

**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 19**

RECEIVED
SEP 09 2015

	MUNICIPAL EMPLOYEE INFORMATION	TOWN OF TOWNSEND TOWN CLERK
Name:	Carolyn Smart	
Title or Position:	Selectman and Assistant Town Clerk	
Municipal Agency:	Town of Townsend	
Agency Address:	272 Main Street Townsend MA 01469	
Office Phone:	(978) 597-1700 ext 1704	
Office E-mail:	csmart@townsend.ma.us	
	My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.	
	PARTICULAR MATTER	
Particular matter E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.	Please describe the particular matter. Discussion of a compensation plan update for municipal employees that would need to be approved and sent to town meeting for funding.	
Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	Please describe the task you are required to perform with respect to the particular matter. Approve the compensation plan in a vote to forward to town meeting.	
	FINANCIAL INTEREST IN THE PARTICULAR MATTER	
Write an X by all that apply.	<input checked="" type="checkbox"/> I have a financial interest in the matter. <input type="checkbox"/> My immediate family member has a financial interest in the matter. <input type="checkbox"/> My business partner has a financial interest in the matter. <input type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter. <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.	
Financial interest	Please explain the financial interest and include a dollar amount if you know it.	

in the matter	The position of Assistant Town Clerk was reviewed and included in the compensation update, however it should be noted there was no change to the position in terms of wages or grading. In an effort to avoid the appearance of a conflict, I voted to remove the position of Assistant Town Clerk from the compensation discussion at the Selectmen's meeting held on September 8, 2015 in accordance with the attached recommendation.
Employee signature:	<i>Carl Smer</i>
Date:	<i>Sept 9, 2015</i>

DETERMINATION BY APPOINTING OFFICIAL

	APPOINTING AUTHORITY INFORMATION
Name of Appointing Authority:	Kathleen Spofford
Title or Position:	Town Clerk
Agency/Department:	Town of Townsend
Agency Address:	272 Main Street Townsend MA 01469
Office Phone:	(978) 597-1700 ext 1704
Office E-mail	kspofford@townsend.ma.us
	DETERMINATION
Determination by appointing authority:	As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.
Appointing Authority signature:	<i>Kathleen M Spofford</i>
Date:	<i>Sept 15, 2015</i>
Comment:	

Attach additional pages if necessary.

INSTRUCTIONS FOR DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE UNDER G.L. c. 268A, § 19

FINANCIAL INTEREST IN A PARTICULAR MATTER

WHEN TO USE THE § 19 DISCLOSURE FORM

You are an **appointed or non-elected municipal employee**, as defined by G.L. c. 268A, § 1(g). **Your duties as a municipal employee include participating in a particular matter. You may not participate in the matter** because one or more of the following individuals or entities listed below has a **financial interest in the matter**:

- **You;**
- **Your immediate family member** (you and your spouse, and each of your parents, children, brothers and sisters);
- **Your business partner;**
- **A business organization** for which you are serving as an **officer, director, trustee, partner or employee;**
- **A person or organization** with whom you are **negotiating or have made an arrangement about prospective employment.**

You may file a **§ 19 Disclosure** with your appointing authority describing the particular matter, your responsibilities in relation to it, and the financial interest that is preventing you from participating.

Your appointing authority has discretion to make a written **§ 19 Determination** that the financial interest you have identified is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from you as its employee. **You may not participate in the particular matter unless your appointing authority files a written Determination allowing you to do so.**

If you choose not to seek authorization to participate, and do not file a § 19 disclosure, you may need to inform your appointing authority or agency that you will not perform your duties as you usually would.

PARTICIPATION IN A PARTICULAR MATTER

In a § 19 disclosure, you must explain in what way you participate in a particular matter.

A **particular matter** is any judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination or finding.

You are expected to **participate** through approval, disapproval, decision, recommendation, the rendering of advice, investigation or otherwise.

Explain in what way you are required to participate – e.g., reviewing a proposal, approving an application, deciding about a grant; making a recommendation about a budget, providing advice about a case, conducting an investigation, performing a task or taking an action – in relation to the particular matter.

FINANCIAL INTEREST

In the disclosure, you must explain the financial interest that prevents you from participating in a particular matter. You should include the dollar amount of the financial interest, if known.

A financial interest must be **direct and immediate or reasonably foreseeable** (and not remote, speculative or not sufficiently identifiable), and may be **large or small, positive or negative** – a gain or loss, a benefit or an obligation.

