

TOWN OF NATICK

Meeting Notice

POSTED IN ACCORDANCE WITH THE PROVISIONS OF M.G.L. CHAPTER 30A, Sections 18-25

Natick Finance Committee

School Committee Meeting Room

February 28, 2017 7:00 PM

Agenda

1. Public Concerns/ Comments
2. Meeting Minutes
3. Old Business
4. New Business
 - a. February 28 Meeting
5. Adjourn

The Finance Committee will make every reasonable effort to update this agenda if additional information is provided subsequent to the initial posting. The Finance Committee reserves the right to consider items on the agenda out of order. Any times that may be listed on the agenda are estimates provided for informational purposes only. Agenda items may occur earlier or later than the stated time.

ITEM TITLE: February 28 Meeting

ITEM SUMMARY:

ATTACHMENTS:

Description	Upload Date	Type
FinCom Meeting Notice and Agenda for February 28 2017	2/28/2017	Cover Memo
Article 3 Town Administrator MGL Ch 41 sec 108	2/28/2017	Exhibit
2017SATM Response Article3 White 02232017	2/28/2017	Exhibit
Town Clerk resume for town meeting 2017	2/28/2017	Exhibit
2017 SATM Response Article 18 Dangelo 02232017	2/28/2017	Exhibit
2017 SATM Response Article 17 White 02242017	2/28/2017	Exhibit
Article 17 Town Administrator Motion	2/28/2017	Exhibit
Executive Farm Director	2/28/2017	Exhibit
Assistant Farm Director	2/28/2017	Exhibit
Office Administrator, Farm	2/28/2017	Exhibit
Info regarding NCOF operations from Ethics Office	2/28/2017	Backup Material
MEMO public resources	2/28/2017	Backup Material
PS FY 2018 - Facilities Budget - Preliminary 2-15-2017	2/28/2017	Exhibit
FY 2018 Budget - Facilities Preliminary - Preliminary 2-15	2/28/2017	Exhibit
DOR_DLS_2014workshopb_Anti-Aid	2/28/2017	Backup Material
2006-75_letter from DOR ro City Auditor of Marlboro	2/28/2017	Backup Material



TOWN OF NATICK

Meeting Notice

POSTED IN ACCORDANCE WITH THE PROVISIONS OF M.G.L. CHAPTER 30A, §§ 18-25

Finance Committee

PLACE OF MEETING

School Committee Meeting Room
3rd Floor, Town Hall
13 East Central Street
Natick, Mass. 01760

DAY, DATE AND TIME

Tuesday, February 28, 2017
7:00 P.M. to 11:00 P.M

MEETING AGENDA

1. Citizens Concerns

2. Old Business

- a) Meeting Minutes –Discuss & Approve for 1/5/17, 1/19/17, 1/24/17, 1/26/17
- b) Future Meeting Dates/Scheduling - FY 2018 Budget, SATM Warrant - Updates and Discussion

3. Public Hearing: 2017 Spring Annual Town Meeting Warrant

- a) Article 18: Increase Personal Exemption Amounts
- b) Article 3: Personnel Board- Personnel Classification & Pay Plan
- c) Article 4: Elected Officials Salary
- d) Article 17: Rescind Authorized, Unissued Debt

4. Public Hearing: Town Administrator's Preliminary FY 2018 Budget

- a) Facilities Management
- b) Community Services Department – Possible Reconsideration including NCOF Division budget

5. Adjourn

Please note the committee may take the items on this agenda out of order.

Patrick Hayes, Chairman

SUBMITTED BY

MGL Chapter 41, Section 108: Compensation

The salary and compensation of all elected officers of a town shall be fixed annually by vote of the town at an annual town meeting, but said salary or compensation may be revised by a two-thirds vote of any special town meeting called to conduct business later in the same fiscal year for which said salary or compensation was originally fixed; provided, however, that such salary revision occurs prior to the establishment of the tax rate of the town in said fiscal year. Except as provided in section four A and section one hundred and eight A, and except in any city in which salaries and wages are fixed by special law or by ordinance in accordance with the provisions of any general or special law, all boards or heads of departments of a town shall, as soon as may be after the passage of the annual budget, fix the salary or compensation of all officers or employees appointed or employed by them, subject to the provisions of section thirty-one of chapter forty-four. The provisions of this section shall be operative notwithstanding the provisions of sections thirteen and thirty-four of said chapter forty-four. A city may by ordinance prescribe that all fees, charges or commissions allowed by law to any officer thereof shall be paid into the city treasury and belong to the city, and in such case shall pay such officer such compensation as the city council may determine.

Warrant Article Questionnaire
Standard (Recurring) Town Agency Articles

Section III – Questions with Response Boxes – To Be Completed By Petition Sponsor

Article # 3	Date Form Completed: 2/23/2017
Article Title: Elected Officials Salary	
Sponsor Name: Town Administrator/M. White	Email: mwhite@natickma.org

Question	Question
1	<p>Provide the article motion exactly as it will appear in the Finance Committee Recommendation Book and presented to Town Meeting for action.</p> <p>Note: Failing to provide a complete motion will likely require a rescheduling of the hearing to a later date.</p>
Response	<p>Move that the Town vote to fix the salary and compensation of the following elected officer of the Town for the Fiscal Year July 1, 2017 through June 30, 2018 as provided by section 108 of Chapter 41 of the Massachusetts General Laws:</p> <p>Town Clerk: \$**</p> <p><i>** Note that as of this writing a final recommendation regarding the Town Clerk's FY 2018 salary has not been determined. I anticipate that this recommendation will be established on Monday and will update the FinCom promptly.</i></p>
2	At a summary level and very clearly, what is the proposed purpose and objective of this Warrant Article and the accompanying Motion?
Response	To establish the Town Clerk's salary for FY 2018.
3	What previous Warrant's has this Article appeared and what has been the actions taken by Finance Committee, other Boards or Committees and Town Meeting?
Response	The requirement that salaries of elected officials be established by Town Meeting has existed for many years, likely for decades. This Article has been included on Town Meeting warrants since the state legislature adopted MGL Chapter 41, section 108.
4	Why is it required for the Town of Natick and for the Town Agency sponsor(s)?
Response	A vote of Town Meeting is required to establish the Town Clerk's salary.

Warrant Article Questionnaire
Standard (Recurring) Town Agency Articles

5	Does this article require funding, how much, from what source of funds and under whose authority will the appropriation be managed and spent?
Response	This Article itself does not require funding, but establishes the salary amount that must be funded through the Town Clerk's operating budget.
6	To the best of your knowledge has any other actions of recent Town Meetings, Massachusetts General Laws or CMR's or other such legislation or actions, created a conflict for this article's purpose and objective?
Response	NO
7	To the best of your knowledge does a favorable action on the part of this Town Meeting create a conflict or a possible future conflict with the relevant Town Bylaws, financial and capital plans, comprehensive Master Plan, community values, or any relevant state laws and regulations?
Response	NO
8	Is there anything contemplated in the proposed motion that is different in how it's expected this article will be executed if acted on favorably by Town Meeting?
Response	NO
9	If this Warrant Article is not approved by Town Meeting what are the consequences to the Town and to the sponsor(s)? Please be specific on both financial and other consequences?
Response	It is my understanding that failure to take action on this Warrant Article would result in no salary being established for or available to the Town Clerk. Given that each annual vote of Town Meeting stipulates the fiscal year in which the specified salary shall be paid, said salary cannot be paid beyond that fiscal year.

Diane B. Packer, CMMC Town Clerk

April 2014: Received designation of Certified Massachusetts Municipal Clerk (CMMC)

Education

Masters in Business Administration (MBA), New York University

B.A., Brandeis University

MetroWest Leadership Academy

Professional Experience

25 plus years of management experience in corporate, not-for-profit and municipal positions.

Accomplishments as Town Clerk

- Awarded Certification (CMMC) as a Certified Massachusetts Municipal Clerk in 2014
- Appointed Primary Records Officer for the Town of Natick
 - Created a web page for improved information regarding the new Public Records law and how to access information
 - Improved/enhanced the election web page and related questions regarding elections
 - Working to improve access to information on the web site
 - Reviewing software to aid in tracking public records law requests
- Vice Chair, Massachusetts Town Clerk Association; Legislative Committee
- Member of the Executive Board, Massachusetts Town Clerk Association (2016)
 - Appointed as alternate to the State Election Task Force
- Successfully managed early voting during the 2016 Presidential Election
- Successfully implemented use of Poll Pads during the early voting period
- Working with appropriate personnel in the early stages of planning for the 2020 census
- Updated By-laws completed and available on the website
- Implemented a new dog licensing program for the 2017 license period
- Acquired new voting booths
- Purchased new voting machines and conducted training for all election workers on the machines prior to the 2012 presidential election
- Continue to restore historical records of the Town
- Completed the reorganization and update of the Vault in the Town Clerk's office

Elections

- Serve as the Chief Election Officer, managing all elections for the Town (State, Federal and Local)
- Managed Presidential Election (November 2016) including the 11 day early voting period
- Managed Presidential Primary (March 2016)—The highest turnout for a primary
- Continue to solicit and train new election workers
- Improve the quality and availability of voting information on the Town's website, use social media as appropriate to disseminate general voter information
- Work with Natick High School teachers to identify students interested in working the elections

- Mail Annual Town Census each year, and send out confirmation cards to all registered voters who do not respond. This helps improve the accuracy of up-to date voting lists.
- Supervised March 2012 election in which all 180 Town Meeting members were elected because it was a redistricting year
- Participated as a member of the Redistricting Committee and completed the process after the Board of Selectmen received approval from the State for the new precinct lines
- Continue to comply with the provisions of the overseas voting act—allowing overseas and military voters to receive their ballots via fax or e-mail
- Provide various training opportunities for all election workers
- Continue to improve and update many of the forms and guidelines used by the election workers on Election Day
- Conduct new voter registration drives with the League of Women Voters and Natick High School
- Manage voter registration during Natick days with the Board of Registrars

Captial and other office projects

- Completed the renovation of the vault in the Town Clerk's office. Renovation resulted in an increase in usable space (at least double) and greatly improved access to all records
- Implemented and use new State wide electronic technology (EDRS and VIP) for birth and death records
- Requested and received approval from Town Meeting for funding to continue the restoration of the Town's official records
 - ◆ This is a multi-year project and worked with the Procurement officer and the Morse Institute Library archivist to develop guidelines for the projects
 - ◆ Year 1-3 have been completed and Town Meeting approved funding for Year 4
- Created electronic databases for Business Certificates
- Completed an electronic database for Zoning Board of Appeals and Planning Board applications and decisions
- Implemented a new filing system using map and lot numbers as identifiers for all of these documents

Miscellaneous

- Sworn in as a Commissioner to Qualify Public Officers
- Sworn in as a Justice of the Peace and Notary Public
- Attend Massachusetts Town Clerk's Association educational meetings
- Proposed and received approval from Town Meeting for a Charter change to address the manner in which vacant Town Meeting positions are filled

Professional Experience Prior to 2010:

- Natick Human Services and Council on Aging: Assistant Director/Volunteer Resources Coordinator
- Striar Jewish Community Center (Stoughton, MA): Director, Marketing and Communications
- Pfizer, Inc. (New York, NY): Assistant Product Manager
- Unilever United States (New York, NY): Manager, Corporate Development
- Marriot Corporation (Washington DC): Director of Services

