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CITY & TOWN

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New Electric Generating Plants for Massachusetts

written by Marilyn H. Browne

As of the spring of 2000, more electric generating power plants are proposed and/or under construction in New England than at any other time in the past 100 years.¹ All of these proposed plants are to be powered by natural gas. The building of the new pipeline connecting Nova Scotia's Sable Island Offshore Energy Project, as well as pipelines bringing gas further into New England from the Gulf of Mexico and western Canada, has made stores of natural gas available within the New England states. Presently, gas fuels only nine percent of electricity produced in New York State and New England. Oil produces 42 percent of the total power for the region, according to 1998 federal statistics, with coal providing 12 percent, hydroelectric power, 15 percent and nuclear power, 20 percent.

Natural gas is an increasingly popular choice for building new electric generating facilities. As the cleanest of the fossil fuels, environmental concerns have made gas an attractive alternative fuel for industrialized areas. Natural gas produces the lowest air-borne emissions of carbon monoxide, sulfur dioxide and related particulate materials. Another advantage is that gas-turbine power plants require less water than other energy sources. Gas-fired plants often have lower capital costs and shorter construction lead times than solid fuel plants, and technological developments have increased the efficiency of natural-gas-fired electric power plants, lowering operating costs.

The Massachusetts Department of Revenue's Division of Local Services (DLS) has been dealing with a number of companies in the natural gas indus-

try for many years. Although all personal property is taxed locally at the city, town or district level, there are two types of businesses whose personal property assessments take a slightly circuitous route before being taxed at the local level. Pipeline companies and telephone and telegraph companies must report certain of their personal property to DLS to be centrally valued. DLS values pipelines (other than distribution lines of gas and electric utility companies) used in transmitting natural gas, petroleum and their by-products for a distance of at least 25 miles.² After central valuation, DLS provides the in-

Natural gas is a popular choice for building new generating facilities.

formation to local assessors who, in turn, assess a personal property tax to the telephone and telegraph, and pipeline companies with property in their communities.

In addition to the central valuation of pipelines, the restructuring (deregulation) of the electric generating industry has given DLS the responsibility for reviewing appraisals, prepared by or for the board of assessors, or tax agreements for generating plants in their communities. As a result of the restructuring, which took place in 1997, most government-regulated electricity providers moved from generating electricity to distributing it. This opened the electric generation industry to private investors who are now investing capital to construct new gas-fired facilities ca-

pable of generating the vast amounts of power that is needed by the electrical grid. The emergence of new sources of natural gas coincides with electric deregulation and the increased pressure to reduce air pollution from oil- and coal-fired power plants.

DLS' responsibilities for both pipeline valuation and appraisal or agreement review of electric generating facilities has given us the opportunity to be aware of new generating plants and additions to existing plants throughout the state. The first new gas-fired plant to be built in New England in eight years was built in Dighton in southeastern Massachusetts. Currently, within the Commonwealth there are new generating plants, plans to build new plants, or plans to construct significant additions in Agawam, Blackstone, Bellingham, Brockton, Charlton, Dracut, Everett, and Weymouth. It should be noted that all of these facilities are located in communities that have existing

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LEGAL

in Our Opinion

Adverse Possession

In February's issue of *City & Town* we discussed an Appeals Court case concerning encroachment by a building on a neighbor's land. Recently, there was a court ruling on the requirements for acquisition of title to real property through adverse possession. The Supreme Judicial Court was asked to determine whether there was a shift in the burden of proof when an adverse possession claim involved family members. The case was *Totman v. Malloy*.

Caroline Totman owned two parcels of land in the Town of Stoughton. In 1952 she conveyed the northern parcel to her son and daughter-in-law, and retained the southern parcel for use as her residence. A beach area near a pond and a strip of land with a stream bordered the two lots. From 1952 until 1989, William Totman maintained the streambed and embankments. He also built a footbridge over the stream to permit his children to visit their grandmother. In addition, he cleaned the beach and did repair work to the dock. In 1989 Caroline Totman conveyed most of her lot to her grandson, Patrick Totman. In 1992, the grandson sold the lot to John and Patricia Malloy.

The Malloys immediately hired a surveyor to determine the exact boundaries of their parcel. William Totman became alarmed when a contractor began to install a fence, thereby depriving him access to the stream and beach areas. Totman filed suit in Land Court, and claimed that he had acquired title to the beach and stream areas through adverse possession.