For example, a financial interest exists when the outcome of a particular matter may:

- Cause or prevent a **financial gain or loss;**
- Create or eliminate a **financial opportunity;**

- Determine who will make decisions affecting your or an immediate family member's **wages, hours or working conditions** as a municipal employee.

Abutters and Owners of Nearby Property: The following people are presumed to have a financial interest in a particular matter regarding real estate:

- An abutter;
- An abutter to an abutter within 300 feet of the property line;
- A person who may suffer an injury in fact which is different in kind or magnitude from that suffered by members of the general public.

Competitors: Your business interest will have a financial interest if the outcome of a particular matter would affect the financial interests of a competitor in a way that would likely decrease or increase your business or the business of your immediate family, your partner, or your private employer.

FILING THE § 19 DISCLOSURE AND DETERMINATION

For the municipal employee

Sign your completed Disclosure and submit it to your appointing authority.

For the appointing authority

You have received a § 19 Disclosure from a municipal employee who may not participate in a matter because of a financial interest in the matter. **You may make a written Determination** that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee. **You also may decide not to make this Determination.** If you make such a Determination, you should provide a copy to the employee. Keep a copy of the § 19 Disclosure as a public record.

If you need advice about completing the disclosure, please call the Attorney of the Day at (617) 371-9500 or e-mail the State Ethics Commission at requestadvice@massmail.state.ma.us.



The Official Website of the State Ethics Commission

State Ethics Commission

Home > Education & Training Resources > Educational Materials > Advisories > Advisory 05-03 Budgets and Payroll Warrants

Advisory 05-03: Elected Officials Voting on Budgets and Signing Payroll Warrants that Include Salaries for Family Members

The conflict of interest law is intended to ensure that public employees act in the best interests of the citizens they represent, and do not pursue their own self-interests or other private interests. The law prohibits a public employee from participating, by voting, discussing, delegating or otherwise acting, in any matter that affects:

- his or her own financial interests or those of a business partner;
- the financial interests of his or her immediate family members (i.e., the employee's spouse; and the parents, siblings and children of either the employee or the employee's spouse);
- the financial interests of a private or "after-hours" employer, or anyone with whom the employee is negotiating or has an arrangement for prospective employment; or
- any organization, either charitable or for-profit, in which the employee is serving as an officer, director, partner or trustee.

The term "public employee" includes both elected and appointed state, county and municipal employees, whether paid or unpaid, full-time or part-time. An unpaid volunteer board member as well as, in some instances, a consultant who is a contractor are considered public employees for purposes of the conflict of interest law.

I. PARTICIPATION IN A PARTICULAR MATTER

The conflict of interest law defines participation as participating in agency action or in a particular matter personally and substantially through approval, disapproval, decision, recommendation, the rendering of advice, investigation or otherwise. Thus, a public employee participates not only when he makes a final decision or votes on a matter, but also when he discusses the merits of a matter with a colleague or makes a "non-binding" recommendation. A particular matter is any judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination or finding. ¹

II. DETERMINING PROHIBITED FINANCIAL INTERESTS

The restrictions of the conflict of interest law apply regardless of the size of the financial interest. They apply in any instance when the private financial interests are directly and immediately affected, or when it is reasonably foreseeable that the financial interests would be affected. Also, the conflict of interest law prohibits any type of official action in such matters, regardless of whether the proposed action would positively or negatively affect the private financial interests.

Example: A city councilor whose mother is a clerk for the water department may not vote in favor or against a motion to impose a two week unpaid furlough for all water department employees.

III. PARTICIPATING IN VOTES AND DISCUSSIONS ON BUDGETS OR SIGNING WARRANTS THAT INCLUDE SALARIES OF FAMILY MEMBERS

In situations where an elected public employee's family members are employed by the same city, town or agency, the employee may not participate in any discussion or vote on any budget item that would affect the family member's salary or sign a payroll warrant that includes the family member's pay. ²

Example: A school committee member whose daughter is a school teacher in town may not discuss or vote on a school department payroll warrant, which includes the regular weekly salary of all school department employees, because his daughter has a financial interest in that warrant.

This prohibition includes voting on a budget line item that will merely maintain the salary of a family member at its present level, approving "automatic" salary step increases in a budget, or signing a payroll warrant. The prohibition applies even in cases where a number of other employees (or all employees) are given similar increases. Discussing or making nonbinding recommendations on the budget line items affecting immediate family members' salaries is also prohibited.