Warrant Article Questionnaire
Standard (Recurring) Town Agency Articles

Section III – Questions with Response Boxes – To Be Completed By Petition Sponsor

Article #18	Date Form Completed: 2/23/17
Article Title: Increase Personal Exemptions	
Sponsor Name: Board of Assessors	Email: dangelo@natickma.org

Question	Question																								
1	<p>Provide the article motion exactly as it will appear in the Finance Committee Recommendation Book and presented to Town Meeting for action.</p> <p>Note: Failing to provide a complete motion will likely require a rescheduling of the hearing to a later date.</p>																								
Response	Move that the Town vote to increase the Personal Exemption Amounts by 52.5% under the provisions of Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988 which provides for "Optional Additional Property Tax Exemptions" allowing an annually determined, uniform increase in the amount of exemption in General Laws, Chapter 59 Section 5 Clauses 17D, 22, 22A, 22B, 22C, 22E, 37A, and 41C (elderly person, disabled veteran, or blind person)																								
2	At a summary level and very clearly, what is the proposed purpose and objective of this Warrant Article and the accompanying Motion?																								
Response	The purpose of this article is to increase the exemption amounts for qualified applicants including seniors on fixed incomes and disabled veterans to keep pace with inflation and increased taxes.																								
3	What previous Warrant's has this Article appeared and what has been the actions taken by Finance Committee, other Boards or Committees and Town Meeting?																								
Response	<p>Type response here)</p> <table border="1"> <thead> <tr> <th>Warrant Period</th><th>Other Committees</th><th>FinCom Action</th><th>Town Meeting</th></tr> </thead> <tbody> <tr> <td>FTM 2016</td><td></td><td></td><td></td></tr> <tr> <td>SATM 2016</td><td></td><td>Voted Favorably</td><td>Voted Favorably</td></tr> <tr> <td>FTM 2015</td><td></td><td></td><td></td></tr> <tr> <td>SATM 2015</td><td></td><td>Voted Favorably</td><td>Voted Favorably</td></tr> <tr> <td>Prior</td><td></td><td>Voted Favorably</td><td>Voted Favorably</td></tr> </tbody> </table> <p>Comments: This article has appeared at Town Meeting for 20 years. It has been approved unanimously by the Finance Committee and Board of Selectmen as well as at past Town Meetings.</p>	Warrant Period	Other Committees	FinCom Action	Town Meeting	FTM 2016				SATM 2016		Voted Favorably	Voted Favorably	FTM 2015				SATM 2015		Voted Favorably	Voted Favorably	Prior		Voted Favorably	Voted Favorably
Warrant Period	Other Committees	FinCom Action	Town Meeting																						
FTM 2016																									
SATM 2016		Voted Favorably	Voted Favorably																						
FTM 2015																									
SATM 2015		Voted Favorably	Voted Favorably																						
Prior		Voted Favorably	Voted Favorably																						

Warrant Article Questionnaire
Standard (Recurring) Town Agency Articles

4	Why is it required for the Town of Natick and for the Town Agency sponsor(s)?
Response	To alleviate the tax burden of qualified applicants including seniors on fixed income and disabled veterans.
5	Does this article require funding, how much, from what source of funds and under whose authority will the appropriation be managed and spent?
Response	Financial relief granted to qualifying taxpayers is funded from the Assessors Overlay Account. This is under the direction of the Board of Assessors.
6	To the best of your knowledge has any other actions of recent Town Meetings, Massachusetts General Laws or CMR's or other such legislation or actions, created a conflict for this article's purpose and objective?
Response	N/A
7	To the best of your knowledge does a favorable action on the part of this Town Meeting create a conflict or a possible future conflict with the relevant Town Bylaws, financial and capital plans, comprehensive Master Plan, community values, or any relevant state laws and regulations?
Response	N/A
8	Is there anything contemplated in the proposed motion that is different in how it's expected this article will be executed if acted on favorably by Town Meeting?
Response	N/A
9	If this Warrant Article is not approved by Town Meeting what are the consequences to the Town and to the sponsor(s)? Please be specific on both financial and other consequences?

Warrant Article Questionnaire
Standard (Recurring) Town Agency Articles

Response	<p>If the article is not approved, the Town exemption amounts would revert to the State of Massachusetts guidelines. Financially, that would mean the loss of the 50% increase voted in FY17 and would result in a decrease in the exemption dollars granted to each qualified applicant. For example, a veteran with a 100% disability would see a loss in exemption amount from \$1,500 in FY17 to \$1,000 in FY18 which is the state guideline. Non-approval of this article would result in significant tax dollar increases to all qualified applicants. This will cause an unexpected financial hardship and may impact their ability to stay in their homes.</p>

Warrant Article Questionnaire
Standard (Recurring) Town Agency Articles

Section III – Questions with Response Boxes – To Be Completed By Petition Sponsor

Article # 17	Date Form Completed: 2/24/2017
Article Title: Rescind Authorized Unissued Debt	
Sponsor Name: Town Administrator/M. White	Email: mwhite@natickma.org

Question	Question
1	<p>Provide the article motion exactly as it will appear in the Finance Committee Recommendation Book and presented to Town Meeting for action.</p> <p>Note: Failing to provide a complete motion will likely require a rescheduling of the hearing to a later date.</p>
Response	See attached. Please note that this motion is being reviewed by Town Counsel. Further, additional projects/borrowing authorizations may be added to the list on Monday when I'm able to speak to department heads returning from vacation,
2	At a summary level and very clearly, what is the proposed purpose and objective of this Warrant Article and the accompanying Motion?
Response	Sound financial management principles suggest that debt amounts that have been authorized by Town Meeting, but which funds are no longer needed, should be rescinded such that they are not reflected in the Town's overall debt position. Specifically, under this Article, we are rescinding borrowing authorizations for funds that were never borrowed.
3	What previous Warrant's has this Article appeared and what has been the actions taken by Finance Committee, other Boards or Committees and Town Meeting?
Response	This Article has been routine for several years, whenever such opportunities arise.
4	Why is it required for the Town of Natick and for the Town Agency sponsor(s)?
Response	Technically rescission of authorized unissued debt is not required, but it is a sound financial practice to do so.

Warrant Article Questionnaire
Standard (Recurring) Town Agency Articles

5	Does this article require funding, how much, from what source of funds and under whose authority will the appropriation be managed and spent?
Response	No funding required
6	To the best of your knowledge has any other actions of recent Town Meetings, Massachusetts General Laws or CMR's or other such legislation or actions, created a conflict for this article's purpose and objective?
Response	NO
7	To the best of your knowledge does a favorable action on the part of this Town Meeting create a conflict or a possible future conflict with the relevant Town Bylaws, financial and capital plans, comprehensive Master Plan, community values, or any relevant state laws and regulations?
Response	NO
8	Is there anything contemplated in the proposed motion that is different in how it's expected this article will be executed if acted on favorably by Town Meeting?
Response	NO
9	If this Warrant Article is not approved by Town Meeting what are the consequences to the Town and to the sponsor(s)? Please be specific on both financial and other consequences?
Response	The Town's debt position would reflect debt authorizations that are not needed, thus would be unnecessarily inflated.

2017 Spring Annual Town Meeting
Article 17 - Rescind Authorized Unissued Debt

Move that the Town vote to rescind authorized debt for the following General Fund capital projects and in the amounts specified:

Town Meeting	Article Number	Authorized/ Unissued	Purpose
2014 Spring ATM	36, B, Item 2	153,000	Pine Street Roadway
2014 Fall ATM	32, Motion B, Item 2	50,200	Parking Meters
2015 Spring ATM	22, Motion B, Item 2	455	Willow Street Drain
2015 Special TM #1	1. Motion 1	400,000	Pegan Lane Acquisition

**Town of Natick
Job Description**

Position Title:	Executive Farm Director	Grade Level:	3
Department	Community Services	FLSA Status	Exempt
Reports to:	Director of Community Services		

Statement of Duties: The employee performs most duties with a high degree of independence of action within staffing and fiscal limitations. Incumbent must report any unusual situations and circumstances that may affect departmental mission, policy or goals.

Supervision Required: The employee performs responsibilities under the general supervision of the Director of Community Services who provides policy, fiscal direction and assists in priority setting.

Supervisory Responsibility: The employee is responsible for the supervision/oversight of ~~a small~~ all farm / Natick Community Organic Farm, Inc.(NCOF, Inc.) staff ~~plus several~~ and volunteers, making work assignments, evaluating their performance and training them in all details of farm operations. Most work on the same shift, but at various locations on the farm. Most work is planned and carried out according to plan but there are occasional, unforeseen situations which must be handled at the time of occurrence.

Accountability: This position is highly accountable and incorrect actions or misjudgment would typically result in monetary loss, missed deadlines, potential injury, as well as legal repercussions, and adverse public relations.

Judgment: Individual judgment and the application of professional knowledge and experience are required in selecting the appropriate practices, procedures, regulations, or guidelines to apply in each case.

Complexity: Work at this level involves attention to numerous details and to several programs or program components happening simultaneously, which calls upon the incumbent's ingenuity in being able to handle all matters well. Fiscal limitations are almost always present, and to an extent, these limitations define the parameters of opportunities for youth and others participating in the farm program.

Confidentiality: Individual judgment and the application of professional knowledge and experience are required in selecting the appropriate practices, procedures, regulations, or guidelines to apply in each case.

Work Environment: Physical demands are common to this class of positions, principally in walking, running, bending and stooping. In addition, incumbent lifts, carries and places many types of heavy objects daily. Stress is caused in the effort to keep simultaneous program events operating effectively for the benefit of participants. The work environment is mostly out-of-doors, where work is affected by weather conditions. Safety hazards are present calling for

Community Services Department
Executive Farm Director

2/28/17~~12/22/16~~12/22/16~~12/21/16~~

Town of Natick Job Description

special precautionary measures to be followed.

Nature and Purpose of Contacts: Primary contacts are with Director, [NCOF, Inc. Board of Directors](#) and staff for the purpose of discussing program, setting of priorities and funds available to pursue programs. Other contacts are with participants in the program, mainly youth, for the purpose of training and instructing them in all phases of farm operations. Finally contacts are with general public members for the purpose of public information.

Occupational Risks: Duties generally do not present occupational risk. However, if an employee fails to properly follow safety precautions and procedures, it could result in a minor injury.

Essential Functions:

The essential functions or duties listed below are intended only as illustrations of the various type 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. [To work toward the long-term success of NCOF, Inc., employee will:](#)

- Performs ~~very~~ responsible administrative and supervisory responsibilities in managing the day-to-day operations of a community farm, which provides positive learning experiences for persons of all ages.
- [Maintain responsibility for](#) ~~Responsible for~~ the day-to-day operations and long range planning for all aspects of the farm, i.e., maple sugar, solar greenhouse, organic garden, animals, land and facility maintenance, community gardens, etc.
- Develops and maintains financial plans and controls including budgeting, accounting systems, marketing, fundraising, proposals for programs, long range planning, etc., in conjunction with the Director and Natick Community Farm, Inc.
- Recruits, supervises, maintains and instructs all youth and other participants involved in programs, work activities, visits to the Farm, and maintains all records.
- Advises the Director of Community Services [and NCOF, Inc.](#) on performance of the farm and makes recommendations for additional services.
- Maintains working relationship with the staff of this and other agencies in order to deliver comprehensive and coordinated services to individual participants.
- [Ensure, to the greatest extent possible, the safety of all employees and visitors by adhering to all relevant safety regulations, facility requirements and effective communication.](#)

Community Services Department
Executive Farm Director
[2/28/17](#) ~~12/22/16~~ [12/22/16](#) ~~12/21/16~~

Town of Natick Job Description

- [Appear before Town of Natick Boards, Commissions and Committees on behalf of the Department of Community Services.](#)
- Purchases in conjunction with the department and the Farm Board, all equipment materials and supplies.
- Performs community public relations functions including daily activities (or communication) of the farm with public and private sectors.
- Maintains involvement with professional associations, committees and other divisions through attendance at meetings, memberships.
- Performs other related duties of the class, as required.