The Land Court ruled in favor of the Malloys. The Land Court judge recognized that a claimant to property by ad-

verse possession must show an actual, open, notorious, exclusive and *non-permissive* use of land for a continuous period of 20 years. In his decision the judge noted that the claim involved a familial relationship since it concerned a son and his mother who owned adjacent parcels. In the judge's view, where there is such a familial relationship, there must be a presumption of permissive use. Under the facts presented, the Land Court judge ruled that, due to the closeness of the family relationship, William Totman's maintenance of the beach and stream was not sufficiently hostile or adverse to the interests of the record owner to rebut the presumption of permissive use. The judge, therefore, rejected the plaintiff's adverse possession claim.

On appeal, the case came before the Supreme Judicial Court. At issue was whether the Land Court judge erred, as a matter of law, in applying a presumption of permissive use when an adverse possession claim involved relatives. In its ruling, the Supreme Judicial Court declined to create the presumption or inference of permissive use.

The Supreme Judicial Court first observed that the purpose of open and notorious possession was to put the true owner on notice so as to provide an opportunity for legal action to recover the land. The essential legal elements needed to show adverse possession, in the court's view, did not address the intent or the state of mind of the claimant. Another of those critical elements was non-permissive use which is hostile or adverse to the true owner. The Supreme Judicial Court recognized that non-permissive use must be determined from the circumstances of a particular case. Factors which the

court would consider would be the location and nature of the property, its use and the relationship of the parties in the dispute. Although the Supreme Judicial Court in prior decisions had recognized that familial relationship did play a role in adverse possession cases, the Supreme Judicial Court had never created a presumption of permissive use when the parties were related.

In the court's view, such a presumption would require plaintiffs in adverse possession cases to furnish more proof if they were related to the record owners. A related party would be required to show evidence of a hostile relationship and thereby compel the court to evaluate the state of mind of a claimant in an adverse possession case. Yet, courts in Massachusetts have long recognized that actions, and not state of mind, are critical in determining non-permissive use. Rather than adopt such a presumption as the States of Colorado and Missouri had done, the Supreme Judicial Court chose to determine non-permissive use on a case by case basis.

Accordingly, the Supreme Judicial Court overruled the lower court decision and sent the case back to the Land Court for further proceedings in light of this decision. ■

written by James Crowley

Electric Generating Plants

➔ *continued from page one*

gas pipelines. Environmental concerns have made building new pipelines a challenge, leaving the future expansion of gas powered utility plants uncertain. ■

1. Natural New England, Belfield Publishing, South Portland, Maine, issue #1.

2. M.G.L. Ch. 59 § 38A.

FOCUS

on Municipal Finance

Room Occupancy Revenues

Local governments constantly seek new revenue sources to support their operations. In Massachusetts, the property tax is the largest single source of revenue for local governments, generating slightly more than half of all local revenues statewide. However, since the implementation of Proposition 2½ limited the property tax, it is important that cities and towns consider alternative sources of revenue, such as the local option hotel–motel excise. In this issue of *City & Town*, we present data to help communities develop reliable projections of the amount of hotel–motel revenue that can be expected for FY2000. Most communities with significant hotel–motel revenue capacity have already adopted this excise, but those communities that have not yet adopted it may want to consider this potential revenue source.

Legislation enacted in 1985 enables local communities to impose a local option hotel–motel excise of up to 4 percent in addition to the state excise of

5.7 percent. Although some communities originally imposed the hotel–motel excise at a lower rate, all adopting communities now levy the excise at 4 percent.¹ *Figure 1* shows that the amount of money distributed to local communities has increased from \$9.2 million in FY1986 to \$68.9 million in FY1999. *Figure 2* shows that the number of communities imposing the hotel–motel excise has grown from 26 in FY1986 to 154 in FY1999.

Owners of the hotel/motel properties submit the excise collected directly to the state. The Department of Revenue distributes the local portion of the excise to all adopting communities on a quarterly basis in September, December, March and June. Communities with hotel–motel revenues are generally located in resort areas such as Cape Cod and the Berkshires, in major cities and in suburban belts, including towns along Routes 128 and 495.

