



Identifying Fiscal Stress: Diminishing Reserves

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By the Numbers

City & Town provides updates on the progress of the tax rate and certification season while also allowing you to follow the tax rate setting process in real time. Thanks to our Municipal Databank staff, this public information is available 24/7 by [clicking here](#).

Following up on the [first installment in our *Identifying Fiscal Stress* series](#), we will now delve into the perils of a diminishing level of reserves. We will focus on statewide certified free cash and general stabilization fund balances, as well as identify strategies for communities that want to build these reserves to improve their overall fiscal health.

Reserve Funds

Reserve funds may be used for any lawful purpose. They require appropriation by the community's legislative body unless otherwise allowed by law. Examples include free cash, the general stabilization fund, and overlay surplus. Other reserve funds such as special purpose stabilization funds and enterprise fund retained earnings are available funds that also require appropriation, but are restricted in their use. In this article, we will refer to the general stabilization fund as simply the stabilization fund.

Credit rating agencies weigh healthy reserves as a positive when assessing a community's overall ability to honor its debt obligations. Local finance officials should understand credit rating agency threshold percentages for all reserves, especially if they intend to borrow funds or seek a rating upgrade.

What the Dashboard May Reveal

The Division of Local Services' (DLS) [Municipal Finance Trend Dashboard's Category One - Operating Position](#) includes certified free cash and stabilization fund balances for each community over a five fiscal year span and as percentages of that community's general fund operating budget.

Prelim. Certifications
Approved: 65

Final Certification: 61 (of
69 total)

LA4 Approved:
332 (340 submitted)

LA13/ New Growth
Approved:
332 (339 submitted)

Tax Rates Approved: 199

Balance Sheets Approved:
234

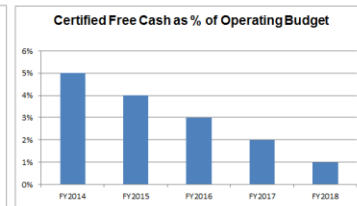
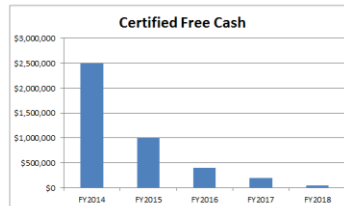
Total Aggregate Free
Cash Approved:
\$1,061,117,096

Important Dates & Information

Updated Info for Taxpayers Affected by Merrimack Valley Gas Explosions

The Department of Revenue has announced it is taking additional steps to address the concerns of taxpayers in Lawrence, Andover, and North Andover who have been affected by the September gas explosions.

The Department recognizes that taxpayers in these areas may be unable to comply with their tax filing or payment due dates that occurred on or after the date of the explosions. The Department would like to continue to assist those taxpayers as much as possible.



Although these graphs show a diminishing level of certified free cash, they alone need not create a panic. However, when read in concert with other reserve fund data, they might raise red flags. For example, if the community relies on reserve funds to cover deficits or uses free cash for additional spending and then does not replenish reserve funds to sufficient levels. If left unresolved through the budget process, such fiscal stress could result in late property tax billing, service reductions, expenditure cuts, frustrated department heads and confused taxpayers.

Free Cash

Free cash is a revenue source that requires appropriation by majority vote of the community's legislative body for expenditure, is unrestricted in its use, and can generally be described as surplus accumulated from prior fiscal years' operations.

Free cash is calculated and certified by the DLS Bureau of Accounts through a review process of a community's balance sheet. Because free cash is unrestricted in its use, it may be appropriated after certification to purchase one-time capital items or to support or balance the annual budget. However, relying on free cash to support or balance the budget is a gamble as a sufficient free cash certification is not guaranteed. In fact, 52% of communities saw decreases in free cash from July 1, 2016 to July 1, 2017.

A one-year reduction to certified free cash may prove anomalous, but a trend showing an annual decline may be indicate tight budgeting, certification depleted and not replenished, too many uncollected property taxes, transfers to another reserve account, or a combination of the previously mentioned factors. Similarly, a trend showing a decreasing ratio of certified free cash compared to the operating budget may be indicate that certified free cash totals are not keeping pace with increases in the operating budget.

Here are some recommendations on rebuilding and improving free cash:

- *Don't appropriate It All:* If free cash is totally depleted, it must be entirely rebuilt. If it's not, the unappropriated amount becomes a building block for the next fiscal year's certification.