Recommended Minimum Qualifications:

Education and Experience: or any equivalent combination of education, training and experience which provides the required knowledge, skills and abilities to perform the essential functions of the job.

- Must have had not less than three (3) years of progressively responsible work experience in farm operations and in working with youth in addition to formal training in non-profit management and organic land management.
- A candidate for this class of positions must be a high school graduate and must have received a Bachelor's Degree in agriculture, horticulture or animal husbandry or a related field from an accredited college or university.
- Must have had at least three (3) years of progressively responsible work experience in agriculture and/or animal husbandry.
- Candidate must be in general good health, and be able to demonstrate possession of the required knowledge, skills and abilities to perform this work.

Knowledge, Abilities and Skill

Knowledge:

- Considerable knowledge of agriculture, its systems and practices.
- Considerable knowledge of animal husbandry and horticulture.
- Basic knowledge of animal health care techniques and practices.

Community Services Department
Executive Farm Director

[2/28/1712/22/1612/22/1612/21/16](#)

Town of Natick Job Description

Abilities:

- Ability to supervise and motivate staff and volunteers.
- Ability to develop and maintain a system of records on farm operations.
- Ability to communicate effectively to others, both orally and in writing.
- Ability to handle numerous details effectively and with independence of action.

Skill:

- Skill in public relations techniques and practices.
- Skill in marketing farm products.

Physical and Mental Requirements

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the position's essential functions.

Physical Skills:

- There is little or no physical demand needed. The ability is required to lift up to 30 pounds.

Motor Skills:

- Duties may involve close hand-eye coordination and physical dexterity.

Visual Skills:

- Ability to read, see, and differentiate between colors.

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

**Town of Natick
Job Description**

Community Services Department
Executive Farm Director
[2/28/17](#)~~12/22/16~~~~12/22/16~~~~12/21/16~~

Town of Natick Job Description

Position Title:	Assistant Farm Director	Grade Level:	3
Department	Community Services	FLSA Status	Exempt
Reports to:	Executive Farm Director		

Statement of Duties: Complete responsibility for Farm's organic vegetable and small fruit production. Management and education of a large, diverse, ever-changing work force comprised of seasonal help, youth, adult volunteers, and individuals with special needs. Marketing and distributing produce through farm stand, farmers' markets, wholesale, CSAs. Detailed record-keeping. Handle all aspects of yearly organic certification. Oversee daily animal chores.

Supervision Required: Incumbent performs duties under the general supervision of the Farm Director. Incumbent develops work priorities in conjunction with the Farm Director. Performs most work independently using own judgment and following existing guidelines as appropriate.

Supervisory Responsibility: Provides assignments and direction to part-time seasonal [municipal and Natick Community Organic Farm, Inc.\(NCOF, Inc.\)](#) employees, interns and volunteers. Assume all responsibilities for the farm in the [Executive Farm](#) Director's absence.

Accountability: Incumbent reports to the Executive [Farm](#) Director ~~of the farm~~ and works under the general direction of the Director of Community Services for the Town of Natick [and in partnership with NCOF, Inc.](#)

Judgment: Incumbent will rely on her/his strong judgment and problem solving skills in order to ensure for the health and safety of staff and visitors.

Complexity: Duties require a high level competency in the areas of multi-tasking, accuracy in task completion and planning.

Confidentiality: Must evaluate and maintain confidentiality regarding all matters of staff, volunteers, and other aspects of the nonprofit at all times.

Work Environment: Physical demands are always present in this work. Incumbent does a great deal of walking, running, bending, stooping and lifting, and carrying of heavy objects. Travel including driving a truck and other farm equipment is required. Stress may be caused by making the effort to handle numerous details at one and the same time. Work environment is mainly out-of-doors, subject to the adversities of weather conditions. - Night and weekend meetings and activities are also required by this job.

Nature and Purpose of Contacts: Primary contacts are with Executive [Farm](#) Director [and NCOF, Inc. Board of Directors](#) for the purpose of coordination of work assignments and instructions. Daily contact with other farm staff and volunteers. Year round contacts with a wide variety of program participants in both hands on educational and classroom training situations. May present to the Board of Directors in the Director's absence.

Community Services Department
Assistant Farm Director
[2/28/17](#)~~[12/22/16](#)~~~~[12/22/16](#)~~~~[12/21/16](#)~~

Town of Natick Job Description

Occupational Risks: Safety is of utmost priority and all tasks must be evaluated to reduce or eliminate risk. Proper care of one's own body, especially back, knees, and hands are a must.

Essential Functions:

The essential functions or duties listed below are intended only as illustrations of the various type 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.

To work toward the long-term success of NCOF, Inc., employee will:

- FARMING

- Assists the ~~Farm's~~ Executive Farm Director in the operation of the Natick Community Organic Farm. Duties include: preparing planting, cultivating, harvesting and marketing of crops and other farm products including maple syrup. Maintain all production records and submit yearly organic certification.
- Cares for and feeds livestock. Calculates and analyzes organic feed rations.
- Maintains the farm's physical plant and equipment including the farm's buildings and vehicles. Ensures year round operation of the solar greenhouses for the production of marketable organic crops.

- EDUCATION

- Plans, supervises, instructs and implements educational/recreational programs for the schools, visiting groups, the public and local agencies, including general and special needs populations in close cooperation with NCOF, Inc. Board of Directors.
- Serves as a resource to the general public and farming community responding to visitors, phone and written correspondence.

- FARM MANAGEMENT

- Collaborates with the Executive Farm Director in the long-range planning for the farm. Makes operational recommendations to the Executive Farm Director and NCOF, Inc. Board of Directors.
- Assists the NCOF, Inc. Board of Directors in organizing and implementing seasonal fundraising events.
- Assumes -administrative and operational responsibilities for the farm in the absence of the Executive Farm Director.
- Maintains relationship with retail, wholesale, and CSA clients to create strong marketing, business, and personal networks.
- Performs other related duties as required.

Community Services Department
Assistant Farm Director
2/28/17~~12/22/16~~12/22/16~~12/21/16~~

Town of Natick Job Description

- [Appear before Town of Natick Boards, Commissions and Committees on behalf of the Department of Community Services.](#)

Recommended Minimum Qualifications:

Education and Experience: or any equivalent combination of education, training and experience which provides the required knowledge, skills and abilities to perform the essential functions of the job.

- In addition to formal training, incumbent must have had at least four years of work experience in animal husbandry, organic agriculture or a related field, and should have acquired skills to repair and maintain farm equipment.
- A candidate for this class of positions must be a high school graduate, and should hold a minimum of a Bachelor's Degree in sustainable agriculture or organic agriculture; animal husbandry or a related field is preferred. In addition, candidates must have had at least two years or equivalent of work experience in these fields or a related field. Qualified candidates must be in general good health and be able to demonstrate possession of the required knowledge, skills and abilities to perform this work.

Knowledge, Abilities and Skill

Knowledge:

- Working knowledge of organic farming methods and solar greenhouse production.
- Working knowledge of humane animal husbandry and health care.
- Working knowledge of computerized record keeping, social media, and marketing strategies.

Abilities:

- Ability to communicate effectively and courteously both orally and in writing with a wide range of publics Ability to operate and maintain farm equipment including trucks, tractors, power saw, garden tiller, wood splitter, and movers.
- Adequate knowledge of and ability to perform buildings and grounds maintenance, including basic carpentry, fencing and plumbing repairs.
- Ability to develop, plan and conduct educational/recreational programs for all ages.
- Ability to prioritize and perform multiple activities simultaneously and coordinate multiple volunteer activities.

Skill:

Community Services Department
Assistant Farm Director

[2/28/1712/22/1612/22/1612/21/16](#)

Town of Natick Job Description

Physical and Mental Requirements

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the position's essential functions.

Physical Skills:

- Rigorous & demanding
- Constantly standing, moving, bending, and lifting.

Motor Skills:

- High motor skills are required.

Visual Skills:

- Excellent vision is a must.

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

Town of Natick Job Description

Position Title:	Office Administrator, Farm	Grade Level:	3
Department	Community Services	FLSA Status	Exempt
Reports to:	Executive Farm Director		

Statement of Duties: Plans and organizes work with a great degree of independence, plays an active role in creating policies, determining priorities, and implementing work plans for the organization [in conjunction with municipal staff and in close cooperation with NCOF, Inc.](#) Responsible for all aspects of fundraising, communication, event planning, volunteer management, strategic planning, and administrative services. Understands and is able to interpret laws and regulations that are pertinent to the department.

Supervision Required: The employee receives broad guidance and direction from the [Executive](#) Farm Director.

Supervisory Responsibility: Incumbent must be prepared to provide work direction as needed to employees or volunteers; both training, overseeing and evaluating their performance.

Accountability: Accountable to the Executive [Farm](#) Director, the [NCOF, Inc.](#) Board of Directors, and the Department of Community Services.

Judgment: Must have excellent judgment regarding the balancing of long- and short-term priorities, matters of protocol, managing of budgets, assessing and leveraging skills of employees and volunteers, and cultivating and managing a complex network of individual donor and business relationships.

Complexity: Work at this level is highly complex and varied. Incumbent is regularly called upon to perform a significant number of work tasks, each varying from the other in terms of overall department responsibilities. The employee is responsible for setting up office and nonprofit management procedures in unison with director and implementing them.

Confidentiality: Routinely handles issues requiring discretion and confidentiality.

Work Environment: Most work tasks are performed without the need of physical exertion, except for the occasional lifting, moving and placing heavy objects (i.e. 50 pounds). The environment is very community oriented, with a pleasant work setting, though at times is very hectic.

Nature and Purpose of Contacts: Personal contact with the [Executive Farm](#) ~~d~~Director, staff, [NCOF, Inc.](#) Board of Directors, Town, and constituents for the purpose of relaying, receiving, and acting upon information, and for exchanging information and views on the organizations operations.

Community Services Department
Office Administrator, Farm
[2/28/17](#)~~12/22/16~~[12/22/16](#)~~12/21/16~~

Town of Natick Job Description

Occupational Risks: Low except when participating in agricultural activities or event set up and breakdown. Eye fatigue from long hours on the computer.