Methodology

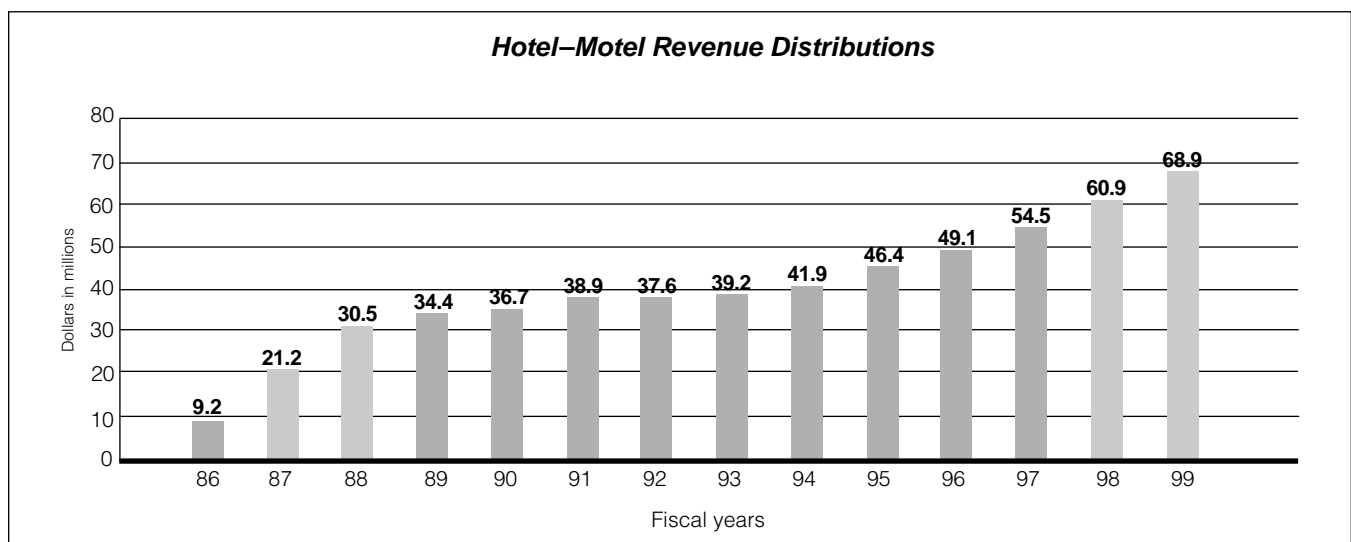
Table 1 shows, for each community that has adopted the hotel–motel excise, a calculation of FY1999 hotel–motel rev-

enue, FY1999 budget as reported on the tax recapitulation sheet, and hotel–motel revenue as a percentage of budget.² Medford adopted the local option hotel–motel tax mid-year in FY1999. For all other communities listed in this table, the local option tax was in effect as of July 1, 1998. The communities listed in *Table 1* as showing no revenues have adopted the hotel–motel excise, but have not yet implemented it. *Table 2* shows the same categories as *Table 1* for non-adopting communities to assist them in evaluating the potential revenues.

The revenue amounts used will not exactly match the amount of revenue actually distributed to the localities since these funds are distributed on a slightly different fiscal cycle. For reasons of taxpayer confidentiality, the DOR cannot publish the actual amount of tax collected from an individual operator. Therefore, for communities with only one or two establishments, we have used the midpoint of a dollar range to calculate the estimate shown.