The Department will waive any penalties associated with any late-filed return or payment that was due on or after September 12th and before December 1st. The Department will waive penalties through December 15th, and will later revisit whether any further extensions should be granted.

If any taxpayer in the affected areas receives notice of a penalty for this period they should reach out to the Department of Revenue at (617) 887-6367.

OSD: Latest Issue of *Buy the Way Now Available*

Don't miss the November 2018 edition of [Buy the Way](#), the monthly newsletter of the Operational Services Division (OSD).

Click [here](#) to get news and updates from OSD delivered to your inbox.



Other DLS Links:

[Local Officials Directory](#)

- *Maintain Strong Tax Collection Procedures:* For most communities, the property tax is the largest revenue source. Poor collections affect free cash position and could result in a cash shortfall requiring temporary borrowing along with an unplanned payment of interest and other associated borrowing costs.
- *Estimate Receipts Conservatively:* Locally generated, non-property tax related estimated receipts (e.g. MVE, licenses and permits, etc.) need to be conservatively budgeted for the upcoming fiscal year.
- *Return Funds:* Return unnecessary or unexpended general fund appropriations (“turnbacks”) to fund balance. These become another building block for the next fiscal year’s certification.
- *Cure Capital Projects Deficits:* Capital projects funded during the fiscal year using “internal borrowing” ([G.L. c. 44, § 20A](#)) and anticipated to be in deficit as of June 30 should be borrowed for either temporarily or permanently to cure the deficit by June 30.
- *Cure Grant Deficits:* Apply for grant reimbursements timely. Grants funded during the fiscal year using “internal borrowing” and anticipated to be in deficit as of June 30 should be borrowed for temporarily by June 30 ([G.L. c. 44, § 6A](#)), unless a grant reimbursement is expected to be received by September 30.
- *Adopt a Free Cash Policy:* Communities should adopt and adhere to an agreed upon local policy regarding the generation and use of free cash. This article will provide links to free cash and other reserve policies that may be adapted to your community.

The Stabilization Fund ([G.L. c. 40, § 5B](#))

The stabilization fund is a reserve fund that requires appropriation by a majority vote of the community’s legislative body for deposit into the Fund and a 2/3rd vote of that body to create the fund or to expend from the fund. The fund is unrestricted in its use and includes:

- appropriations or dedications into the fund
- interest earned on the fund’s investment
- “turnbacks” of unexpended monies appropriated from the fund

The stabilization fund may be invested using options that are broader than other municipal and district trust fund investments under [G.L. c. 44, § 54](#) and banking laws governing the Commissioner of Bank’s authority to establish

[Municipal Databank](#)

[Information Guideline
Releases \(IGRs\)](#)

[Bulletins](#)

[Publications & Training
Center](#)

[Tools and Financial
Calculators](#)

a list of sound investments for banking institutions. [St. 2014, c. 343](#).

A declining stabilization fund balance usually indicates that appropriations from the fund are not being replenished from another revenue source. Similar to that for free cash, a trend showing a decreasing ratio of stabilization fund balance to the operating budget may be indicative of the increase in the balance not keeping pace with the increase in the operating budget, or confirming that the balance is declining.

Here are some recommendations on rebuilding and improving a Stabilization Fund balance:

- *Don't appropriate it all:* If you do, the balance will have to be entirely rebuilt.
- *Monitor the Fund's Balance in the Budget Process:* Since the Municipal Modernization Act ([St. 2016, c. 218](#)) eliminated annual dollar and percentage appropriation and aggregate balance caps in the Fund, more can be appropriated into the fund to replenish the balance.
- *Dedicate an Allowable Revenue Stream into the Fund:* The Municipal Modernization Act provided that after a city, town or district has accepted the fourth paragraph of [G.L. c. 40, § 5B](#), its legislative body may vote to dedicate a revenue source to a stabilization fund by a two-thirds vote. The vote has required language and may include any fee, charge or other receipt except locally assessed taxes, excises and property tax surcharges and revenues reserved by law for particular purposes ([see IGR 17-20](#)).
- *Vote a Prop 2½ Stabilization Fund Override:* Communities may request that voters approve a Prop 2½ levy limit override ballot question for the purpose of funding any stabilization fund (including special purpose stabilization funds) it establishes. If approved, the additional amount levied is earmarked to that fund in the fiscal year the override is effective and in subsequent years ([G.L. c. 59, § 21C\(g\)](#), also [see IGR 17-20](#)).
- *Adopt a Stabilization Fund Policy:* Similar to a free cash policy, adopting a policy on generating and using the stabilization fund's balance is considered a best practice.