However, a public employee may vote on other line items that do not affect the financial interest of a family member and the whole budget, including salaries, once the following procedure has been followed: the board must identify the budget line item that includes the family member's salary and vote on it separately. The public employee whose family member's salary is affected by this line item must abstain from the discussion and vote. After all such conflicts are dealt with through this line item procedure, the board may then vote on the budget as a whole package, with all members participating in the final vote to approve the "bottom line."

Example: A city councilor whose father works as a custodian for the school department must abstain from voting on a recommendation about the line item of the budget that includes her father's salary. She should leave the room during any deliberation and vote on this matter. She may discuss any other line item as long as it has no impact, directly or indirectly, on her father's salary. She may also participate in the final vote to approve the budget as a whole at the end of this process.

IV. ABSTAINING WHEN A CONFLICT OF INTEREST OCCURS

As discussed above, not only must a public employee abstain from voting, he may not participate in any official discussion of the matter. Ordinarily, the best course of action is simply to leave the room during the deliberation and vote of the board.

Example: A selectman whose son is a police officer and who discusses increasing health insurance benefits for police officers but abstains from the final vote will have participated through his discussing the health insurance benefit in a particular matter affecting his son's financial interest.

An elected public employee is not required to disclose the reason for his abstention.

V. RULE OF NECESSITY

If more than one member of a board or committee is disqualified because of actual conflicts of interest, the board may not be able to act because it does not have a quorum. (If the number for a quorum is not set by law, a quorum is generally a majority of the board members.) In these instances, as a matter of last resort, the board can use what is called the rule of necessity to permit the participation of the disqualified members in order to allow the board to act. Prior to invoking the rule of necessity, public officials should review the Ethics Commission's Primer on Self-Dealing, Financial Interests and the Rule of Necessity or contact the city solicitor, town counsel or the Ethics Commission.

VII. CONCLUSION

While certain private relationships may not trigger the restrictions discussed above, they may require disclosure and compliance with other sections of the conflict of interest law. Again, for further advice, contact your town counsel, city solicitor or the Legal Division of the State Ethics Commission at 617-371-9500.

ISSUED: March 1987

REVISED: September 1987

REVISED: October 1991

REVISED: August 1992

REVISED: June 2, 2005

[as an Advisory]

FOOTNOTES

¹Note, however, that general legislation is not a particular matter. Thus, a public official may act on matters of general legislation, and certain home-rule petitions. For example, a legislator, a town manager or a state agency head may draft, promote or oppose general legislation, or legislation related to a municipal government's organization, powers, duties, finances or property. Matters involving other types of "special legislation," regulations or administrative policies are not eligible for this exemption. For a determination as to whether a bill is "general legislation" or "special legislation," contact

**DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST
AS REQUIRED BY G. L. c. 268A, § 23(b)(3)**

RECEIVED
SEP 15 2015
TOWN OF TOWNSEND
TOWN CLERK

	PUBLIC EMPLOYEE INFORMATION
Name of public employee:	Gordon Clark
Title or Position:	Selectman
Agency/Department:	Board of Selectmen
Agency address:	272 Main Street, Townsend, MA 01469
Office Phone:	508-341-5781
Office E-mail:	Gnclark613@gmail.com
	<p>In my capacity as a state, county or municipal employee, I am expected to take certain actions in the performance of my official duties. Under the circumstances, a reasonable person could conclude that a person or organization could unduly enjoy my favor or improperly influence me when I perform my official duties, or that I am likely to act or fail to act as a result of kinship, rank, position or undue influence of a party or person.</p> <p>I am filing this disclosure to disclose the facts about this relationship or affiliation and to dispel the appearance of a conflict of interest.</p>
	APPEARANCE OF FAVORITISM OR INFLUENCE
Describe the issue that is coming before you for action or decision.	Conducting interviews for interim Police Chief.
What responsibility do you have for taking action or making a decision?	I will be appointing the interim Police Chief as a member of the Board of Selectmen.
Explain your relationship or affiliation to the person or organization.	For full disclosure, I am employed as a reserve police officer for one of the candidates for the Town of Boxboro.
How do your official actions or decision matter to the person or organization?	I will be involved in the choosing of the interim Police Chief.
Optional: Additional facts – e.g., why there is a low risk of undue favoritism or	I have no financial gain in the matter before me.

improper influence.	
If you cannot confirm this statement, you should recuse yourself.	WRITE AN X TO CONFIRM THE STATEMENT BELOW. <input type="checkbox"/> Taking into account the facts that I have disclosed above, I feel that I can perform my official duties objectively and fairly.
Employee signature:	<i>Jon N. Cel</i>
Date:	<i>9/15/2015</i>

Attach additional pages if necessary.

