



Town of New Marlborough

## **Review of Financial Management Operations**

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Division of Local Services / Technical Assistance Section

October 2014



October 15, 2014

Board of Selectmen  
807 Mill River Southfield Road  
Mill River, MA 01244

Dear Board Members,

It is with pleasure that I transmit to you the enclosed, "Review of Financial Management Operations". It is our hope that the information presented will assist the Town of New Marlborough as it seeks to improve its financial management practices.

As a routine practice, we will post the report on the DLS website [www.mass.gov/dls](http://www.mass.gov/dls) and forward a copy to the town's state senator and representative.

If you have any questions regarding the report, please feel free to contact Rick Kingsley, Bureau Chief of the DLS Municipal Data Management and Technical Assistance Bureau at 617-626-2376 or at [kingsleyf@dor.state.ma.us](mailto:kingsleyf@dor.state.ma.us).

Sincerely,

Robert G. Nunes  
Deputy Commissioner &  
Director of Municipal Affairs

cc: Senator Benjamin B. Downing  
Representative William Smitty Pignatelli

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## Introduction

At the request of the Board of Selectmen, the Division of Local Services (DLS) reviewed the Town of New Marlborough's financial management operations. This report's primary purpose is to provide guidance on strengthening the town's administrative operations and financial practices. The DLS project team was led by a member of the Technical Assistance Section, who worked in conjunction with representatives from the Bureau of Accounts and Bureau of Local Assessment.

During our review we identified two primary issues that appear to be undermining New Marlborough's ongoing financial management operations. First, it seems that daily activities suffer from a general absence of coordination or supervision. This leadership gap likely persists due to the informal government structure, a shortage of formal procedures, and the part-time nature of government. These shortcomings manifest themselves in several ways, including our second primary concern involving the need to reinforce the town's internal financial controls. Reported in the independent auditor's recent management letter, there are a number of longstanding deficiencies, including the inability of staff to generate timely, complete, and accurate financial information. Together, these issues hinder progress and impact our overall confidence in the town's financial management operations.

## Town Overview

The Town of New Marlborough (pop. 1,500) in southern Berkshire County is a small, rural community characterized by its quaint villages, rolling hills, and dense mature forests. The town provides an array of services and amenities typically found among similarly sized communities in western Massachusetts. It has a full-time police chief, a volunteer call fire department, emergency medical services, a public library, and a highway department. The town partners with the communities of Egremont, Monterey, Alford, and Sheffield to provide K-12 education and vocational training through the Southern Berkshire Regional School District.

Municipal governance, absent a town charter and operating through a very limited set of bylaws, falls to an elected three-member board of selectmen. Selectmen are assisted by a full-time administrative assistant and a recently hired part-time, 30-hour per week administrative secretary. The town clerk is also budgeted to work ten hours per week for the board. Appointed by selectmen, the part-time tax collector, treasurer, and town accountant are collectively charged with overseeing daily financial management activities. The town also has an elected finance committee and board of assessors. The finance committee's primary responsibility involves making recommendations to town meeting on all

financial matters, while the board of assessors determines the value of all real and personal property for taxation purposes.

As reported to DOR on the Tax Recapitulation sheet, the town's budget for FY2014 was \$5,093,527. Over 86 percent of the budget is funded through the tax levy, 7 percent from local receipts, and 5 percent from other available funds. Only two percent of the town's budget is derived from state aid because Chapter 70 education funding, which comprises the bulk of state assistance, is distributed directly to the regional school district. Altogether, education costs represent about 50 percent of the general fund budget. Remaining amounts are spent on highway (22 percent), general government (9 percent), fixed costs (6 percent), public safety (5 percent), and debt service (4.5 percent). A combination of intergovernmental, culture, recreation and human services costs make up the remaining 3.5 percent.

To construct the annual budget, the finance committee chair solicits budget requests from town departments beginning sometime between October and November. Completed requests are due back to the selectmen's administrative assistant by December, but most arrive late in January. The administrative assistant then compiles data into budget books, which are distributed to selectmen and finance committee members. Working on a parallel review process, these individuals analyze spending requests and meet with department heads, paying particular attention to the "big three" departments: police, fire and highway. Capital requests and salary increases are also historically considered at this time. Selectmen and finance committee members then gather to review their differences and to finalize recommendations prior to publishing budget articles for town meeting. At town meeting there is no formal presentation from either the selectboard or finance committee, although they are available to answer questions.

Looming over this year's budget process was a concern about the community's increasing reliance on free cash to cover its expanding capital needs. Last year, the town's certified free cash was \$630,000, or 12 percent of its budget. Working outside any formal policy, however, this balance was quickly depleted as nearly \$540,000 was appropriated to cover one-time capital costs. The pull to use free cash for capital purposes was also matched by several borrowing authorizations for new highway and fire equipment that totaled almost \$780,000. Not including these additional borrowings, New Marlborough's existing debt obligations (totaling \$509,168) are due to be paid off by 2018.

Conscious of this spending trajectory, selectmen established a new capital planning committee this past summer to identify priorities and reinforce long-term planning. The five-member committee, comprised of a selectman, a finance committee member, and three residents, is charged with delivering a capital policy and a ten-year spending plan to the selectboard and finance committee by

November. As of this report, the group was working hard to outline a method for defining, reviewing, and financing capital requests.