Essential Functions:

The essential functions or duties listed below are intended only as illustrations of the various type 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. To work toward the long-term success of NCOF, Inc., employee will:

- Complete all written and oral communications on behalf of the organization with members, constituents, donors, the Town of Natick departments, vendors, foundations and requests for other information. Prepare periodic reports.
- Create, design, and distribute farm-related materials such as e-newsletters, paper newsletters, brochures, program booklets, signage, self-guided booklets and other written materials.
- Manage social media presence and media materials. PR with business leaders, sponsors, etc.
- Promote Farm through public speaking engagements at local, regional, and national programs and conferences, and on television, radio, and social media.
- Attend to visitors, answer the phone, order office supplies, and maintain personnel records.
- Create and maintain membership database records and activity. Supervise data entry person. Accountable for conception, implementation, and evaluation of annual membership drive and sponsorship drive.
- Keep updated records on contributors, foundations and corporations.
- Spearhead special and seasonal events. Plan and organize events and supervise volunteers and farm staff.
- Serve as the liaison and maintain all communications with the NCOF, Inc's Board of Directors, and Advisory Board, Staff and Campaign Committees.

Community Services Department
Office Administrator, Farm
2/28/17~~12/22/16~~12/22/16~~12/21/16~~

Town of Natick Job Description

- Coordinate all aspects of capital campaigns and other fund raisers. Perform tasks such as grant writing, reporting, direct solicitation of funds and materials for campaigns and endowment.
- Update, revise, and maintain the Farm's website. Write material, and supply current updated information on a timely manner.
- Solicit local artists to schedule exhibits in the Farm's Education center.
- Market and promote Farm products to individuals, businesses, corporations.
- Maintain and upgrade all office technology including computers, software, network, copy machines, and printers. Manage larger repairs by outside service providers.
- [Appear before Town of Natick Boards, Commissions and Committees on behalf of the Department of Community Services.](#)

Recommended Minimum Qualifications:

Education and Experience:

- Bachelor's degree is required.
- Portfolio demonstrating prior work in printed media, public speaking, editing, marketing, photography, and social media.
- Incumbent should come to this position after having at least three (3) to five (5) years of actual work experience in which he/she must have performed responsible automated office administration work.

Special Requirements:

- Prior nonprofit and agricultural experience highly recommended

Knowledge, Abilities and Skill

Knowledge:

- Knowledge of best practices is fundraising with demonstrable background in managing successful campaigns.
- Considerable knowledge of nonprofit organizations such as structure, by-laws, and board framework.

Community Services Department
Office Administrator, Farm
[2/28/1712/22/1612/22/1612/21/16](#)

Town of Natick Job Description

- Extensive knowledge of office administrative principles, practices and procedures.

Abilities:

- Ability to exercise initiative in the planning, scheduling and coordinating of work on a daily and long-term basis with minimal supervision.
- Ability to communicate effectively through social and written media and verbal communication.
- Ability to interface, upgrade and coordinate office networking computer system including hardware and software experience, proficient with Microsoft Office. Understanding of desktop publishing, photo imaging and scanner applications desirable.
- Ability to do many tasks effectively accurately and ~~completley~~completely.
- Ability to maintain confidential information.
- Ability to organize work, and to perform responsibilities of the job with minimal supervision.
- Ability to supervise employees and volunteers, making work assignment, training them and evaluating their performance.

Skill:

- Strong oral, written communication and social media skills.
- Strong interpersonal and coordinating skills.
- Strong public relations skills.
- Strong budgeting, strategic planning and prioritizing.
- Strong leadership skills

Physical and Mental Requirements

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the position's essential functions.

Town of Natick Job Description

Physical Skills:

- Lifting 50 pounds
- Walking
- Moving quickly

Motor Skills:

- Must have full motor skills
- Be able to drive
- Type quickly.

Visual Skills:

- Must be able to see color and design

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



Bruce Evans <bevans.fincom@natickma.org>

Information regarding the NCOF budget and operations

1 message

Patrick Hayes <phayes.fincom@natickma.org> Tue, Feb 21, 2017 at 10:09 AM

To: Bruce Evans <bevans.fincom@natickma.org>, Catherine Coughlin <coughlic@aol.com>, Cathi Collins <ccollins.fincom@natickma.org>, Dan Sullivan <dansullivan2@gmail.com>, David Coffey <dcoffey08@gmail.com>, David Gallo <david@djgallopcpa.com>, Ed Shooshanian <eshooshanian.fincom@natickma.org>, Jerry Pierce <jlpierce@comcast.net>, Jim Scurlock <jpscurlock@verizon.net>, Kristine VanAmsterdam <kvanamsterdam.fincom@natickma.org>, Linda Wollschlager <linda@webreply.com>, Mike Linehan <linehanm01760@yahoo.com>, Patrick Hayes <phayes.fincom@natickma.org>, Philip Rooney <philip.j.rooney@gmail.com>, Richard Sidney <richsidney@gmail.com>

Members,

A set of questions was asked recently by a FinCom member regarding the NCOF budget and operations. Those questions are below with responses from the Community Services Department Director for question 1; responsible Directors of the NCOF, Inc. for question 2 and inserted under each, in bold (just to separate from the questions, no emphasis intended). Question 3 is answered by a email memo from Deirdre Roney, General Counsel, of the State Ethics Commission and is attached as a file.

SO members are aware, I held the material in hand for a few days pending clarification from Town Counsel that the information contained in the response for Q3 was in fact able to be shared with members and not creating an impairment of the client privilege umbrella we want to maintain as necessary for all such matters.

- 1) Per the 2016 Turnback report, NCOF overspent its budget \$6,378 which, according to the staffing sheet was because the Office Administrator went from 30 to 35 hours:
 - a) From which Community Services line item(s) did this funding come?
 - b) Did the Town receive an increase of \$6,378 in NCOF reimbursement revenue?

The Comptroller's office bills NCOF, Inc. every year for both the Assistant Director and Office Administrator positions. They arrive at that number by pulling payroll record totals and as such, capture any/all dollars owed. In short, yes, NCOF, Inc. was billed for and paid the Town for the increase outlined above.

The Farm's office Administrator would, in FY 16, have been paid out of line item # 0154501 511400

- 2) A copy of IRS Form 990 on file with the AGO's Public Charities Division for 2015, which, though unsigned, indicates it was to be signed by Ms. Simkins on 8/11/16 identifies (Section VII Compensation of Officers, Directors, Trustees, Key Employees, Highest Compensated Employees, and Independent Contractors) Ms. Simkins as providing an average of 25 hours per week to NCOF, Inc for zero reportable compensation. This IDENTICAL information was reported on the 2013 & 2014 IRS Form 990s and the same 25 hours was reported on the 2010, 2011, and 2012 IRS Form 990s (however in those years, reportable income of \$7,500, \$8,250, and \$8,545, respectively).

- a) Was this information (25 hours/week average provided to NCOF, Inc.) known and considered during the analysis re:NCOF?
 - b) If so, are Town Administration and Town Counsel comfortable that only 25 hours is reported for a full-time employee?
 - c) If not, does this information change anything?

a) The 25 hrs/week number was provided by NCOF Inc (NCOFI) to the audit firm in response to an inquiry with an approximation of how many hours/week the Executive Director spent on non-profit related activities back in 2010. The number was carried forward without further review. Based upon your inquiry and the responsibilities in support of the non-profit that were contained in the municipal employee's job description, NCOFI will consult with the audit firm to determine if this was proper to include these hours in form 990.

b) From NCOFI's perspective, the response given did not represent the full set of the Executive Director's responsibilities, Farm "operations" were specifically excluded, while personal time spent

in support of NCOFI events, fund raising, and Board meetings was also included in the estimate.

c) In the past NCOFI did not consult with, or share its responses with the Town Administration in regards to these various forms. Based on this inquiry, NCOFI is amenable to input as to any changes that it needs to make going forward, or as to past practice.

Devon Long-Lytle: President - Board of Directors

Randall Gruber: Treasurer - Board of Directors

3) We were told that the Town had requested that the State Ethics Commission provide a written opinion re: NCOF and we have asked for a copy of the questions asked and the opinion received. However, as I understand it, the Attorney General is responsible for enforcing MGL c.149 s. 148B (the section in question).

a) Did we seek any opinion from the AG?

b) If so, may we also get a copy of the questions asked of the AG and any response?

c) If not, why not?

See attached email for answers

Members will recall that we have the Community Services budget scheduled for Tuesday, February 28 for a possible reconsideration vote so that we may revisit the Natick Community Organic Farm town side operating budget. If there are other questions that you have regarding the NCOF that are relevant to the Town's Personnel Services and Operating Expenses FY'18 budget request and that are important for you to ask and receive answers on please get them to me. The subject-matter is important, the questions and answers are important and the opportunity to allow the participants time to address questions as soon as possible and preferably in advance of the hearing is critical. Please send all questions to me by the end of day this Thursday, February 23.

Patrick Hayes

(508)-333-4994 (m)

Finance Committee Chairman

-Planning Governance Sub-Committee Chair

Financial Planning Committee Member

West Natick Fire Station Building Committee Member

Town Meeting Member



State Ethics Office Advisory on NCOF_ Fwd_ Natick Community Organic Farm.pdf

247K



Town of Natick
Massachusetts 01760
www.natickma.gov

Martha L. White
Town Administrator

William D. Chenard
Deputy Town Administrator/Operations

John M. Townsend
Deputy Town Administrator/Finance

MEMORANDUM FOR RECORD

This memo has been prepared on advice of the State Ethics Commission and Town Counsel to provide clarification and determinations to address potential conflicts of interest with respect to the partnership between the Town of Natick and the Natick Community Organic Farm, Inc., specifically the use of Town resources in support of the Farm.

First, this memo is intended to formally acknowledge that the Town of Natick expects our three (3) municipal employees working at the Natick Community Organic Farm to undertake a number of activities on behalf of the Natick Community Organic Farm, Inc. (NCOF, Inc.) intended to further its success.

Copies of the job descriptions of these three employees are attached. To the extent that their duties include any actions that the Town expects these employees to take on behalf of the Natick Community Organic Farm, Inc., I determine that the performance of such duties will serve a distinct institutional interest of the Town of Natick.

NCOF, Inc. provides a range of programs and educational opportunities to Natick residents which are dearly held, extremely popular and in some cases serve as national models. Accordingly, the Town of Natick has a distinct institutional interest in supporting the Natick Community Organic Farm, Inc. to ensure its long-term viability and success.

To that end, the Town of Natick acknowledges that the three (3) Town employees who work at the Farm will:

- Participate in the planning/execution of special events sponsored by NCOF, Inc.
- Support NCOF Inc.'s efforts to recruit volunteers
- Train and oversee the work of all NCOF, Inc. employees

- Ensure, to the greatest extent possible, for the safety of all employees and visitors
- Offer a range of farm-based educational/recreational activities for residents of Natick and the region
- Provide support in the organization and execution of fundraising/public relation activities
- Oversee the production and sale of organic farm products

Further, the Natick Community Organic Farm, Inc. is committed to farming methods that are ecologically healthy and sustainable, providing service and education to youth through year-round classes and work-experience programs, and fostering community goodwill through the love of the land. These objectives closely mirror those of innumerable Town of Natick initiatives and programs and thus serve a public purpose. Further, the Natick Community Organic Farm, Inc. serves as stewards of the Town-owned land on which the Farm is located.

In addition to the three Town employees who work at the Farm, other public resources are used to support the Farm and its operations, including but not limited to property insurance, custodial services, snow plowing, trash pick-up, use of Town truck, and facility repair and maintenance.