Not elected to your public position – file with your appointing authority.

Elected state or county employees – file with the State Ethics Commission.

Members of the General Court – file with the House or Senate clerk or the State Ethics Commission.

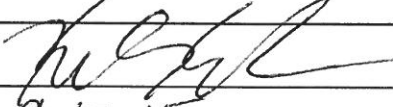
Elected municipal employee – file with the City Clerk or Town Clerk.

Elected regional school committee member – file with the clerk or secretary of the committee.

**DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST
AS REQUIRED BY G. L. c. 268A, § 23(b)(3)**

RECEIVED
SEP 17 2015
TOWN OF TOWNSEND
TOWN CLERK

	PUBLIC EMPLOYEE INFORMATION
Name of public employee:	Kevin Smith
Title or Position:	DPW Exploratory Committee
Agency/Department:	Town of Townsend
Agency address:	272 Main Street Townsend, MA 01469
Office Phone:	(978) 771-0499
Office E-mail:	kevinsmithcompany@comcast.net
	<p>In my capacity as a state, county or municipal employee, I am expected to take certain actions in the performance of my official duties. Under the circumstances, a reasonable person could conclude that a person or organization could unduly enjoy my favor or improperly influence me when I perform my official duties, or that I am likely to act or fail to act as a result of kinship, rank, position or undue influence of a party or person.</p> <p>I am filing this disclosure to disclose the facts about this relationship or affiliation and to dispel the appearance of a conflict of interest.</p>
	APPEARANCE OF FAVORITISM OR INFLUENCE
Describe the issue that is coming before you for action or decision.	As a DPW Committee member I will be participating in the study for the Board of Selectmen to form a consolidated Department Public Works Department.
What responsibility do you have for taking action or making a decision?	Ad-Hoc Study Committee
Explain your relationship or affiliation to the person or organization.	As a matter of disclosure I am an approved contractor for the Town of Townsend additionally I have a verbal agreement with the Townsend Zoning Board that as per our earth removal permit, I did offer material to the town at a discounted rate per issued permit.
How do your official actions or decision matter to the person or organization?	The study for the Board of Selectmen that I am participating in will have no financial impact or gain for me

Optional: Additional facts – e.g., why there is a low risk of undue favoritism or improper influence.	
If you cannot confirm this statement, you should recuse yourself.	WRITE AN X TO CONFIRM THE STATEMENT BELOW. ___ Taking into account the facts that I have disclosed above, I feel that I can perform my official duties objectively and fairly.
Employee signature:	
Date:	9-17-15

Attach additional pages if necessary.

Not elected to your public position – file with your appointing authority.

Elected state or county employees – file with the State Ethics Commission.

Members of the General Court – file with the House or Senate clerk or the State Ethics Commission.

Elected municipal employee – file with the City Clerk or Town Clerk.

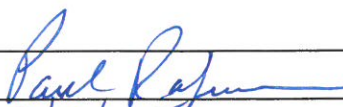
Elected regional school committee member – file with the clerk or secretary of the committee.

**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 19**

RECEIVED
SEP 18 2015

	MUNICIPAL EMPLOYEE INFORMATION
Name:	Paul Rafuse
Title or Position:	Superintendent
Municipal Agency:	Townsend Water Department
Agency Address:	540 Main St., West Townsend, MA 01474
Office Phone:	978-597-2212
Office E-mail:	<u>water@townsend.ma.us</u>
	My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.
	PARTICULAR MATTER
Particular matter E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.	Please describe the particular matter. The Water Dept. has the need and requires personnel be available to be "on call" in order to respond to after hours emergencies. As Superintendent I need to be able to assign employees, including myself, to perform these duties by creating a rotation schedule for the assignment of these duties.
Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	Please describe the task you are required to perform with respect to the particular matter. As Superintendent, I assign employees to carry out tasks necessary to the functioning of the Water Department, including the assignment of "on call" duties.
	FINANCIAL INTEREST IN THE PARTICULAR MATTER
Write an X by all that apply.	<input checked="" type="checkbox"/> I have a financial interest in the matter. <input type="checkbox"/> My immediate family member has a financial interest in the matter. <input type="checkbox"/> My business partner has a financial interest in the matter. <input type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter. <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.