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Figure 1



FY1999 Hotel–Motel Revenue for Adopting Communities

Table 1

Municipality	FY99 hotel– motel revenue	FY99 budget	Revenue as % of budget	Municipality	FY99 hotel– motel revenue	FY99 budget	Revenue as % of budget
Acton ¹	10,000	43,893,535	0.02	Newburyport	68,928	35,152,781	0.20
Amesbury ¹	60,000	34,609,144	0.17	Newton	1,354,732	212,624,482	0.64
Amherst	70,744	48,288,606	0.15	N. Andover ¹	60,000	50,093,573	0.12
Andover	762,868	86,205,568	0.88	Northampton	285,468	54,321,868	0.53
Auburn	266,744	25,939,051	1.03	Northborough	113,488	26,227,734	0.43
Barnstable	1,332,632	95,521,224	1.40	Norwood	378,668	82,253,129	0.46
Bedford	450,368	42,022,008	1.07	Oak Bluffs	168,644	12,927,828	1.30
Beverly ^{1,3}	100,000	75,672,109	0.13	Orleans	182,648	17,106,786	1.07
Billerica	0	0	0.00	Peabody	575,076	95,043,279	0.61
Bolton ¹	10,000	9,420,403	0.11	Pittsfield	198,156	85,980,499	0.23
Boston	24,395,616	1,604,210,644	1.52	Plainfield ¹	1,000	952,661	0.10
Bourne	105,596	32,920,857	0.32	Plainville ¹	3,000	12,708,186	0.02
Boxborough ¹	140,000	10,372,709	1.35	Plymouth	395,796	110,989,158	0.36
Braintree	622,784	77,212,889	0.81	Provincetown ⁴	625,760	15,500,807	4.04
Brewster	461,124	22,417,800	2.06	Randolph ¹	180,000	55,167,824	0.33
Brimfield	3,752	5,753,707	0.07	Raynham ¹	28,000	15,958,008	0.18
Brockton	225,424	222,691,414	0.10	Reading	0	0	0.00
Brookline	447,360	144,274,647	0.31	Revere	222,392	85,129,688	0.26
Burlington	1,163,804	63,461,351	1.83	Rockland	261,396	34,704,535	0.75
Cambridge	4,966,700	319,101,237	1.56	Rockport	222,324	20,301,561	1.10
Charlemont	11,724	2,141,705	0.55	Salem	191,652	85,180,152	0.22
Chatham	740,124	25,301,618	2.93	Salisbury	33,892	12,639,762	0.27
Chelmsford	296,720	66,766,400	0.44	Sandwich	262,080	36,801,002	0.71
Chelsea ¹	3,000	86,241,340	0.00	Saugus ¹	177,252	47,471,795	0.37
Chicopee	197,484	101,504,263	0.19	Seekonk	249,016	25,848,084	0.96
Chilmark	58,976	4,207,998	1.40	Sharon	86,628	37,853,834	0.23
Cohasset ¹	28,000	21,462,161	0.13	Sherborn ¹	10,000	11,809,114	0.08
Concord	166,988	40,807,319	0.41	Shrewsbury	56,320	51,258,068	0.11
Danvers ³	1,241,668	58,572,852	2.12	Somerset	76,568	36,251,509	0.21
Dartmouth	75,888	43,492,497	0.17	Somerville ¹	220,000	137,620,769	0.16
Dedham	681,524	50,012,601	1.36	Southampton	0	0	0.00
Deerfield ¹	100,000	9,176,803	1.09	Southborough ¹	60,000	19,950,483	0.30
Dennis	412,880	29,479,027	1.40	Springfield	958,900	356,945,338	0.27
Eastham	227,456	12,416,893	1.83	Sterling ¹	28,000	11,031,384	0.25
Edgartown	741,940	16,740,892	4.43	Stockbridge	205,628	5,386,881	3.82
Essex	10,340	6,797,762	0.15	Stoughton ¹	180,000	55,328,528	0.33
Fairhaven	96,076	34,134,202	0.28	Sturbridge	481,804	14,389,329	3.35
Fall River ¹	60,000	166,766,557	0.04	Sudbury ¹	60,000	41,970,181	0.14
Falmouth	889,940	66,406,547	1.34	Sutton ¹	10,000	14,317,000	0.07
Fitchburg ¹	100,000	77,966,759	0.13	Swampscott ¹	28,000	31,022,480	0.09
Foxborough	393,636	32,630,626	1.21	Swansea ¹	28,000	22,315,636	0.13
Framingham ³	696,816	147,627,226	0.47	Taunton ¹	140,000	110,071,707	0.13
Gardner	64,172	38,041,474	0.17	Templeton	0	0	0.00
Gloucester	210,420	63,352,212	0.33	Tewksbury	330,988	56,835,630	0.58
Grt. Barrington	87,416	13,508,519	0.65	Tisbury	133,192	13,207,071	1.01
Greenfield	96,064	40,154,319	0.24	Townsend ¹	1,000	10,871,718	0.01
Hadley	116,852	9,271,565	1.26	Truro	257,552	7,134,439	3.61
Hancock	133,476	1,128,583	11.83	Tyngsborough ¹	60,000	21,259,116	0.28
Harwich	286,144	31,775,726	0.90	Wakefield ¹	360,000	54,690,525	0.66
Hatfield ¹	3,000	6,161,906	0.05	Walpole	16,800	43,716,870	0.04
Haverhill	278,620	152,092,598	0.18	Waltham	1,842,568	130,836,474	1.41
Holyoke	161,412	113,962,681	0.14	Wareham	9,648	40,907,650	0.02
Hull ¹	10,000	25,469,344	0.04	Watertown ¹	60,000	68,596,007	0.09
Kingston	37,312	19,784,554	0.19	Wellesley	130,144	60,646,281	0.21
Lakeville	0	0	0.00	Wellfleet	99,236	9,535,108	1.04
Lanesborough	10,876	5,859,762	0.19	W. Boylston	28,428	12,619,267	0.23
Lawrence	81,140	162,473,275	0.05	W. Springfield	512,740	57,667,977	0.89
Lee	177,236	11,851,565	1.50	W. Stockbridge	15,600	2,921,132	0.53
Lenox	1,563,336	13,959,344	11.2	Westborough	457,308	45,683,450	1.00
Leominster	276,268	75,923,965	0.36	Westfield	30,436	79,263,009	0.04
Lexington	422,056	91,845,007	0.46	Westford ¹	220,000	44,709,121	0.49
Lowell	303,008	236,284,839	0.13	Westminster ¹	60,000	9,774,301	0.61
Lunenburg	0	0	0.00	Westport	106,720	20,329,859	0.52
Lynn ¹	10,000	183,044,855	0.01	Westwood ¹	10,000	37,850,418	0.03
Malden ³	96,632	97,755,501	0.10	Weymouth	24,060	100,938,684	0.02
Mansfield	237,640	51,532,186	0.46	Whately ¹	1,000	3,094,499	0.03
Marlborough	1,006,588	76,290,797	1.32	Whitman ¹	3,000	19,771,480	0.02
Marshfield	11,040	53,085,348	0.02	Wilbraham	8,928	21,332,911	0.04
Mashpee	237,448	30,873,444	0.77	Williamstown	196,840	13,876,727	1.42
Medford ^{1,2}	140,000	101,024,329	0.14	Woburn	1,197,352	80,505,879	1.49
Melrose ^{1,3}	10,000	51,506,698	0.02	Worcester	604,104	374,540,134	0.16
Methuen	70,740	79,440,814	0.09	Worthington	0	0	0.00
Middleborough	119,324	41,259,824	0.29	Wrentham	0	0	0.00
Middleton ¹	60,000	13,222,388	0.45	Yarmouth	1,360,544	49,525,375	2.75
Milford	450,132	50,567,286	0.89	Total	68,835,604	10,088,881,297	0.85
Nantucket	1,214,424	51,582,704	2.35				(avg.)
Natick	605,752	72,791,084	0.83				
Needham ¹	340,000	73,111,035	0.47				
New Ashford	15,492	339,866	4.56				
New Bedford	57,484	202,660,414	0.03				