I determine that the use of such public resources is in furtherance of the public interest in general, rather than in pursuit of private gain; the use of these public resources is interconnected with the business of the Town of Natick; and such use of the foregoing public resources is not for partisan political ends. Accordingly, I hereby acknowledge and approve the use of these public resources.



Martha L. White,
Town Administrator
December 22, 2016

CC: Dierdre Roney, General Counsel, State Ethics Commission
Natick Board of Selectmen
Natick Finance Committee
John Flynn, Town Counsel
Jemma Lambert, Community Services Director
Devon Long-Lytle, President, NCOF, Inc. Board of Directors
Lynda Simpkins, Executive Director, NCOF, Inc.
Casey Townsend, Assistant Director, NCOF, Inc.
Trish Umbrell, Administrator, NCOF, Inc.



Town of Natick

Department Facilities Management

A	B	C	D	E	F	H	I	J	L	N	M	O					
Emp. #	Date of Hire	Name	Work Location	FTE	Differential	FY 17 Step	FY 18 Step	Hourly FY17	Hourly FY18	Base Pay FY17	Base Pay FY18	Per HR	Differential	FY2018 Budget Salary 52.0	Other Compensation Longevity	Account Number	
Salaries Supervisory													MUNIS Code 0145001 511200		52		
45522	07/20/15	James Kane	System	Facility Director	1.0	N/A	Level 5	52.4423	52.4423	109,080	109,080		0	109,080	0		
44479	06/18/12	Kevin Coxall	System	Facility Manager	1.0	N/A	Level 3	38.3162	38.3162	79,698	79,698		0	79,698	0		
46107	06/27/16	Michael Anderson	System	Fac Maint Supvrs	1.0	N/A	Level 3	28.8462	28.8462	60,000	60,000		0	60,000	0		
Total Salaries Supervisory				3.0						248,778	248,778	0.00	0	248,778	0	0145001 511200	
Salaries Technical/Professional													MUNIS Code 0145001 511400				
46046	05/25/16	Carolyn Cain	System	Assistant / Analyst	1.0	N/A	Level 2	26.4423	26.4423	55,000	55,000		0	55,000	0	0145001 511400	
Total Salaries Management				1.0						55,000	55,000	0.00	0	55,000	0		
Salaries Operational													MUNIS Code 0145001 511300				
505	04/10/78	Robert Valle	Ben-Hem	Cust Sr II	1.0	Day	DD-9 DD-9	27.3254	27.4570	56,837	57,111		0	57,111	2,000	0145001 511300	
2463	04/07/86	Edward Harvey	Ben Hem	Cust Jr II	1.0	Afternoon	D6-8 D6-8	21.3745	21.4813	44,459	44,681	0.50	1,040	45,721	2,000		
2944	07/01/97	Leonard LaRosa	Johnson	Cust Sr I	1.0	Day	D9-8 D9-8	23.8164	23.9354	49,538	49,786		0	49,786	1,200		
3201	09/21/90	James Hill	Brown Elementary	Cust Sr I	1.0	Day	D9-8 D9-8	23.8164	23.9354	49,538	49,786		0	49,786	2,000		
7133	05/29/01	Luis Galan	Lilja	Cust Jr II	1.0	Afternoon	D6-8 D6-8	21.3745	21.4813	44,459	44,681	0.50	1,040	45,721	800		
41047	07/31/97	Robert Harris	Brown	Cust Jr I	1.0	Afternoon	D2-8 D2-8	20.8393	20.9435	43,346	43,562	0.50	1,040	44,602	600		
42128	04/02/08	Mark D'Agostino	Lilja	Cust Sr I	1.0	Day	D9-8 D9-8	23.8164	23.9354	49,538	49,786		0	49,786	0		
42536	09/20/04	Mark Plant	Memorial	Cust Sr I	1.0	Day	D9-8 D9-8	23.8164	23.9354	49,538	49,786		0	49,786	400		
42572	10/25/04	Gerard Lindsey	Brown Elementary	Cust Jr II	1.0	Afternoon	D6-8 D6-8	21.3745	21.4813	44,459	44,681	0.50	1,040	45,721	400		
43456	05/20/08	Patrick Kenney	Johnson / High School	Cust Jr I	0.5	Night	D3-8 D3-8	20.8393	20.9435	21,673	21,781	0.75	780	22,561	0		
44801	04/02/14	Erika Korpi	Ben-Hem	Cust Jr I	1.0	Afternoon	D2-3 D2-4	17.9388	18.6223	37,313	38,734	0.50	1,040	39,774	0		
44156	07/01/13	Daniel Halloran	Memorial (High School)	Cust Jr II	1.0	Afternoon	D6-4 D6-5	19.0217	19.7759	39,565	41,134	0.50	1,040	42,174	0		
46116	08/31/16	Carlos Famanía, Jr	Ben Hem/Memorial	Cust Jr I	1.0	Afternoon	D2-1 D2-2	16.8242	17.4687	34,994	36,335	0.50	1,040	37,375	0		
45981	02/10/16	Daniel Benati	Lilja	Cust Jr I	1.0	Afternoon	D2-2 D2-3	17.3818	18.0285	36,154	37,499	0.50	1,040	38,539	0		
Total Elementary School				13.5						601,411	609,343	4.75	9,100	618,443	9,400		
7127	05/14/01	Jeffrey Bastien	Kennedy	Cust Jr II	1.0	Afternoon	D6-8 D6-8	21.3745	21.4813	44,459	44,681	0.50	1,040	45,721	800		
40037	01/06/97	Carlos Famanía	Kennedy	Cust Sr I	1.0	Day	D9-8 D9-8	23.8164	23.9354	49,538	49,786		0	49,786	1,200		
41620	04/30/01	Lawrence Chapski	Wilson	Cust Jr I	1.0	Afternoon	D2-8 D2-8	20.8393	20.9435	43,346	43,562	0.50	1,040	44,602	800		
42265	10/27/03	David Rodrigues	Wilson	Cust Sr II	1.0	Day	DD-8 DD-8	24.9202	25.0448	51,834	52,093		0	52,093	400		
42983	07/05/11	James Wight	Wilson	Cust Jr II	1.0	Afternoon	D6-6 D6-7	20.3989	21.0611	42,430	43,807	0.50	1,040	44,847	0		
43576	09/02/08	Deirdre Miller	Kennedy	Cust Jr I	1.0	Afternoon	D2-8 D2-8	20.8393	20.9435	43,346	43,562	0.50	1,040	44,602	0		
44557	08/27/12	Greg White	Wilson	Cust Jr I	1.0	Afternoon	D2-5 D2-6	19.1855	19.9406	39,906	41,476	0.50	1,040	42,516	0		
	07/01/17	Vacant	Wilson/Kennedy	Cust Jr I	1.0	Afternoon	D2-1 D2-1	16.8242	17.1607	34,994	35,694	0.50	1,040	36,734	0		
Total Middle School				8.0						349,852	354,663	3.00	6,240	360,903	3,200		
2289	04/16/85	David Moores	High School	Cust Sr III	1.0	Day	DE-8 DE-8	27.3254	27.3254	56,837	56,837		0	56,837	2,000	0145001 511300	
2336	01/15/87	Chris Gilbert	High School	Cust Sr I	1.0	Day	D9-8 D9-8	23.8164	23.9354	49,538	49,786		0	49,786	2,000		
46234	09/14/16	James, Rooney	High School	Cust Jr I	1.0	Night	D3-1 D3-2	16.8242	17.4687	34,994	36,335	0.75	1,560	37,895	0		
41028	07/01/97	Walter Assencoa	High School	Cust Jr I	1.0	Night	D3-8 D3-8	20.8393	20.9435	43,346	43,562	0.75	1,560	45,122	1,200		
42048	12/16/02	Gilberto Famanía	High School	Cust Assistant, Sr I	1.0	Night	DH-8 DH-8	24.6801	24.8035	51,335	51,591	0.75	1,560	53,151	400		
42462	08/16/04	Chris Fowler	High School	Cust Jr I	1.0	Day	D1-8 D1-8	20.8393	20.9435	43,346	43,562		0	43,562	400		
42564	10/12/04	Ismael Calderon	High School	Cust Jr II	1.0	Night	D7-8 D7-8	21.3745	21.4813	44,459	44,681	0.75	1,560	46,241	400		
42982	03/11/15	Drew Wright	High School	Cust Jr I	1.0	Night	D3-3 D3-4	17.9388	18.6223	37,313	38,734	0.75	1,560	40,294	0		
43456	05/20/08	Patrick Kenney	High School / Johnson	Cust Jr I	0.5	Night	D3-8 D3-8	20.8393	20.9435	21,673	21,781	0.75	780	22,561	0		
46323	11/30/16	Jose Rosario	High School	Cust Jr I	1.0	Day	D1-1 D1-2	16.8242	17.4687	17,497	18,167		0	0	0		
45400	01/21/15	Melvin Samayoa	High School	Cust Jr I	1.0	Night	D3-3 D3-4	17.9388	18.6223	37,313	38,734	0.75	1,560	40,294	0		
Total High School				10.5						437,650	443,772	5.25	10,140	435,745	6,400		
40085	04/29/97	Ron Rutkowski	Maintenance	Maint Mech IV	1.0	Day	DL-8 DL-8	32.3572	32.5189	67,303	67,639		0	67,639	1,200		0145001 511300
44740	04/29/13	Maurice Richard	Maintenance	Maint Mech IV	1.0	Day	DL-8 DL-8	32.3572	32.5189	67,303	67,639		0	67,639	0		
3594	09/11/95	Carolyn Mellish	Maintenance	Maintenance III	1.0	Day	DK-8 DK-8	25.0401	25.1653	52,083	52,344		0	52,344	1,200		
45033	01/02/14	Ken Noonan	Maintenance	Maint Mech IV	1.0	Day	DK-8 DL-8	25.0401	32.5189	52,083	67,639		0	67,639	0		
43614	10/29/08	Edward Porter	Maint / Painter	Maint Mech III	1.0	Day	DK-8 DK-8	25.0401	25.1653	52,083	52,344		0	52,344	0		
8710	08/28/12	David Moores, Jr	Maintenance	Maintenance II	1.0	Day	DJ-5 DJ-6	20.2313	21.1158	42,081	43,921		0	43,921	0		



Town of Natick

Department Facilities Management

A		B		C		D		E		F		H		I		J		L		N		M		O	
																				FY2018		Other Compensation			
Emp. #	Date of Hire	Name	Work Location		FTE	Differential	FY 17 Step	FY 18 Step	Hourly FY17	Hourly FY18	Base Pay FY17	Base Pay FY18	Per HR	Differential	Budget Salary 52.0	Longevity	Account Number								
2943	10/17/88	Shawn Gilbert	Cole Recreation	Sr Cust I	1.0	Day	D9-8	D9-8	23.8164	23.9354	49,538	49,786		0	49,786	2,000									
3923	04/16/96	Jeffrey Carter	Town Hall	Sr Cust II	1.0	Day	DD-8	DD-8	25.9202	26.0448	53,914	54,173		0	54,173	1,200									
42319	05/12/04	Oscar Otero	Fire/Police Station	Sr Cust I	1.0	Day	D9-8	D9-8	23.8164	23.9354	49,538	49,786		0	49,786	400									
43358	10/17/07	Christopher Jordan	Senior/Comm Center	Sr Cust I	1.0	Day	D9-8	D9-8	23.8164	23.9354	49,538	49,786		0	49,786	400									
43518	08/13/08	David Rines	Library	Sr Cust I	1.0	Day	D9-8	D9-8	23.8164	23.9354	49,538	49,786		0	49,786	0									
Total Maintenance					11.0						585,004	604,842	0.00	0	604,842	6,400	0145001 511300								
Sub-Total Salaries Operational											1,973,917	2,012,620		25,480	2,019,932	25,400									
Truck Driver - Revolving 123560 5001											-30,600	-31,212			-31,212										
Total Salaries Operational					47.0						1,943,317	1,981,408	13.00	25,480	1,988,720	25,400									
Total Other Compensation							MUNIS Code		0145001 513070						25,400										
Salaries Part-Time Operational (includes substitutes & seasonal maintenance personnel)							MUNIS Code		0145001 512300						37,100										
Overtime							MUNIS Code		0145001 513020						169,803										
NOTE: Steps effective July 1st for all who are not maxed.																									
Total Facilities Management					47.0						2,524,801														