TOWN OF TOWNSEND
TOWN CLERK

Financial interest in the matter	Please explain the financial interest and include a dollar amount if you know it. The compensation that I currently receive to perform "on call" is \$250.00 every three weeks and \$75.00 every third holiday. This amount could change slightly by \$200-\$300± due to the number of holidays and where they fall within the "on call" rotation schedule.
Employee signature:	
Date:	9/17/15

DETERMINATION BY APPOINTING OFFICIAL

	APPOINTING AUTHORITY INFORMATION
Name of Appointing Authority:	
Title or Position:	
Agency/Department:	
Agency Address:	
Office Phone:	
Office E-mail	
	DETERMINATION
Determination by appointing authority:	As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.
Appointing Authority signature:	
Date:	
Comment:	

Attach additional pages if necessary.

The appointing authority shall keep this Disclosure and Determination as a public record.

**DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST
AS REQUIRED BY G. L. c. 268A, § 23(b)(3)**

RECEIVED
NOV 12 2015
TOWN OF TOWNSEND
TOWN CLERK

	PUBLIC EMPLOYEE INFORMATION
Name of public employee:	Kathleen M. Spofford
Title or Position:	Town Clerk
Agency/Department:	Town Clerk in the Town of Townsend
Agency address:	272 Main Street
Office Phone:	978-597-1704
Office E-mail:	kspofford@townsend.ma.us
	<p>In my capacity as a state, county or municipal employee, I am expected to take certain actions in the performance of my official duties. Under the circumstances, a reasonable person could conclude that a person or organization could unduly enjoy my favor or improperly influence me when I perform my official duties, or that I am likely to act or fail to act as a result of kinship, rank, position or undue influence of a party or person.</p> <p>I am filing this disclosure to disclose the facts about this relationship or affiliation and to dispel the appearance of a conflict of interest.</p>
	APPEARANCE OF FAVORITISM OR INFLUENCE
Describe the issue that is coming before you for action or decision.	An affidavit to recall Selectman Carolyn Smart has been filed with my office. Carolyn Smart is the Assistant Town Clerk appointed by myself.
What responsibility do you have for taking action or making a decision?	Chapter A196 Special Acts, Chapter 27, Acts of 1995 specifically states the affidavit and the petition is required to be filed in the Town Clerk's office. Signatures will be verified by the Registrars in the office and certified. I am a Registrar, ex Officio, in this office and will be assisting in the process.
Explain your relationship or affiliation to the person or organization.	Carolyn Smart works in the Town Clerk's office and I am her supervisor.
How do your official actions or decision matter to the person or organization?	I will undertake my responsibilities under the Recall Act, State Election Law and all implementing regulations in accordance with the obligations posed thereunder and by my oath of office and without regard to any workplace or personal relationships I might have with the person subject to recall or the petitioners seeking recall.
Optional: Additional facts – e.g., why there is a low risk of undue favoritism or	I have requested the Assistant Town Clerk, Carolyn Smart, recuse herself from anything to do with the recall and will not be present in the office if any petitioners enter the office regarding said petition.

improper influence.	
If you cannot confirm this statement, you should recuse yourself.	WRITE AN X TO CONFIRM THE STATEMENT BELOW. <u> X </u> Taking into account the facts that I have disclosed above, I feel that I can perform my official duties objectively and fairly.
Employee signature:	<i>Kathleen M. Spafford</i>
Date:	<i>Nov 12 2015</i>

Attach additional pages if necessary.

Not elected to your public position – file with your appointing authority.

Elected state or county employees – file with the State Ethics Commission.

Members of the General Court – file with the House or Senate clerk or the State Ethics Commission.

Elected municipal employee – file with the City Clerk or Town Clerk.

Elected regional school committee member – file with the clerk or secretary of the committee.

