current: 23.41	Add'l Gross - Longevity	800	800	0.00%	
Proposed: 24.94	Other - Stipend				
	Other - Certification	500	500		
Per Collective Bargaining Agrmt.	Other - Clothing Allow.	1,000	0	-100.00%	
	Employee Total	62,121	61,492	-1.01%	

Operational Staff		FY2017 Approp.	FY 2018 Proposed	% Change	Comments/Notes
Name:	Salary & Wages - Base	50,821	52,092	2.50%	
Position: Water Technician Trainee	Add'l Gross - Overtime	3,000	3,300	10.00%	
Hrs/Wk: 40 Rate: Hourly	Add'l Gross - Reg. & Hol. On call	0	0	#DIV/0!	
Current:	Add'l Gross - Longevity	0	0	#DIV/0!	
Proposed: 24.94	Other - Stipend			#DIV/0!	
	Other - Certification	0	0	#DIV/0!	
Per Collective Bargaining Agrmt.	Other - Clothing Allow.	1,000	0	-100.00%	
	Employee Total	54,821	55,392	1.04%	

Labor Worksheet

Department Name	Department Number	Fiscal Year
Water	061	2018

Office Staff		FY2017 Approp.	FY 2018 Proposed	% Change	Comments/Notes
Name: Brenda Boudreau	Salary & Wages - Base	40,241	41,247	2.50%	
Position: Office Administrator	Add'l Gross - Overtime	1,500	3,300	120.00%	Increased due to workload.
Hrs/Wk: 40 Rate: Hourly	Add'l Gross - Shift Diff'l				
Current: 18.72	Add'l Gross - Longevity	1,100	1,100	0.00%	Will be at 15 yrs. Continued service
Proposed: 19.75	Other - Stipend				
	Other - Certification				
Per Collective Bargaining Agrmt.	Other - Clothing Allow.	1,000	0		
	Employee Total	43,841	45,647	4.12%	

Office Staff		FY2017 Approp.	FY 2018 Proposed	% Change	Comments/Notes
Name:	Salary & Wages - Base	13,114	16,903	28.89%	Part time Employee at 20 hrs./week
Position: Temporary Billing Clerk	Add'l Gross - Overtime			0.00%	
Hrs/Wk: 20 Rate: Hourly	Add'l Gross - Shift Diff'l			0.00%	
Current:	Add'l Gross - Longevity			0.00%	
Grade T-2/Level 2	Other - Stipend			0.00%	
Proposed: 16.19	Other - Certification			0.00%	
Grade T-3/Level 1	Other - Clothing Allow.			0.00%	
	Employee Total	13,114	16,903	0.00%	

Operational/Office Staff		FY2017 Approp.	FY 2018 Proposed	% Change	Comments/Notes
Name:	Salary & Wages - Base	1	0	-100.00%	
Position: Extra Help	Add'l Gross - Overtime				
Hrs/Wk: Rate/Hr: 6.50	Add'l Gross - Shift Diff'l				
Proposed:	Add'l Gross - Longevity				
	Other - Stipend				
	Other - Certification				
	Other - Uniform Allow.				
	Employee Total	0	0	#DIV/0!	

Labor Worksheet

Department Name	Department Number	Fiscal Year
Water	061	2018

Board of Water Commission Staff		FY2017 Approp.	FY 2018 Proposed	% Change	Comments/Notes
Name: Mike MacEachern	Salary & Wages - Base				
	Add'l Gross - Overtime				
	Add'l Gross - Shift Diff'l				
	Add'l Gross - Longevity				
	Other - Stipend	1	1	0.00%	
	Other - Certification				
	Other - Uniform Allow.				
	Employee Total	1	1	0.00%	

Board of Water Commission Staff		FY2017 Approp.	FY 2018 Proposed	% Change	Comments/Notes
Name: Nathan Mattila	Salary & Wages - Base				
	Add'l Gross - Overtime				
	Add'l Gross - Shift Diff'l				
	Add'l Gross - Longevity				
	Other - Stipend	1	1	0.00%	
	Other - Certification				
	Other - Uniform Allow.				
	Employee Total	1	1	0.00%	

Board of Water Commission Staff		FY2017 Approp.	FY 2018 Proposed	% Change	Comments/Notes
Name: Lance Lewand	Salary & Wages - Base				
	Add'l Gross - Overtime				
	Add'l Gross - Shift Diff'l				
	Add'l Gross - Longevity				
	Other - Stipend	1	1	0.00%	
	Other - Certification				
	Other - Uniform Allow.				
	Employee Total	1	1	0.00%	

3,4



4 New Park Road
East Windsor, CT 06088
860-243-1493
860-528-8057 FAX
www.blakeequip.com

Peak Performance Solutions

December 8, 2016

Townsend Water Department
Attn: Paul Rafuse, Superintendent
540 Main Street
West Townsend, MA 01474

: ESTIMATION: QUOTE: ESTIMATION:

Project Name: New Panel
Project #: 9109494

Duplex Control Panel with constant pressure controller.

(2)- 20HP VFD
(1)- 7 1/2HP Jockey Pump

With Alarm outputs/scada (details needed when ordered)
Installed with Startup.

Please Note: *Energy saving efficiency upgrade*

Not to exceed a total of \$11,204.00, plus tax and freight without further approval.

Note: 4 Week Lead Time.

This offer is extended for 30 days. After which it will be reevaluated. Please sign below if you are in agreement.

Sincerely,

Russ Roly
Field Service Supervisor

Signed _____

Print _____

Date _____

Phone Number _____

PO# _____

Email _____



Integrity

Excellence

Teamwork

Innovation

December 8, 2016

Townsend Water Department
Attn: Paul Rafuse, Superintendent
540 Main Street
West Townsend, MA 01474

: ESTIMATION: QUOTE: ESTIMATION:

Project Name: Repair Current Panel
Project #: 9109494

Replacement CUE Drive (retro-fit)

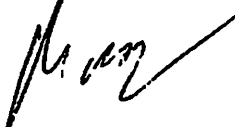
Program and Install
Test Run

Not to exceed a total of \$5,747.00, plus tax and freight without further approval.

Note: 2 Week Lead Time. (From 12/12/2016)

This offer is extended for 30 days. After which it will be reevaluated. Please sign below if you are in agreement.

Sincerely,



Russ Roly
Field Service Supervisor

Signed _____

Print _____

Date _____

Phone Number _____

PO# _____

Email _____



TOWN OF TOWNSEND
BOARD OF WATER COMMISSIONERS
APPLICATION TO ABATE OR ADJUST CHARGES

Name: Joe Lopilato Account # 60435
Address: 83 Ash Street Service Address 359 Main St
Phone # _____ Email Address _____

Billing date 11/9

AMOUNT: 26.93 s/c ABATEMENT [] ADJUSTMENT [] (check one)

REQUESTED BY: CUSTOMER [] OFFICE [] OTHER [] - if other please explain below:

Reasons: (please attached supporting documentation if applicable)

26.93 late charge was added on 11/9 - charge was
made 11/7 - paid 12/4 - when payment was entered
it paid HC 155

APPROVED [] DENIED [] (check one)

DATE: 1-9-17

TOWNSEND BOARD OF WATER COMMISSIONERS

[Signature]
[Signature]
[Signature]

WATER SUPERINTENDENT

26.93 s/c
061-000-4220-000