Town of Natick

Home of Champions

Department: Facilities Management

Budget Detail:	2015 Actual	2016 Actual	2017 Appropriated	2018 Preliminary	2017 vs. 2018 \$ (+/-) % (+/-)	
Salaries Supervisory	\$ 171,979	\$ 183,089	\$ 186,851	\$ 248,778	\$ 61,927	33.14%
Salaries Technical & Professional	\$ 56,952	\$ 56,458	\$ 58,091	\$ 55,000	\$ (3,091)	-5.32%
Salaries Operational Staff	\$ 1,932,963	\$ 1,935,390	\$ 1,975,306	\$ 1,988,720	\$ 13,414	0.68%
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Operational Staff Overtime	\$ 192,369	\$ 157,695	\$ 160,000	\$ 169,803	\$ 9,803	6.13%
Personnel Services	\$ 2,426,077	\$ 2,394,932	\$ 2,440,848	\$ 2,524,801	\$ 83,953	3.44%
Repairs & Maint. Facilities	\$ 332,991	\$ 290,333	\$ 340,900	\$ 344,100	\$ 3,200	0.94%
Repairs & Maint. (5 Auburn Street)	\$ 13,307	\$ 9,843	\$ 26,000	\$ 26,000	\$ -	0.00%
Repairs & Maint. Elevator/Chair lift	\$ 19,857	\$ 27,206	\$ 23,650	\$ 27,500	\$ 3,850	16.28%
Purchase of Services	\$ 366,155	\$ 327,383	\$ 390,550	\$ 397,600	\$ 7,050	1.81%
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Other Services (Misc.)	\$ 10,750	\$ 10,000	\$ 13,000	\$ 12,000	\$ (1,000)	-7.69%
Contractual Svs - Cleaning	\$ 107,791	\$ 104,744	\$ 125,000	\$ 132,220	\$ 7,220	5.78%
Tech/Professional Services	\$ 107,791	\$ 104,744	\$ 125,000	\$ 132,220	\$ 7,220	5.78%
Custodial Supplies	\$ 46,739	\$ 39,487	\$ 48,000	\$ 46,500	\$ (1,500)	-3.13%
Other Supplies	\$ 46,739	\$ 39,487	\$ 48,000	\$ 46,500	\$ (1,500)	-3.13%
Total - Facilities Management	\$ 2,957,512	\$ 2,876,545	\$ 3,017,398	\$ 3,113,121	\$ 95,723	3.17%

Line-Item Detail

Personnel Services:

Salaries: Supervisory: To fund three (3) positions including the Director of Facilities Management, Custodial Supervisor, and Maintenance Manager.

Salaries: Technical/Professional: To fund one (1) position of Data Analyst.

Salaries: Operational Staff: To fund forty-two (42) employees who maintain and care for Town buildings.

Salaries: Part Time Operational: This fund is for extra help during summer vacations and for Summer Maintenance Personnel.

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Purchase of Services:

Repairs and Maintenance Facilities: This fund is for parts, labor for replacement of broken or worn out equipment, quarterly fire alarm testing and repairs, police station repairs, emergency light testing and repairs, H.V.A.C. repairs and boiler repairs.

Repairs and Maintenance (5 Auburn Street): This fund is for parts, labor for replacement of broken or worn out equipment, quarterly fire alarm testing and repairs, emergency light testing and repairs, H.V.A.C. repairs and general maintenance.

Repairs and Maintenance to Elevators: This fund is for the elevators and lifts located at the Police Station, Fire Station, Town Hall, Cole Recreation Center, and the Morse Library, and DPW including monthly maintenance and repairs and annual state inspection.

Other Services (Misc.):

Clothing Allowance/Operational Staff: This fund is for the clothing allowance per union agreement.

Technical & Professional Services:

Contractual Services – Custodian: This fund is for the cleaning, set-ups and maintenance of the Senior Center, Fire Station, Police Station, Morse Institute Library, Town Hall, Public Works including the addition to the second floor, Water Treatment Plant, JJ Lane Park, and Natick Organic Farm.

Other Supplies:

Custodial Supplies: This fund is for all cleaning supplies used on a daily routine of cleaning and maintaining all of the Town buildings.



Town of Natick

Home of Champions

Department: Facilities Management

Budget Overview:

I. Main Purpose of the Department

As provided by section 37M of the Massachusetts General Laws the Natick School Committee and Board of Selectmen agreed to the creation of a joint municipal and school facilities management department that will be known as the Department of Facilities Management (DFM). A Memorandum of Agreement was signed between the two boards on March 12, 2012; the DFM became officially established effective July 1, 2012.

The Department of Facilities Management is the combination of the Custodial and Facilities Department of the Natick Public Schools and the Building Maintenance Division of the Department of Public Works. It is responsible for maintaining all 34 Town facilities (26 municipal buildings & facilities and 8 schools). This budget includes all personnel costs - including all custodians, trades people and supervisors. In addition, expenses related to contracted custodial cleaning are included. NOT included are any other type of building related expense - supplies, trades contracts, capital costs and utilities are still budgeted separately within the Natick Public schools and the Department of Public Works, as applicable.

The Department is governed by the Facilities Management Board (FMB) which is comprised of the Town Administrator and the Superintendent of Public Schools or their designee. They appoint a Director of Facilities Management who is responsible for running day-to-day operations of the Department and developing the operating and capital budgets. The FMB sets the goals and direction for the DFM.

II. Recent Developments

The Facilities Management Department has a new director who was hired in July of 2015. The new Director will continue to create a cohesive and efficient department by maximizing the resources available to him and identifying new opportunities to reduce operating expenses. All supervisory and administrative staff including the Director, Maintenance Manager and Data Analyst/Special Assistant have been moved from the third floor of Town Hall to the newly renovated DPW building. Major capital projects have been completed such as the installation of heaters in the DPW Vehicle Garage and rooftop units at the Natick Police Headquarters/ Fire Department headquarters. The Johnson Elementary School bathrooms were completely renovated and now utilize touchless low-flow fixtures. Currently the Town Hall is undergoing a re-carpeting project on the top floor of the building. Increased collaboration with the Sustainability Coordinator was undertaken to improve system functionality and help to create positive behavioral changes in each building to reduce energy consumption.

III. Current Challenges

The department continues to evolve into a cohesive combination of separate operations - one municipal and one school. Achieving cohesion and efficiency in the consolidated Department of Facilities Management department presents challenges for the new Director, but much progress has been made just in the past four months. Another challenge was the elimination of a Custodial Manager who played a vital role in managing a maintenance staff of 31 employees. With ever increasing budget constraints and further cuts possible, maintaining a level of service for students, staff and residents will prove to be challenging.

IV. On the Horizon

Under new leadership, the Facilities Management department continues to move in the direction of truly one cohesive department by working very closely with principals, building managers and department heads in all 34 municipal and school buildings. Tasked with the absence of a Custodial Manager, the new Director is working with vendors and contractors to procure competitive rates and services to serve the Town of Natick. The Director is also seeking to update an antiquated work order system and make it more easy-to-use, efficient and tablet friendly. Finally, the department continues to work closely with the Sustainability Coordinator in an effort to establish an eco-friendly, cost-effective Town.



Town of Natick

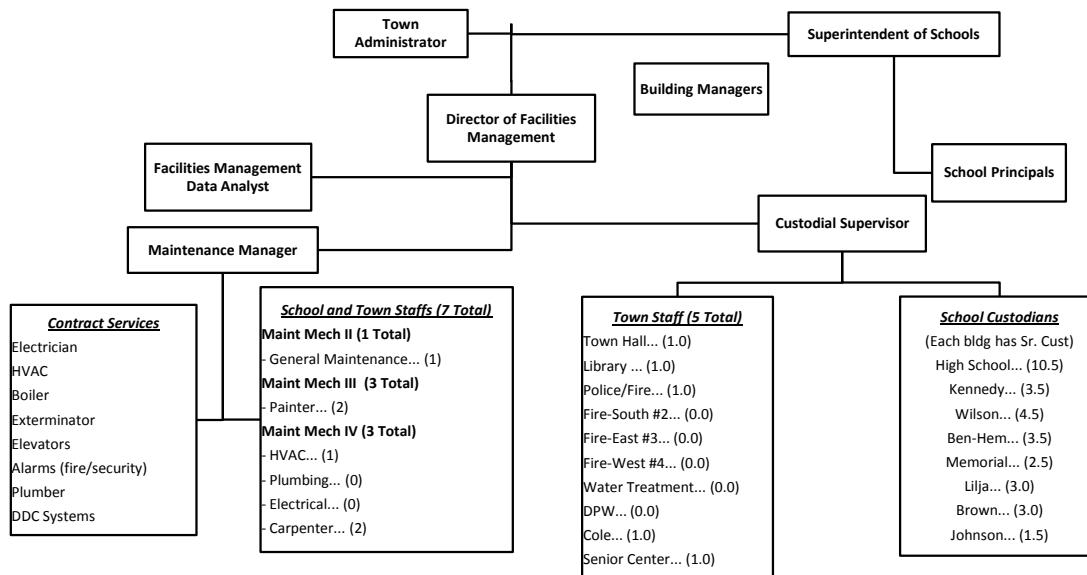
Home of Champions

Department: Facilities Management

Staffing	2014	2015	2016	2017	2018
Director of Facility Maintenance	1	1	1	1	1
Custodial Supervisor	1	1	0	0	1
Maintenance Manager	1	1	1	1	1
Assistant / Analyst	1	1	1	1	1
Assistant Senior Custodian	1	1	1	1	1
Senior Custodian III	1	1	1	1	2
Senior Custodian II	1	1	1	3	2
Senior Custodian I	6	6	6	10	10
Junior Custodian II	7	7	7	7	7
Junior Custodian I	15	15	15	14	15
Maintenance Foreman	1	1	1	0	0
Maintenance IV	2	2	2	3	3
Maintenance III	2	2	2	3	2
Maintenance II	0	0	0	1	1
General Foreman	1	1	1	0	0
Custodian	4	4	4	0	0
Painter	1	1	1	0	0
Total FTE	46	46	45	46	47

Total FT/PT	47 FT/OPT	47 FT/OPT	46 FT/OPT	46 FT/OPT	47 FT/OPT
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^ Includes Program Improvement Request