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RECEIVED
NOV 12 2015
TOWN OF TOWNSEND
TOWN CLERK

	PUBLIC EMPLOYEE INFORMATION
Name of public employee:	Carolyn Smart
Title or Position:	Assistant Town Clerk
Agency/Department:	Town of Townsend
Agency address:	272 Main Street Townsend MA 01469
Office Phone:	(978) 597-1700 ext 1704
Office E-mail:	csmart@townsend.ma.us
	<p>In my capacity as a state, county or municipal employee, I am expected to take certain actions in the performance of my official duties. Under the circumstances, a reasonable person could conclude that a person or organization could unduly enjoy my favor or improperly influence me when I perform my official duties, or that I am likely to act or fail to act as a result of kinship, rank, position or undue influence of a party or person.</p> <p>I am filing this disclosure to disclose the facts about this relationship or affiliation and to dispel the appearance of a conflict of interest.</p>
	APPEARANCE OF FAVORITISM OR INFLUENCE
Describe the issue that is coming before you for action or decision.	A possibility a recall petition may come to the Town Clerk's office for certification of the signatures by the Board of Registrars. The petition may be naming me as a Selectman to be the subject of the recall.
What responsibility do you have for taking action or making a decision?	I will not have any responsibility. I will be not be verifying the petition signatures.
Explain your relationship or affiliation to the person or organization.	I serve as the Assistant Town Clerk and as a member of the Board of Selectmen.
How do your official actions or decision matter to the person or organization?	
Optional: Additional facts – e.g., why there is a low risk of undue favoritism or	I will stop out of the Town Clerk's office if anyone does come in to request information or discuss the recall petition. I will not be verifying or in control of the petitions if indeed they're submitted. I will not give advice regarding the recall.

improper influence.	
If you cannot confirm this statement, you should recuse yourself.	WRITE AN X TO CONFIRM THE STATEMENT BELOW. <input checked="checked" type="checkbox"/> Taking into account the facts that I have disclosed above, I feel that I can perform my official duties objectively and fairly.
Employee signature:	<i>Casih Smart</i>
Date:	<i>11/12/15</i>

Attach additional pages if necessary.

Not elected to your public position – file with your appointing authority.

Elected state or county employees – file with the State Ethics Commission.

Members of the General Court – file with the House or Senate clerk or the State Ethics Commission.

Elected municipal employee – file with the City Clerk or Town Clerk.

Elected regional school committee member – file with the clerk or secretary of the committee.

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AS REQUIRED BY G. L. c. 268A, § 23(b)(3)**

RECEIVED
NOV 12 2015
TOWN OF TOWNSEND
TOWN CLERK

	PUBLIC EMPLOYEE INFORMATION
Name of public employee:	Kathleen M. Spofford
Title or Position:	Town Clerk
Agency/Department:	Town Clerk in the Town of Townsend
Agency address:	272 Main Street
Office Phone:	978-597-1704
Office E-mail:	kspofford@townsend.ma.us
	<p>In my capacity as a state, county or municipal employee, I am expected to take certain actions in the performance of my official duties. Under the circumstances, a reasonable person could conclude that a person or organization could unduly enjoy my favor or improperly influence me when I perform my official duties, or that I am likely to act or fail to act as a result of kinship, rank, position or undue influence of a party or person.</p> <p>I am filing this disclosure to disclose the facts about this relationship or affiliation and to dispel the appearance of a conflict of interest.</p>
	APPEARANCE OF FAVORITISM OR INFLUENCE
Describe the issue that is coming before you for action or decision.	An affidavit to recall Selectman Gordon Clark has been filed with my office.
What responsibility do you have for taking action or making a decision?	Chapter A196 Special Acts, Chapter 27, Acts of 1995 specifically states the affidavit and the petition is required to be filed in the Town Clerk's office. Signatures will be verified by the Registrars in the office and certified. I am a Registrar, ex Officio, in this office and will be assisting in the process.
Explain your relationship or affiliation to the person or organization.	Gordon Clark has been a Selectmen since April, 2015. I have known Mr. Clark for years and consider him a friend.
How do your official actions or decision matter to the person or organization?	I will undertake my responsibilities under the Recall Act, State Election Law and all implementing regulations in accordance with the obligations posed thereunder and by my oath of office and without regard to any workplace or personal relationships I might have with the person subject to recall or the petitioners seeking recall.
Optional: Additional facts – e.g., why there is a low risk of undue favoritism or	

improper influence.	
If you cannot confirm this statement, you should recuse yourself.	WRITE AN X TO CONFIRM THE STATEMENT BELOW. <u> X </u> Taking into account the facts that I have disclosed above, I feel that I can perform my official duties objectively and fairly.
Employee signature:	<i>Kathleen M. Spafford</i>
Date:	<i>Nov 12 2015</i>

Attach additional pages if necessary.