1. Indicates a community where revenues are estimated at the mid point of a range to protect the confidentiality of an individual operator.

2. Indicates a community that enacted a local option tax mid-year in FY99.

3. Indicates that an establishment in this city or town crosses the boundary into another community. In these cases, the local room occupancy excise revenues vary depending on whether or not the bordering locality has also enacted a local tax.

4. Indicates that the community changed the rate after 7/1/98.

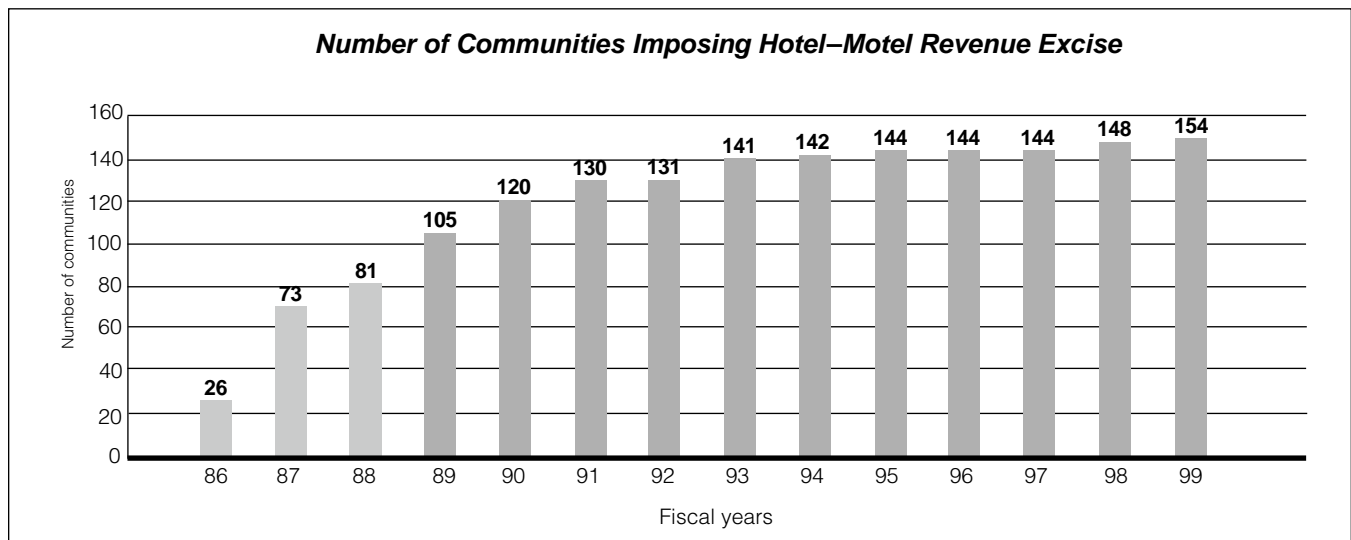
FY1999 Estimate of Hotel–Motel Revenue Capacity for Non-Adopting Communities