Roles and responsibilities of each position:

Director of Facilities Management

Capital Planning
Project Management
Purchasing
Bids, Specs & Quotes
AHRA Coordinator

Facilities Data Analyst

Data Analysis
Work Order System
Accounting (Invoices, PO's)
Payroll
Paid Time Off

Maintenance Manager

Building Systems
Operations & Repairs
Personnel Scheduling
Contractor Scheduling
New Building Systems and Training

Custodial Manager

Manage Cleaning & Moving Services
Personnel Scheduling
Contractor Scheduling
IPM Coordinator
Supplies & Equipment



Department: Facilities Management

Natick Buildings Systems Summary

	#	% of buildings
Overall		
Total Number of Buildings/Properties Managed & Maintained	34	
- Municipal Buildings/Properties	26	
- School Buildings/Properties	8	
Total Square Footage of all Buildings	1,170,843	
- Municipal Square Footage	390,743	
- School Square Footage	780,100	
Utility Consumption (annual)		
- Electric (kWH)	8,119,687	
- Natural Gas (therms)	447,580	
- Heating Oil (gallons)	8,752	
- Water* (HCF) *(partial - Municipal only)	5,122	
Building Systems		
Climate		
- Heat		
Oil	3	9%
Gas	24	71%
None	5	15%
Other	2	6%
- Air Conditioning		
Central	16	47%
Unit	9	26%
None	9	26%
- Digital Controls (DDC) (Y/N)	16	47%
Electric		
Single Phase	12	35%
Three-Phase	13	38%
Unknown	9	26%
Solar Systems (# of buildings which <u>have</u> systems)	6	18%
Security Systems (# of buildings which <u>have</u> systems)	21	62%
Windows		
Excellent	6	18%
Good	13	38%
Fair/Average	9	26%
Poor	6	18%
Roof		
Excellent	12	35%
Good	10	29%
Fair	12	35%
Poor	0	0%
Fire Suppression/ Sprinklers (# of buildings which have Sprinklers)	16	47%
Users		
Individuals in all School Buildings (average daily)	6,220	
Average Hours of Operation (schools) (daily)	12.5	



Town of Natick

Home of Champions

Department: Facilities Management

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Focus

on Municipal Finance

Municipal Expenditures: Proper Public Purposes

by Mary Mitchell, Esq.

Increasingly over the past few years, the Division of Local Services' (DLS) legal and accounting staffs are asked if certain expenditures made by cities and towns are allowable. Many of these issues arise as the municipal accounting officer reviews departmental bills for payment. This article discusses the rules regarding the expenditure of public funds and makes recommendations for ensuring proper payment.

Authority to Spend

The authority for cities and towns to spend money arises under Section 5 of M.G.L. Ch. 40. That section provides that:

[a] town may at any town meeting appropriate money for the exercise of any of its corporate powers; provided, however, that a town shall not appropriate or expend money for any purpose, on any terms, or under any conditions inconsistent with any applicable provision of any general or special law.¹

Cities and towns are free to exercise any power or function, except those denied to them by their own charters or reserved to the state, that the Legislature has the power to confer on them, as long as the exercise of these powers is not inconsistent with the Constitution or laws enacted by the Legislature.² In general, the properties and purposes for which cities and towns are authorized to spend are not specified, but rather include any necessary expenditures arising from the exercise of their powers or functions.

Public Purpose Limitation

Cities and towns can spend only for public purposes. Public funds cannot be used for private purposes. Thus, cities and towns have the right to spend money for any purpose where the public good will be served, but not where the expenditure of money is directly for the private benefit of certain individuals. This principle is expressed in the Massachusetts constitution and in numerous cases.³

In some situations, however, the expenditure of public funds advances both public and private interests. In those situations, if the dominant motive for the expenditure is a public one, incidental private benefits will not invalidate the expenditure.⁴ If, however, the dominant motive is to promote a private purpose, the expenditure will be invalid even if incidentally some public purpose also is served.⁵

Prohibitions Against Certain Expenditures

In addition to the general prohibitions against spending money for any purpose or under any conditions inconsistent with any general or special law, there are two other prohibitions on municipal spending.

1. Anti-Aid Amendment

The first is a prohibition against the giving of money or property by a city or town to or in aid of any individual, association or corporation embarking upon any private enterprise. This prohibition is referred to as the Anti-Aid Amendment.⁶ It provides in pertinent part:

No grant, appropriation or use of public money or property or loan of credit shall be made or authorized by the Commonwealth or any political subdivision thereof for the purpose of founding, maintaining or aiding any infirmary, hospital, institution, primary or second-

dary school, or charitable or religious undertaking which is not publicly owned and under the exclusive control, order and supervision of public officers or public agents authorized by the Commonwealth.

This amendment prohibits the use of public money or property by cities and towns for the purpose of maintaining or aiding any institution or charitable or religious undertaking that is not publicly owned. The kinds of expenditures barred by the amendment are those that directly and substantially benefit or "aid" private organizations in a way that is unfair, economically or politically.⁷

The prohibition against using public funds for private organizations includes any grants, contributions or donations made by a city or town to an organization for the specific purpose of directly supporting or assisting its operations. However, the Anti-Aid Amendment does not preclude a city or town from purchasing specific services from private organizations in order to carry out a public purpose.⁸ Further, as with the public purpose limitation discussed above, if an expenditure is for a public purpose, but also incidentally benefits a private organization, the expenditure generally will not violate the Anti-Aid Amendment.⁹

2. Wines, Liquors, Cigars

In addition to the prohibition against the use of public funds for private organizations, there is also a prohibition against the use of public funds to purchase alcohol and tobacco under Section 58 of M.G.L. Ch. 44.

What Constitutes a Public Purpose?

The question of what constitutes a permissible "public purpose" has been discussed in many cases.¹⁰ The cases "do not, however, establish any univer-

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Municipal Expenditures: Proper Public Purposes

continued from page three

sal test."¹¹ Instead, they generally stress the certainty of benefits to the community.¹² Thus, the basic test is whether the expenditure is required for the general good of the inhabitants of the city or town.¹³

Generally speaking, local government spending for the following purposes satisfies the public purpose test:

Wages and Benefits. Cities and towns have the right to spend reasonable amounts to execute their powers and duties.¹⁴ This right includes the right to compensate people for services rendered.¹⁵ Compensation for services may include sick leave and vacations.¹⁶ Cities and towns also have the right to settle employment and other claims that may be made upon them arising out of their administration of their municipal affairs.¹⁷

Merit Awards. Cities and towns may spend reasonable amounts on awards for students.¹⁸ Cities and towns may also spend reasonable amounts on retirement gifts, plaques, merit service payments and other similar awards for municipal employees and officials. The expenditure of public money in recognition of services rendered, even though such expenditure of money is directly for the private benefit of certain individuals, is a public purpose where the benefit is conferred as an appropriate recognition of distinguished and exceptional service, such that the public welfare will be enhanced or the loyalty and productivity of the other employees will be promoted.¹⁹

By contrast, local government spending for these purposes does not satisfy the public purpose test:

Gifts and Gratuities. Since public money can only be expended for public purposes, cities and towns have no power to appropriate money for gifts or gratuities to persons whose situations may appeal to public sympathy.²⁰

Lobbying. Cities and towns cannot spend money to influence elections.²¹

Frequently Asked Questions

DLS is asked frequently whether the following expenditures are for public purposes and may be paid:

Alcohol purchased by a department to be served at a fundraiser or for compliance testing. The language of M.G.L. Ch. 44 Sec. 58 is prohibitive. It reflects an explicit Legislative disapproval of spending municipal resources for alcoholic beverages and cigarettes. DLS has advised, however, that they can be purchased for the limited purpose of "compliance testing" for law enforcement or public health purposes. For example, local officials may "stage" purchases of alcohol or cigarettes by minors from local stores using money for anti-smoking or under-age drinking campaigns. Those expenditures would not be prohibited because they are not for consumption but to ensure compliance with local regulations and state statutes.

Floral arrangements for funerals of municipal employees. Funeral flowers, sympathy cards and other expenses for the customary expression of sentiments that are incidental to the social relationships that employees develop during work are not expenses made for public purposes. Those expenses are not within a municipal department's budget simply because the relationships developed in conjunction with the conduct of departmental business. Therefore, it is not appropriate to pay for funeral flowers or sympathy cards out of municipal funds. They should be covered from private donations.

Plaques and gifts awarded to persons retiring from municipal government or to current employees for outstanding performance during the year. Retirement gifts, plaques, merit payments and other similar awards given to retirees or employees may be considered a proper purpose for the expenditure of municipal funds if they are not excessive and are used to (i) encourage continuity of service or to (ii) enhance efficiency and loyalty or to

(iii) promote productive performance. The expense of holding a retirement party should be covered from private donations because it is mostly an expression of support and appreciation from colleagues. However, paying for the cost of dinner for the retiree would be appropriate. By contrast, paying for the dinners, gifts or party expenses for any attendees other than the retiree would generally be considered a mere gratuity and not for a proper municipal purpose.

Refreshments at public functions, such as a ribbon-cutting ceremony, an opening day, a reception or banquet, or a presentation. Refreshments and meals may be served at legitimate public functions such as ribbon-cutting ceremonies, opening day events, receptions or banquets, presentations, and the like so long as they are modest and served to provide a benefit for the city or town by helping to keep the participants alert and receptive. The public function must be a department sponsored public event for authorized persons and related to the public purpose of the department sponsoring it. If the function is open only to select groups or individuals, or spouses are in attendance, it is more likely to be considered a private celebration of primarily a social character.

Refreshments served to employees, such as coffee made available at a staff meeting or light refreshments provided to election workers or lunch served at an all-day training program or planning meeting. Refreshments and meals may be served to officers or employees of the city or town or persons doing business with the municipality at official meetings or official events so long as they are modest and benefit the city or town by helping to keep the participants alert and receptive or by enhancing efficiency by avoiding loss of time and disruption if participants leave the premises. The official meeting or event must be a department or municipal

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Municipal Expenditures: Proper Public Purposes

continued from page four

pal sponsored meeting or event for authorized persons and related to the public purpose of the sponsor.

Reimbursement of a department head for attending retirement or department dinners or parties or for attending other events not sponsored by the department or municipality.

Employees and officials may be reimbursed for the expenses of attending functions that relate to their public duties. The function must relate to and further the public purpose of the department sponsoring it. If a department head incurs an expense in the performance of official duties in the representation of his or her department, the expense is reimbursable. Thus, the cost of a department head's attendance at a retirement dinner or department party at which he or she is the official presenter of token gifts or awards, as a representative of his or her department, would be a legitimate municipal expense. If the event is arranged and funded by department employees or others, and attendance is optional, then the event would seem to be social and for private purposes rather than for public ones. In addition, if the event is outside of municipality, and not related to the department or the community, the use of municipal funds would not be appropriate.

Reimbursement of purchases or expenses incurred during authorized travel or while engaged in authorized business.