Reserve Policies and Recommendations

Formal, written policies that establish guidelines for funding and maintaining reserves can help (1) sustain operations during difficult economic periods, (2) hold money for specific future purposes, (3) finance unforeseen or emergency needs, (4) provide revenue sources for the annual budget in limited

instances and (5) impact credit rating and its long-term cost to fund major projects.

Typically, a reserve policy addresses free cash, stabilization funds and sometimes overlay surplus. Not usually included are reserve funds under the control of a city council, town finance committee, or district prudential committee.

DLS recommends that communities maintain free cash levels between 3% to 5% of the annual budget. Additionally, free cash should only be accessed for one-time expenditures, funding capital projects, reducing OPEB or pension liabilities, or replenishing other reserves.

Further, DLS advises that a sound reserve policy will:

- establish target balances for the stabilization fund, annual certified free cash, and other reserves, either as a total dollar amount or as a percentage of the annual budget. It will set a schedule of annual appropriations or limitations on use designed to gradually reach and sustain the target balances over time.
- direct the use of all or portions of certified free cash as a funding source for the stabilization fund or as an outlay for one-time capital projects. It can also direct the use of revenue from a specific, recurring income source (e.g, local option meals excise) for similar purposes.
- restrict the use of certified free cash as a general revenue source for the ensuing year's budget and at a maximum percentage of total free cash available.
- limit the use of unexpected, nonrecurring revenue, or surplus revenue, to one-time costs.
- restrict the use of the stabilization fund or certified free cash to nonrecurring expenditures and only in amounts above a certain dollar threshold.

Conclusion

We have focused on diminishing reserve funds as an indicator of fiscal stress and on following a roadmap back to safety. Remember, these seven important points from the article:

- Fiscal stress can undermine public trust, decrease employee morale, increase retiree concerns over benefits, and heighten credit risk signals to the credit market.
- Reserves must be planned for and supported by policies that replenish them.

- Relying on reserves to support the annual operating budget is risky business and can result in bad consequences.
- A one-year reserve shortfall doesn't establish a trend, but it may begin one. Utilize the DLS Dashboard as a resource.
- The most important reserve funds require appropriation for their use.
- A policy on funding and maintaining reserves is recommended.
- Contact DLS for guidance and assistance.

Additional Policy Resources

[Financial policies created for communities by the DLS Technical Bureau as a part of the Community Compact Program.](#)

[The Massachusetts Municipal Association \(MMA\) Fiscal Policy Committee's January 2016 best practice recommendation on municipal reserves.](#)

[The Executive Board of the Government Finance Officers Association's \(GFOA\)'s September of 2015 best practice recommendation on unrestricted fund balance.](#)

Effective Budget Management 101

Jim Podolok - Bureau of Accounts Field Representative

Tony Rassias - Bureau of Accounts Deputy Director

Although the Massachusetts economy is doing relatively well and the level of certified municipal free cash or surplus funds is at a record level, not every Massachusetts governmental entity is in this situation. Effective budget management allows communities to better position themselves for future fiscal stability and success.

Effective budget management:

- provides financial control over revenues and expenditures essential for good short-term management decisions and long-term financial planning
- ensures that the budget process incorporates accuracy, transparency, accountability and cooperation
- reduces the likelihood of budget errors that derail financial planning and progress

When preparing and managing local budgets, local officials may find it helpful to consider the following advice in order to prevent major problems from developing and spinning quickly out of control.

Understand the laws on excessive spending

We refer to excessive spending not in the context of whether a hammer costs too much or not. The individual signing the purchase order should consider that. Rather, budget managers must review their expenditure reports to determine which items could be overspent and then notify the appropriate authority. Two important points to remember:

1. The city auditor (or officer having similar duties) under [G.L. c. 41, § 52](#) or town accountant under [G.L. c.41, § 56](#) is responsible to determine whether the warranted dollar amount is fraudulent, unlawful or excessive. Excessive means that the dollar amount will exceed the budget or the contracted amount for the item. The treasurer cannot pay any claim or bill disallowed by the city or town accounting official acting under their applicable law.
2. [G.L. c. 44, §31](#) provides that “no department financed by municipal revenue, or in whole or in part by taxation, of any city or town, except Boston, shall incur a liability in excess of appropriation... “except in cases of major disaster...,” and then only after certain preconditions have been met.