Table 2

Municipality	Revenue estimate	FY99 budget	Revenue as % of budget	Municipality	Revenue estimate	FY99 budget	Revenue as % of budget
Adams ¹	3,000	9,801,799	0.03	New Marlborough ¹	10,000	2,391,343	0.42
Agawam ¹	10,000	49,427,002	0.02	New Salem ¹	1,000	1,359,801	0.07
Aquinnah ¹	10,000	1,872,975	0.53	Newbury ¹	1,000	10,147,007	0.01
Arlington ¹	3,000	83,615,267	0.00	N. Adams	53,404	30,448,348	0.18
Athol	1,000	10,595,925	0.00	N. Attleborough	53,052	54,044,511	0.10
Attleboro	26,852	77,078,483	0.03	Norwell	10,680	23,741,888	0.04
Ayer	29,276	17,763,656	0.16	Orange ¹	10,000	15,631,599	0.06
Barre	7,288	5,931,149	0.12	Otis ¹	1,000	2,907,729	0.03
Becket	1,556	3,300,298	0.05	Palmer ¹	1,000	24,604,846	0.00
Belchertown ¹	1,000	23,893,910	0.00	Pelham ¹	10,000	2,542,848	0.39
Bellingham ¹	3,000	30,965,124	0.01	Phillipston ¹	1,000	1,724,130	0.06
Bernardston	9,340	2,785,415	0.34	Princeton ¹	1,000	6,017,363	0.02
Charlton ¹	3,000	11,178,358	0.03	Quincy	123,080	177,531,387	0.07
Cheshire ¹	1,000	3,072,121	0.03	Rehoboth ¹	1,000	11,501,078	0.01
Clinton ¹	1,000	23,059,971	0.00	Richmond ¹	10,000	3,404,746	0.29
Cohasset ¹	28,000	21,462,161	0.13	Rowe ¹	3,000	2,029,055	0.15
Cummington ¹	1,000	1,437,159	0.07	Rowley ¹	10,000	8,385,478	0.12
Dalton	6,820	9,825,986	0.07	Savoy ¹	1,000	1,268,523	0.08
Duxbury	9,660	36,543,388	0.03	Scituate ¹	28,000	41,418,810	0.07
Easton ¹	3,000	39,110,241	0.01	Sheffield	14,880	5,328,331	0.28
Egremont	20,612	2,594,320	0.79	Spencer	3,160	11,673,614	0.03
Florida ¹	3,000	2,076,406	0.14	Stoneham ¹	3,000	44,246,502	0.01
Gosnold ¹	1,000	838,158	0.12	Tolland ¹	1,000	565,607	0.18
Grafton ¹	1,000	22,030,721	0.00	Tyringham ¹	1,000	942,206	0.11
Granby ¹	3,000	10,028,481	0.03	Uxbridge ¹	10,000	22,356,134	0.04
Groton ¹	1,000	17,033,544	0.01	Ware ¹	3,000	17,794,155	0.02
Hamilton ¹	10,000	14,166,134	0.07	Washington ¹	3,000	847,461	0.35
Hawley ¹	3,000	569,033	0.53	W. Bridgewater ¹	1,000	14,257,587	0.01
Holland ¹	1,000	4,108,690	0.02	W. Brookfield ¹	10,000	4,677,655	0.21
Huntington ¹	3,000	2,382,624	0.13	W. Tisbury	18,288	7,472,489	0.24
Ipswich ¹	10,000	25,645,015	0.04	Williamsburg ¹	1,000	3,765,515	0.03
Leverett ¹	1,000	3,227,825	0.03	Winchendon ¹	1,000	20,869,735	0.00
Littleton ¹	1,000	17,166,279	0.01	Winthrop ¹	10,000	29,651,171	0.03
Longmeadow ¹	1,000	35,733,844	0.00				
Manchester ¹	3,000	15,546,489	0.02				
Marblehead	48,216	44,154,132	0.11				
Marion ¹	3,000	11,408,416	0.03				
Mattapoisett	2,504	13,852,553	0.02				
Montague ¹	3,000	11,166,827	0.03				
Monterey ¹	1,000	1,904,767	0.05				
				Total	688,668	1,323,903,298	0.10 (avg.)

1. Denotes a community where revenues were estimated using a dollar range to protect the confidentiality of an individual operator.