Employees who are out-of-town or working late on business or attending training programs or conferences on behalf of a city or town may be reimbursed for out-of-pocket costs of travel, meals, and other purchases incurred in furtherance of that objective and as a term or condition of employment. These types of expenses are permissible municipal expenses, provided that attendance is authorized by the municipal official or board with the authority to expend department funds. Included within the realm of reimbursable expenses are: (i) registration charges, including late fees; (ii) local surcharges

and taxes on car rentals; (iii) taxes and tips on meals, and (iv) taxes on petty cash purchases, so long as these expenses are reasonable and not in conflict with the reimbursement policies of the city or town. Late registration fees are considered to be part of the contract price for the training program or conference. Similarly, surcharges, taxes and tips are a necessary and customary part of legitimate expenses incurred by employees in the course of their employment.

Payment of expenses associated with fundraising for departments, e.g., mailings seeking donations or door prizes and refreshments at a fundraising event.

Municipal departments like the Parks and Recreation Department, the Library, the Historic Commission, or the schools may want to raise money for a particular project. There is no law that prohibits seeking financial donations or some other kind of support. Fundraising activities that go beyond applying for grants or soliciting donations and involve raising and disbursing significant monies are problematic, however, because they are more in the nature of a profit on the business or transaction. DLS believes better practice may be to have a private entity sponsor and conduct fundraising events and turn over the net proceeds to the municipal department as a grant or gift.

The Anti-Aid Amendment prohibits use of municipal resources to assist a private group's fundraising activities even if the activities will benefit the municipality. Public funds may not be used to assist a private organization's fundraising activities, no matter how worthy or related the cause. For example, the school department cannot pay to print and mail a flyer by the Parent-Teachers Organization to promote a car wash it is holding to raise monies for the schools.

Sharing the expenses of a community event co-sponsored by a municipal department and a private organization also raises Anti-Aid Amendment issues

because the event is not under the exclusive control of public officers. However, the municipal department could enter into a contract with the private organization to run the event on its behalf.

Conclusion

DLS strongly recommends that municipalities develop clear written policies or guidelines, preferably by bylaw or ordinance, about allowable expenditures. For example, to ensure the municipality receives the maximum benefit from its sales tax exemption, there should be clear standards about when department employees can purchase necessary supplies or materials and be reimbursed. Travel expenses are often set out in collective bargaining agreements, but the municipality should also adopt a policy to cover travel expenses for non-union employees. DLS also recommends that standards be established for merit awards, food or fundraising expenses. DLS also recommends that accounting officers advise managers and employees at the beginning of each fiscal year of the municipality's policies. This will help to avoid uncertainty or disagreements about whether certain expenditures are permissible and payable. ☐

1. M.G.L. c. 40, § 5 applies to cities under M.G.L. c. 40, § 1.

2. See art. 2 of the Amendments to the Massachusetts Constitution, as appearing in art. 89, §§ 6, 7 and 8.

3. Mass. Const., Art. XI, c. 2, § 1 and Art. IV, c. 1, § 1; *Lowell*, 111 Mass. at 461, 471; *Matthews v. Inhabitants of Westborough*, 131 Mass. 521 (1881); *Mead v. Acton*, 139 Mass. 341 (1885); *In re Opinion of Justices*, 190 Mass. 611 (1906); *Whittaker v. Salem*, 216 Mass. 483 (1914); *Duffy*, 232 Mass. at 50; *In re Opinion of Justices*, 240 Mass. 616 (1922); *Jones v. Inhabitants of Town of Natick*, 267 Mass. 567 (1929); *D.N. Kelley & Son, Inc. v. Selectmen of Fairhaven*, 294 Mass. 570 (1936); *Quinlan v. City of Cambridge*, 320 Mass. 124 (1946); *Eisenstadt v. County of Suffolk*, 331 Mass. 570 (1954).

4. See e.g., *Opinion of the Justices*, 313 Mass. 779 (1943) ("The fact that the owner of a way may profit by expenditures 'for the removal of snow and ice' ... does not invalidate expenditures ... where the primary purpose of such removal is the benefit of the public to whose use the way is open.").

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Municipal Expenditures: Proper Public Purposes

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5. See e.g., *Salisbury Land & Improvement, Co. v. Commonwealth*, 215 Mass. 371 (1913) (act was unconstitutional where it authorized the condemnation of lands for a public beach and the sale or leasing to private parties of any portion not needed for the public beach).

6. The Anti-Aid Amendment is contained in Section 2 of Article 46 of the Amendments to the Massachusetts Constitution (as amended in 1974 by Art. 103 of the Amendments).

7. See *Commonwealth v. School Committee of Springfield*, 382 Mass. 665 (1981); *Helmes v. Commonwealth*, 406 Mass. 873 (1990).

8. See e.g., *Commonwealth v. School Committee of Springfield*, 382 Mass. 665 (1981) (court held that the purchase of services by the school committee from private schools to meet the needs of special education students did not run counter to the anti-aid amendment because the purpose was to fulfill the obligation of the public school system which had chosen not to provide the services in its own schools).

9. See e.g., *Benevolent & Protective Order of Elks, Lodge No. 65 v. Planning Board of Lawrence*, 403 Mass. 531 (1988) (the taking of property for urban renewal project did not violate the Anti-Aid Amendment because the taking had a public purpose to eliminate a blighted open area and any benefit to college was incidental to that purpose).

10. See *Eisenstadt v. Suffolk County*, 331 Mass. 570, 573 (1954) and cases cited.

11. *Allydenn Realty Corp.*, 304 Mass. at 292.

12. See e.g., *Opinion of the Justices*, 313 Mass. at 784-85 (expenditures for snow removal from private ways that were open to public were for the public purpose of accommodating the public as to means of travel and transportation); *McLean v. Boston*, 327 Mass. 118 (1951) (expenditure of money for the development of housing for residents made homeless by tunnel expansion was for the public purpose of addressing a local emergency caused by a public improvement); *Opinion of the Justices*, 349 Mass. 794 (1965) (payments by city for retirement of certain alcoholic beverage licenses was for the public purpose of cleaning up of the city).

13. See *Opinion of the Justices*, 337 Mass. 777, 781 (1958).

14. See e.g., M.G.L. c. 40, § 4 ("A city or town may make contracts for the exercise of its corporate powers. ..."); *Leonard v. Middleborough*, 198 Mass. 221 (1906).

15. See e.g., *Curran v. Holliston*, 130 Mass. 272 (1881); *Attorney General v. Woburn*, 317 Mass. 465 (1945).

16. See e.g., *Quinlan v. City of Cambridge*, 320 Mass. 124 (1946); *Wood v. Haverhill*, 174 Mass. 578 (1899).

17. See *Matthews v. Westborough*, 131 Mass. 521 (1881); *Jones v. Natick*, 267 Mass. 576 (1929); *George A. Fuller Co. v. Commonwealth*, 303 Mass. 216 (1939).

18. See e.g., M.G.L. Ch. 71, § 47 (specifically authorizes the expenditure of municipal funds for student prizes).

19. See e.g., *Eisenstadt v. County of Suffolk*, 331 Mass. 570 (1954); *In re Opinion of Justices*, 190 Mass. 611 (1906); see also *In re Opinion of Justices*, 240 Mass. 616 (1922).

20. See e.g., *Matthews v. Westborough*, 131 Mass. 521, 522 (1881); *Whittaker v. Salem*, 216 Mass. 483 (1914); *Jones v. Inhabitants of Town of Natick*, 267 Mass. 567 (1929).

21. See e.g., *Anderson v. Boston*, 376 Mass. 178 (1978), *appeal dismissed*, 439 U.S. 1060, 99 S Ct. 822 (1979).

Joint Tax Revenue Figure Reached

On December 12, 2005, Commissioner Alan LeBovidge presented the Department of Revenue's economic and revenue forecast to members of the House Ways and Means Committees and the Secretary of Administration and Finance at their annual Consensus Revenue Hearing at the State House.

In addition to FY06 and FY07 revenue projections for the Commonwealth, this report provided information on recent revenue trends for the state and predictions regarding the US economy for FY06 and FY07.

Testimony was also provided by Michael Widmer of the Massachusetts Taxpayers Foundation, Dr. Yolanda

Kodrzyński of the Boston Federal Reserve Bank, Professor David G. Tuerck of the Beacon Hill Institute and Professor Adam Clayton-Matthews of UMass Boston.

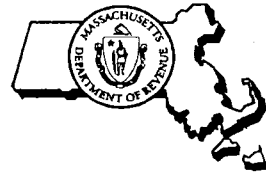
To access the full text of the materials presented at this hearing, click on www.mass.gov/eoaf/revenue_hearing_materials.html.

On January 13, Administration and Finance Secretary Thomas Trimarco; Senator Therese Murray, Chairwoman of the Senate Committee on Ways and Means; and Representative Robert DeLeo, Chairman of the House Committee on Ways and Means, issued a statement indicating that they agreed on a joint tax revenue figure of \$18.975 billion for FY07.

They also agreed upon the following off-budget transfers that are mandated in law:

- \$734 million for the MBTA.
- \$572.52 million for School Building Assistance (SBA).
- \$1.335 billion for the state pension system, consistent with the three-year schedule currently in effect.

The secretary and the chairs of the two budget committees agreed that \$16.333 billion will be the maximum amount of tax revenue available for the general appropriations act (GAA) in FY07. ■



March 10, 2006

Barbara A. Durand
City Auditor
140 Main St.
Marlborough, MA 01752

Re: Grants to Non-profit Organizations
Our File No. 2006-75

Dear Ms. Durand:

This is in reply to your letter asking about the legality of grants to non-profit organizations.

Such grants are hard to justify under the state constitution's Anti-aid amendment (Art.18, 46 & 103, <http://www.mass.gov/legis/const.htm#art103.htm>), which prohibits public funds or property from being given to charitable, educational, religious or other private organizations, no matter how worthy. The amendment provides in relevant part as follows:

No grant, appropriation or use of public money or property or loan of credit shall be made or authorized by the Commonwealth or any political subdivision thereof for the purpose of founding, maintaining or aiding any infirmary, hospital, institution, primary or secondary school, or charitable or religious undertaking **which is not publicly owned and under the exclusive control, order and supervision of public officers or public agents.** (Emphasis added)

The kinds of expenditures barred by the amendment are those that substantially benefit or aid private organizations in a way that is unfair, economically or politically. Even indirect benefit to a non-profit organization may fall afoul of the amendment. In *Bloom v School Committee of Springfield*, 376 Mass. 35, the Supreme Judicial Court struck down a statute providing for the loan of textbooks to students attending private schools. For an exception to the prohibition involving the provision of special education services, see *Commonwealth v. School Committee of Springfield*, 382 Mass. 665 (1981); see also *Fifty-one Hispanic Residents of Chelsea v. School Committee of Chelsea*, 421 Mass. 598 (1996) for a case in which a private organization (Boston University) was held to be a public agent under special legislation. "Aid" would include any grants, contributions or donations by the city to the various non-profit organizations you cite for the specific purpose of directly supporting or assisting their operations.

This does not mean that the city is precluded from purchasing services from non-profit organizations in the same way it purchases services from for-profit entities. As a party to a contract, the city would be compensating the organization for services rendered to the city, instead of giving it a gift or grant. Any such contract should be in writing, identify the services to be provided and set forth the payment schedule. Payment for any particular service could only be made after the service was provided. G.L. Ch. 41 §56.

We hope this information proves helpful.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kathleen Colleary". The signature is fluid and cursive, with the first name "Kathleen" written in a more compact, stylized manner and the last name "Colleary" written more fully.

Kathleen Colleary, Chief
Bureau of Municipal Finance Law

KC/CH