Determine how much money is available, not just how much money is needed

The budget process begins with a financial forecast to determine costs followed by the municipal manager or administrators's request to department heads to forward their budget needs for the upcoming fiscal year. This budget request may be a "maintenance budget" that maintains the status quo of services or a "wish list". However, one must determine if sufficient revenues exist to fund a "wish list" budget? Would this spending be sustainable in future fiscal years given fixed and future costs? Is the use of reserves restricted by a by-law or other provision?

Generally speaking, after the passage of the Massachusetts Tax Cap in 1979 and Proposition 2½ in 1980, budget managers in most cities and towns had to determine how much money was available to contribute toward the budget, not just how much was needed to fund the budget and adequately provide for necessary municipal services. Today, the question of how much money is available is still relevant and needs to be recalled annually at the start of the budget process.

Communicate

Communicating openly and effectively with external and internal stakeholders encourages participation and cooperation throughout the annual budget cycle. This regular sharing and transfer of information should be done with a goal of maintaining transparency, accuracy and accountability.

Communicating with taxpayers

Taxpayers are the primary stakeholder of any local government. Therefore, public participation in a government's planning, budgeting and performance management is considered a best practice by the Government Finance Officers Association (GFOA). GFOA writes, "good public participation practices can help governments be more accountable and responsive, and can also improve the public's perception of governmental performance and the value the public receives from the government. The National Advisory Council on State and Local Budgeting Recommended Budget Practices includes recommendations for stakeholder input throughout the planning and budgeting process."

Communicating with department heads

It's great to have a financial strategic plan for the fiscal year, but if everyone is not on board with it, the road ahead may get bumpy. Discuss plan thoughts ahead of time, and whether the plan is developed from the bottom up or from the top down, once it becomes official, it's time for the policies to

be pursued.

Department heads must justify their budget requests, support them with accurate and complete documentation, and then deliver their service during the fiscal year. Unexpected expenses can crop up as might emergencies, priority shifts or unexpected illnesses or retirements. When they do, department heads must notify the proper authority ASAP to determine the best course of action if their budget will be impacted by such circumstances.

Review monthly revenue and expenditure reports

Reviewing revenue and expenditure reports, especially budget to actual reports, is extremely important in order to monitor the progress of the operating and capital budgets approved by the legislative body. As a practical matter, these reports show where revenues and expenditures are headed during the fiscal year and accounting officials need these reports to verify that there are sufficient funds available in an appropriation to properly prepare a warrant. Take a look at [G.L. c.41 § 58](#) on the subject.

Managers, budget directors, departments, boards and committees should review these reports to identify any potential revenue shortfalls or expenditure overdrafts. They must then determine the appropriate corrective action.

Activate, populate and operate your accounting software's budget management system

Utilizing all budgeting capabilities of your accounting software system is necessary to establish an accurate starting point for the budget monitoring process. Revenue and expenditure budget amounts including other financing sources and uses should be entered into the system directly from the approved budget documents. Prior year encumbrances should be rolled over or entered depending on the software. Knowing a community's revenue predictions and if they're being met is just as important as knowing the remainder in appropriations.

Budgeted revenue and expenditure amounts not entered or entered incorrectly causes monthly budget to actual revenue and expenditure reports to be inaccurate. Expenditure budget amounts should be easily reconciled to the approved budget documents and the tax rate/supporting forms to ensure that the correct amount is being raised by taxation.

Build reserves, don't just deplete them

Free cash and the general stabilization fund are two major reserve funds of a city or town that may be appropriated for any lawful purpose. But in neither case do these funds regenerate without advance planning.

Communities may agree upon a reserve policy defining a

dollar amount or percentage to be retained annually and/or other criteria for their use. The Division of Local Services' (DLS) Technical Assistance Bureau (TAB) has written best practices on [free cash](#) and [other reserve](#) policies. A December 15, 2016 City & Town article, [Using and Rebuilding Free Cash](#), provides a refresher on: (1) What free cash is; (2) The 7 rules when using free cash; (3) How to improve free cash position and (4) Policies on generating and using free cash.