Figure 2



Room Occupancy Revenues

→ continued from page three

Trends

In FY1999, 227 communities had establishments that could be taxed under a local option hotel–motel excise. One hundred fifty-four (154) of these communities have imposed the local excise. Adopting communities received \$68.9 million in hotel–motel excise revenues, an increase of 13.8 percent over FY1998. FY1999 hotel–motel revenue averaged 0.84 percent of municipal budgets. Hotel–motel revenue as a percentage of municipal budget is highest for Lenox (11.20 percent) and Hancock (11.83 percent). The estimate of total revenue capacity for the 73 non-adopting communities is only \$688,668, ranging from a low of \$1,000 to \$123,080 (Quincy). The estimated hotel–motel revenue for non-adopting communities averages 0.10 percent of their municipal budgets.

Use in Estimating Revenue

Local officials should be aware that shifts in the lodging industry impact revenue collections. Due to the seasonal nature of the lodging industry, revenue collections are spread unevenly throughout the year and, therefore, the quarterly distributions are also uneven. Also, variances in the level of tourism as well as the opening and closing of establishments are factors to be considered in projecting excise revenues. Changes in the lodging industry in an individual community from year to year may cause significant swings in excise revenues. Local officials are usually in the best position to foresee changes of this type, and adjust revenue projections accordingly.

How to Adopt the Excise

A community wishing to adopt the hotel–motel excise must vote to accept the provisions of M.G.L. Ch. 64G, § 3A and must specify the rate of the local excise, which cannot exceed 4 percent. For towns, acceptance requires a majority vote of town meeting. In cities, a majority vote of the city council, and in municipalities with town council forms of government, a majority vote of town council is required. Communities that impose a local room occupancy tax must forward a copy of the vote to the Commissioner of Revenue 21 days prior to the effective date for imposition of the excise.

The effective date is the first day of the calendar quarter following 30 days after such acceptance, or the first day of such later calendar quarter as the city or town may designate. Because the excise can only take effect at the beginning of the calendar quarter, failure to give the Commissioner timely notification will result in a three month delay in the implementation of the excise.

For questions about enacting a local option room occupancy excise contact Lisa Juskiewicz at (617) 626-2386. ■

written by Joan Gourke

1. In addition to imposing the state and local room occupancy excises, Boston, Cambridge, Springfield and Worcester also impose an additional 2.75 percent hotel/motel excise. The Convention Center Act, which became effective on January 1, 1998, authorized this additional fee. That act also allows the City of Boston to increase its portion of the excise to 4.5 percent; however, it currently levies a hotel–motel tax of only 4 percent.
2. The information in this article is from "The Room Occupancy Revenue Report for the 351 Cities and Towns, Fiscal Year 1999" which is prepared by the Department of Revenue's Financial Services Bureau. That report provides collections per percentage point (1 percent) of tax imposed. We have multiplied the figure by four to arrive at the actual amount collected.

Local Government Partnership

The DLS' Local Government Partnership (LGP) has been included in a new book entitled *Quietly at Work: Township Government in America*. Monica Abress, a member of the board of directors for the Minnesota Association of Townships and chairperson of Lent Township, wrote the book to educate students about the town form of government. Ms. Abress interviewed Dennis Rindone, formerly regional manager for DLS, about the LGP program which he originated. The book devotes a page and a half to the LGP explaining how it started in Ludlow, Massachusetts. It explains that LGP is a full semester program with various state and local officials coming to the classroom describing their duties and responsibilities. The book states:

"In June of 1999, this program was in ten local high schools, involving five communities and more than 500 students. As a result, many students were appointed to planning commissions, parks and recreation boards, and other subcommittees of the local government. ... No one can know how many leaders of tomorrow were encouraged by this program."

Communities interested in more information on how to incorporate the LGP into their school system's curriculum should contact Diane Murphy, DLS regional manager at (413) 792-0603. ■

DLS UPDATE

New Requirements for Municipal Financial Statements

The Bureau of Accounts (BOA) is working closely with the State Comptroller's office to develop materials and provide guidance on Government Accounting Standards Board (GASB) Statement 34, which establishes new financial reporting requirements for local governments. This statement requires the reporting of infrastructure assets and places a greater emphasis on the reporting of all classes of fixed assets. In early June a mailing will be sent to cities, towns and school districts outlining the requirements. James R. Johnson, Director of Accounts, will also make a presentation on the subject during the annual conference of the Massachusetts Association of Auditors' and Accountants' Annual Conference on Cape Cod on June 12 through 14.

Based on a review of the FY1998 Schedule A data, 22 cities and towns in Massachusetts have revenues in excess of \$100 million and will be subject to the requirement of GASB Statement 34 on statements for the year ending June 30, 2002. The Bureau of Accounts estimates that nearly 300 cities, towns and regional school districts have revenues between \$10 and \$100 million and therefore will be subject to the new requirement for the fiscal year ending June 30, 2003.