Not elected to your public position – file with your appointing authority.

Elected state or county employees – file with the State Ethics Commission.

Members of the General Court – file with the House or Senate clerk or the State Ethics Commission.

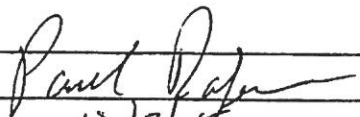
Elected municipal employee – file with the City Clerk or Town Clerk.

Elected regional school committee member – file with the clerk or secretary of the committee.

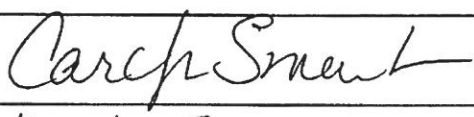
**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 19**

RECEIVED
DEC 04 2015

MUNICIPAL EMPLOYEE INFORMATION	
Name:	Paul Rafuse
Title or Position:	Superintendent
Municipal Agency:	Townsend Water Department
Agency Address:	540 Main St., West Townsend, MA 01474
Office Phone:	978-597-2212
Office E-mail:	water@townsend.ma.us
	My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.
PARTICULAR MATTER	
Particular matter E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.	Please describe the particular matter. The Water Dept. has the need and requires personnel be available to be "on call" in order to respond to after hours emergencies. An "on call" shift is from 3:30 PM on Friday to 7:00 AM the following Friday. The employee that takes "on call" duty receives an additional \$250.00 in his pay. Due to the demand and responsibilities of "on call" duty and because there are only two other employees other than myself capable of and, licensed to perform this duty the Board of Water Commissioners voted unanimously in favor on March 10, 2005 to restructure the "on call" duty adding me to the rotation and receive the same \$250.00. This would also be reflected in the Water Dept. budget.
Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	Please describe the task you are required to perform with respect to the particular matter. As Superintendent, I am tasked with the responsibility to annually submit a detailed budget to operate the Water Department to my Board of Water Commissioners for their review and subsequent approval. Although I'm not involved in the approval process the amount I am compensated for to perform "on call" duty is included in the budget that I submit to my Board of Water Commissioners.
FINANCIAL INTEREST IN THE PARTICULAR MATTER	
Write an X by all that apply.	<input checked="" type="checkbox"/> I have a financial interest in the matter. <input type="checkbox"/> My immediate family member has a financial interest in the matter. <input type="checkbox"/> My business partner has a financial interest in the matter. <input type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter. <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.

Financial interest in the matter	Please explain the financial interest and include a dollar amount if you know it. Compensation that I receive to perform "on call" duty is included in the budget that I as Superintendent am responsible to submit for recommendation to my Board of Water Commissioners. The amount is \$250.00 every three weeks and \$75.00 every third holiday.
Employee signature:	
Date:	12/3/15

DETERMINATION BY APPOINTING OFFICIAL

	APPOINTING AUTHORITY INFORMATION
Name of Appointing Authority:	TOWNSEND BOARD OF SELECTMEN
Title or Position:	WATER SUPERINTENDENT
Agency/Department:	TOWNSEND WATER DEPT.
Agency Address:	540 MAIN STREET W. TOWNSEND, MA 01474
Office Phone:	978-597-2212
Office E-mail	
	DETERMINATION
Determination by appointing authority:	As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.
Appointing Authority signature:	
Date:	11-24-15
Comment:	

Attach additional pages if necessary.

The appointing authority shall keep this Disclosure and Determination as a public record.

Kathy Spofford

RECEIVED
DEC 23 2015

TOWN OF TOWNSEND
TOWN CLERK

From: James Kreidler <jkreidler@townsend.ma.us>
Sent: Wednesday, December 23, 2015 1:21 PM
To: Carolyn Smart; gnclark613@gmail.com; James M. Kreidler; jdeschenes@townsend.ma.us; selectmancindyking@gmail.com
Cc: 'Kathy Spofford'
Subject: TA Public Disclosure

Dear board,

Please find a public disclosure below.