Contact DLS for further advice

DLS is a great resource for guidance on effective budget management. Publications can be accessed from [our website](#), local officials can speak with their assigned community field representative on the subject or even request free municipal financial assistance from TAB. The website has best practice guidance on the annual budget process in towns, the formal budget and municipal calendar, quarterly budget projections, revenue and expenditure forecasting, free cash and reserve policies among other things.

Bureau of Accounts field representatives can discuss effective budget management or answer specific questions for local officials in their communities and districts regarding submittal of formal financial documents. TAB provides consulting services for the local government to (1) improve financial management operations, (2) navigate through a particular issue (3) implement a best practice or (4) benefit from a general assessment of its financial condition.

Don't wait until time runs out to take action

Costs are always on the rise, but local government budgets must annually be balanced before the annual property tax can be levied. The United State Government Accountability Office (GAO) recently wrote that "[absent any policy changes](#), the state and local government sector ... will continue to face a gap between spending and revenue over the next 46 years."

An outlook like that, as general as it may sound, suggests that local government officials must be mindful of their fixed and future costs. Fixed costs are legally or contractually mandated such as special education, pensions, insurances and debt service. Future costs may include negotiated contracts for salaries, infrastructure improvements and even other post-employment benefits or OPEBs.

Which way are your costs trending? To find out, view DLS' [Municipal Finance Trend Dashboard](#). The Dashboard compiles data from municipal submissions, state agency databases, and the U.S. Census to visually represent fiscal activity both during a fiscal year and over time which can help decide whether the city or town is meeting its objectives.

Take preemptive action. Increase rates, appropriate, transfer or reserve surplus funds. Don't wait until it's too late and risk ending up in a fiscal mess.

Ask DLS: Betterments and Special Assessments - Part 4

This month's *Ask DLS* features frequently asked questions about the lien securing betterments and special assessments made for particular types of improvements. Additional questions about betterments and special assessments will be featured in future editions of *City & Town*. Please let us know if you have other areas of interest or send a question to cityandtown@dor.state.ma.us. We would like to hear from you.

When are the project costs of public improvements assessed to landowners?

Once a public improvement project is completed, the Assessing Board determines the actual benefits. Project costs, now finalized, are allocated among benefited parcels. Betterments and special assessments must be imposed using the same configuration of parcels the assessors used for assessing annual property taxes for the most recent fiscal year. All present and future uses to which those properties are or may be reasonably adapted in the hands of any owners are to be considered in measuring the special benefits received by each property.

How are project costs allocated among benefited parcels?

In some cases, the methods to be used to determine the benefits and allocate the costs are prescribed by statute. The uniform unit method is often used for allocating the costs of water and sewer improvement projects. This method estimates the number of potential water or sewer units per parcel according to existing zoning rules. If potential units are allowable under the subdivision control laws or other applicable rules, those uses may be considered as well. See [*Ninety-Six, LLC v. Wareham Fire District*, 92 Mass. App. Ct. 750, 757 \(2018\).](#)

If no method of allocation is prescribed by statute, the Assessing Board may adopt any method that is proportional and reasonably calculated to determine the benefits received. See [*Estes v. Newton*, 241 Mass. 229, 233 \(1922\).](#) The Assessing Board has "substantial discretion" in "approximat[ing]" the owner's portion of project costs. See [*Ninety-Six, LLC*, 92 Mass. App. Ct. at 757.](#) However, the allocation method selected cannot result in the assessments being substantially in excess of or disproportionate to

benefits. See [Seiler v. Bd. of Sewer Comm'rs of Hingham, 353 Mass. 452, 457 \(1968\)](#). For example, a frontage, area and/or valuation formula may be appropriate methods for apportioning the cost of various improvements. In addition, it may be permissible to classify properties for assessment purposes into those receiving direct or remote benefits. [Collins v. Holyoke, 146 Mass. 298, 307 \(1888\)](#). Once an allocation method has been decided upon and the assessments committed and billed, it is not possible to adopt a different method.

How long do communities have to assess project costs after project completion? What allocation methods are prescribed by statute?