Publications Available

The Division of Local Services will soon issue the new edition of Laws Relating to Municipal Finance and Taxation (Municipal Bulletin #33). Hard copies as well as CD-ROM versions will be sent to local officials in early July. The annual *supplement* to the list of Massachusetts Domestic and Foreign Corporations Subject to an Excise (Corp Book) will be sent to assessors in May.

There are a number of extra copies of Bulletin 32 available. Bulletin 32 covers all of the same information as Bulletin 33, with the exception of laws enacted since April 1998. It is still a good reference to the basic laws governing municipal finance.

Copies of the most recently published (1998) complete Massachusetts Domestic and Foreign Corporations Subject to an Excise are also available. If anyone would like a copy of either of these publications sent free of charge, call Elaine Lombardi at (617) 626-2337.

FY1999 Schedule A Overdue

Communities that have not submitted the Annual City and Town Financial Report for the Fiscal Year ended June 30, 1999 (Schedule A) will not receive their June 30, 2000 quarterly distribution of state aid. That report was due on December 31, 1999. In mid-April, the Bureau of Accounts sent reminders to 52 cities and towns advising them to submit the reports or face a delay in the receipt of their local aid payments.

The information in Schedule A is provided to the United States Bureau of the Census for use by federal agencies. The information is also added to the Division of Local Services' Municipal Data Bank. The administration, the Legislature, and many state agencies use the information in the Data Bank for analysis of grant programs, research on proposed programs and similar purposes. In addition, many local officials access the Data Bank information through the Community Report Builder, available at the DLS' website. The address of the website is on page 8.

Reminder to City and Town Clerks

After the annual election, city and town clerks should submit a certified list with the name(s) of new assessor(s) and the name of the person he/she replaced. The Division of Local Services will be mailing an Assessors Qualification Summary to each community in early June. Submission of this annual report is required by law. Contact Barbara LaVertue at (617) 626-2340 for more information.

Where Can This "B"?

Do you know where in Massachusetts to find:

1. Battatasset?
2. Balance Rock?
3. Bancroft?
4. Baptist Village?

Longmeadow. ■
 3. Becket and Middlefield; 4. East
 Answers: 1. Pepperell; 2. Pittsfield;

Municipal Fiscal Calendar

June 1

Clerk: Certification of appropriations.

Assessors: Determine valuation of other municipal or district land.

DOR/BLA: Mail proposed EQVs (even-numbered years only).

June 10

DOR/BLA: Public hearing on proposed EQVs (even-numbered years only).

June 15

DOR: Commissioner determines and certifies pipeline valuations.

Assessors: Deadline for appealing commissioner's telephone and telegraph valuations.

Assessors: Make preliminary quarterly tax commitment.

June 20

Assessors: Final date to make omitted or revised assessments.

Mark Your Calendars — Opportunities for Training

The **New Officials Finance Forum** will be given on Friday, June 2, 2000, at the Ramada Inn, 624 Southbridge Street, Auburn from 8:45 a.m. to 3:00 p.m.

Course 101, **Assessment Administration: Law, Procedures, Valuation** will be given at the University of Massachusetts in Amherst, August 7 – August 11, 2000, from 8:30 a.m. to 4:00 p.m.

A **Classification Training Workshop** will be given on Wednesday, August 9, 1999, at the Campus Center, University of Massachusetts, Amherst at 10:00 a.m.

Contact Barbara LaVertue, Coordinator of Training, at (617) 626-2340 for further information. ■

Data Bank Highlight

Information on budgeted and actual revenues for Massachusetts' municipalities is available from the Municipal Data Bank Web page, and from Data Bank staff. Standard reports categorize budgeted revenues as tax levy, state aid, local receipts and other. Current and historical data for all Massachusetts cities and towns can be downloaded from the Municipal Spreadsheet Database. Users can design reports online for current data using the Community Report Builder. More detailed reports showing actual revenues for specific categories are available upon request. Members of the Data Bank staff are available to help users understand and analyze the data, or define their data needs. ■

To obtain information from the Municipal Data Bank, visit our website, listed below, or call Dora Brown or Debbie DePerri Ferlito at (617) 626-2300.

City & Town



City & Town is published by the Massachusetts Department of Revenue's Division of Local Services (DLS) and is designed to address matters of interest to local officials. DLS offers numerous publications on municipal law and finance, available by calling (617) 626-2300, or through the DLS website at www.state.ma.us/dls or by writing to PO Box 9490, Boston, MA 02205-9490.

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