December 23, 2015

Honorable Board of Selectmen
Townsend Town hall
272 Main Street
Townsend, MA 01469

RE: Public Disclosure

Dear Honorable Members of the Board of Selectmen:

Please be advised that this shall serve as a letter of public disclosure in accordance with Massachusetts General Law Chapter 268A §23(b)(3). General Laws c.268A, §23(b)(3) provides that no municipal employee shall:

act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion. [emphasis added]

I am the Interim Town Administrator and have been appointed by the Board of Selectmen. The Chair of the Board is Carolyn Smart. Ms. Smart is additionally a town employee in the Town Clerk's office.

The approved position description of the Town Administrator provides that the Town Administrator is:

- "the Town's personnel officer"; and
- the management employee who "evaluates and renders advisory decisions to the Board on grievances by employees as required"; and

- the employee who "mediates grievances and complaints from town employees; represents the Town in grievances and lawsuits"; and
- the employee who "shapes the policies of the Town's financial plan. Prepares the budget and presents the financial plan to the Board of Selectmen and Finance Committee."

It is arguable that a so-called "reasonable person" might conclude that the where the Town Administrator and Ms. Carolyn Smart have a relationship based upon Ms. Smart's role as a member of the appointing body for the position of Town Administrator that such relationship could influence the Town Administrator's dealings with Ms. Smart in her position in the Town Clerk's office.

Be advised, however, that a municipal employee may protect himself from such allegations by filing a written disclosure of the facts with his appointing authority. This letter is such a disclosure.

Sincerely,

James M. Kreidler
Town Administrator

Cc: Town Clerk
File

James M. Kreidler
Interim Town Administrator
Town of Townsend
272 Main Street
Townsend, MA 01469
(978) 597-1700
jkreidler@townsend.ma.us

If this email is received by a multi-member public board, commission or committee please take care to never "respond to all" as you may inadvertently create a violation of the open meeting law.

This message (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message. In Massachusetts, the term "public record" is broadly defined to include all documentary materials or data created or received by any officer or employee of any governmental unit, regardless of physical form or characteristics unless it falls under one of the statutory exemptions to the Public Records Law MGL Chapter 4, Section 7(26). Consequently, email is subject to the disclosure, retention and maintenance provisions as required by law. MGL Chapter 66

**DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST
AS REQUIRED BY G. L. c. 268A, § 23(b)(3)**

RECEIVED
DEC 23 2015

	PUBLIC EMPLOYEE INFORMATION
Name of public employee:	Carolyn Smart
Title or Position:	Selectmen/Asst Town Clerk
Agency/Department:	Town of Townsend
Agency address:	272 Main St Townsend, MA
Office Phone:	(978) 597-1700 ext 1704
Office E-mail:	csmart@townsend.ma.us
	<p>In my capacity as a state, county or municipal employee, I am expected to take certain actions in the performance of my official duties. Under the circumstances, a reasonable person could conclude that a person or organization could unduly enjoy my favor or improperly influence me when I perform my official duties, or that I am likely to act or fail to act as a result of kinship, rank, position or undue influence of a party or person.</p> <p>I am filing this disclosure to disclose the facts about this relationship or affiliation and to dispel the appearance of a conflict of interest.</p>
	APPEARANCE OF FAVORITISM OR INFLUENCE
Describe the issue that is coming before you for action or decision.	Kathleen Spofford, my direct Supervisor and Appointing Authority has requested of the Town Administrator as to whether my years of service as an employee is counted toward vacation and other benefits. It's not defined within the personnel policies and procedures.
What responsibility do you have for taking action or making a decision?	As a Selectman, I am an "appeals" board for personnel matters. If this matter were to come before the Board, I would leave the room and recuse myself. I feel it should be disclosed, the person responsible for personnel decisions is the Town Administrator whom the Board of Selectmen as a whole are the direct supervisors of.
Explain your relationship or affiliation to the person or organization.	See above
How do your official actions or decision matter to the person or organization?	<i>See above</i>
Optional: Additional facts – e.g., why there is a low risk of undue favoritism or	<p>It could be concluded that a reasonable person might argue that I would have undue influence of the Town Administrator unless a written disclosure is filed.</p> <p><i>over</i></p>

improper influence.	
If you cannot confirm this statement, you should recuse yourself.	WRITE AN X TO CONFIRM THE STATEMENT BELOW. <input checked="" type="checkbox"/> Taking into account the facts that I have disclosed above, I feel that I can perform my official duties objectively and fairly.
Employee signature:	<i>Cary Smart</i>
Date:	12-23-15

Attach additional pages if necessary.

Not elected to your public position – file with your appointing authority.

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