- A. Betterments: Assessments must be made within six months of project completion. [G.L. c. 80, § 1](#). No method is prescribed by statute. The amount assessed cannot exceed the estimate recorded. [G.L. c. 80, § 2](#).

- B. Water Assessments: Assessments should be made within a reasonable time after project completion. A city, town or district may adopt by ordinance, by-law or vote one or more of the following statutory methods: frontage, area within fixed depth of way, assessed valuation, or uniform unit (number of existing and potential water units based on existing zoning). [G.L. c. 40, §§ 42H and 42K](#).

- C. Sewer Assessments: Assessments require action of the city or town's legislative body and should be made within a reasonable time after project completion. A city or town may adopt one of the following statutory methods: fixed uniform rate (frontage, area within fixed depth of way or both frontage and area) or uniform unit (number of existing and potential residential equivalent sewer units based on existing zoning). [G.L. c. 83, § 15](#). See also [W.R. Grace & Co. v. Acton, 62 Mass. App. Ct. 462 \(2004\)](#). If an ordinance or by-law proposes to open up a sewer system built at private expense to common use, a reduced assessment which makes allowance for the cost of improvements made at private expense is appropriate. See [Exeter Realty Corp., 356 Mass. at 404, citing G.L. c. 83, § 22](#).

A currently undeveloped property is subject to a sewer assessment, which may be suspended for a fixed time or until development occurs. Undeveloped parcels are not liable if some permanent legal, topographical, or engineering impediment to development exists, though, if assessed, owners of such properties must timely file for abatement. A policy of assessing comparable properties (e.g. one-

bedroom apartments vs. condominiums) differently would impermissibly result in disproportionate assessments.

- D. Sidewalk Assessments: Assessments should be made within a reasonable time after project completion. No cost allocation method is prescribed by statute. [G.L. c. 83, § 26](#). The assessment on abutting properties cannot exceed 50% of the cost of the project. An ordinance or by-law may provide that the total assessed upon any individual property shall not exceed one per cent of the assessed value as fixed by the last preceding annual assessment.

Data Highlight of the Month: Where Are We Now? [Local Options CPA](#)

Anthonia Bakare - DLS Municipal Databank

The Community Preservation Act (CPA) (2002) is a voter approved surcharge of up to 3% which is added to real estate property tax bills. CPA provides for a state match of the local surcharged committed. The match is funded by certain real estate transaction fees collected by the Registry of Deeds.

Through recent legislation, an additional \$10 million from the state's surplus was transferred to the CPA Trust Fund for FY19. For communities this means that the final [state match](#) is now 19%, up from the 11.5% projected last March. In November the Division of Local Services (DLS) distributed \$33.8 million for the state match.

Click on this [link](#) to view all the communities who have adopted the CPA local surcharge. Also included in this report is the year in which the CPA was adopted, the percent adopted, and any options under the CPA law. FY2019 CPA figures are available; click [here](#) if you would like to see the calculation broken out.

Remember to visit the [Municipal Finance Trend Dashboard](#) for additional financial data related to communities.

We hope you become better acquainted with the data the Division of Local Services has to offer through the *Data Highlight of the Month*. For more information, contact us directly at databank@dor.state.ma.us or (617) 626-2384.

December Municipal Calendar

- 31 Water/Sewer Commissioners **Deadline for Betterments to be included on Next Year's Tax Bill** ([M.G.L. c. 80, § 13](#); [c. 40, § 42I](#) and [c. 83, § 27](#))
- 31 Assessors **Mail 3ABC Forms to Charitable Organizations and Forms of List to Personal Property Owners**
- 31 Collector **Deadline for Mailing Actual Tax Bills**
Quarterly and semiannual communities issuing annual preliminary tax bills mail actual tax bills by this date. Quarterly communities can include actual bills for the 3rd and 4th quarters in a single mailing.
- 31 State Treasurer **Notification of Monthly Local Aid Distributions**, see [IGR 17-17](#) for more cherry sheet payment information, monthly breakdown by program is available [here](#).

To view the municipal calendar in its entirety, please [click here](#).

Editor: Dan Bertrand

Editorial Board: Sean Cronin, Anthonia Bakare, Linda Bradley, Paul Corbett, Theo Kalivas, Ken Woodland and Tony Rassias

Contact *City & Town* with questions, comments and feedback by emailing us at cityandtown@dor.state.ma.us.

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