Also stirring concerns among some local officials is the recently completed FY2013 audit by Scanlon & Associates. Dated September 2, 2014, the firm's management letter identifies a material weakness in the town's internal controls, along with a series of other findings. Specifically, the inability of local officials to reconcile cash and receivables was of primary concern. Reconciliations are a critical control and a primary check and balance to safeguard assets and detect fraud. This weakness also impedes local official's decisions due to unreliable financial information. As a result, there is a growing desire by some to better define the town's financial processes in order to improve the accuracy and timeliness of necessary accounting and financial records. Without which, confidence in government financial management operations is greatly diminished.

Oversight of New Marlborough's financial operations primarily falls to the town accountant, treasurer, tax collector, and assessors. Collectively, they are responsible for processing payroll, managing benefits, purchasing goods and services, collecting revenue, paying bills, bookkeeping, and financial reporting. They are loosely supervised by the selectmen's administrative assistant.

Based on a job description, the selectmen's administrative assistant provides confidential administrative and clerical assistance to the board of selectmen on a full-time basis. His duties, among others, involve preparing reports, maintaining records and files, and supervising staff under the jurisdiction of selectmen. Although he has been with the town for some time and is a great resource, he has been less involved more recently due to personal issues. He is expected to retire in early December.

The town accountant works part-time and has been in the position for about five years. Her job is to monitor the town's revenues and expenditures by documenting the flow of money in and out of municipal accounts. She tracks this by maintaining a general ledger, accounts payable, and fixed assets in SoftRight's accounting package. Her other essential duties include verifying expense and payroll warrants, generating departmental expenditure reports, and conducting reconciliations of account records with the collector and treasurer. Among required submissions to DOR, the accountant is responsible for producing the annual Schedule A and the year-end balance sheet required for free cash certification. She also collaborates with the assessor's clerk and town clerk on the annual tax recapitulation sheet.

The treasurer has been with the town for eight years. Earlier this year, she announced her plans to retire in late October. To replace her, selectmen conducted a search, eventually finding a candidate, who only recently declined the job. Selectmen are now readvertising the job and actively recruiting

other area treasurers to gauge their interest in the role. In the meantime, the treasurer continues to work part-time. As treasurer she accepts department turnovers and prepares a schedule of receipts for the town accountant. Her responsibilities include posting and depositing receipts into appropriate bank accounts and monitoring balances to ensure that sufficient funds are available to cover town obligations. She is also charged with maintaining tax title accounts and reconciling cash. Other duties include, managing the community's debt, investing town funds, and administering payroll and benefits.

New Marlborough's tax collector was recently terminated over a dispute involving her work hours. The town clerk, who is bonded and serves as the assistant tax collector, will assume the job on an interim basis. In taking on the role, the town clerk will assume responsibility for issuing tax and excise bills, for receiving and posting payments to taxpayers' accounts, and for turning over collections to the treasurer. Other duties include sending demands, completing tax takings for delinquent tax amounts, and generating municipal lien certificates that list all taxes owed on a parcel. The office uses Point Software to generate bills and post receipts. Payments can be made in person, by mail, or online through Unibank.

Also involved in New Marlborough's financial operations is the chair of the board of assessors who serves as the office clerk. She is appointed by selectmen and works 20-hour-per-week. Although she is responsible for managing day-to-day operations, the outside vendor pk Valuation Group completes interim and triennial revaluations, along with all sale, building permit, and abatement inspections. The office also use the firm's computer assisted mass appraisal system to maintain property record data and to generate property tax commitments.

Conclusion – Like many small, rural communities we visit, New Marlborough's municipal governance falls to a collection of volunteer boards and a handful of mostly part-time staff. The three member board of selectmen serves as the executive, policymaking body, while daily management oversight is delegated to their full-time administrative assistant. The administrative assistant is a seasoned veteran with tremendous knowledge, but is less involved more recently due to personal issues. His retirement is imminent. To address this leadership vacuum, selectmen hired an administrative secretary for added support. She is a good resource but less experienced in government-related matters. In the meantime, it appears selectmen are undecided on the town's future management structure.

Our greater concern, however, stems from the town's weak internal financial controls. Midway through our review, we received New Marlborough's FY2013 audit completed by Scanlon & Associates. Mentioned earlier, the firm's report describes a number of deficiencies in the town's financial management practices that appear to be compromising the system of checks and balances

designed to ensure the accuracy and reliability of financial information. At the same time, we noted during our visit, a certain level of discord between town finance officers, which appears to be compounding the problem. These conflicts only undermine collaboration and serve to disrupt efforts necessary to generate financial information. As a result, New Marlborough's financial management operations are diminished.

Moving forward, we recommend that selectmen strengthen the administrative assistant's role. In our view, the position should be assigned formal responsibilities associated with supervising and evaluating staff in the finance offices. In doing so, the administrative assistant should convene regular financial management team meetings with the town accountant, treasurer, tax collector, and assessor accountable. We also expect the administrative assistant to act as the town's principal budget officer with responsibility for leading the operating and capital budget processes from their initial formulation to final conclusion. The administrative assistant's scheduled retirement this December creates a unique opportunity to make this change.

Concurrent to strengthening the administrative assistant's position, selectmen should formulate a corrective action plan to address the town's weak internal controls. Once a corrective action plan is deployed, we encourage selectmen to partner with the finance committee to develop a formal set of town policies regarding the operating and capital budgets. These policies would not only advocate for structurally balanced annual budgets, but set target levels for reserves and outline any limitations or strategies related to the use of free cash and debt. Lastly, local officials should take advantage of the treasurer's pending retirement and the recent termination of the tax collector as an opportunity to consolidate these functions.

## **Primary Recommendations**

### **1. Resolve Internal Control Weaknesses**

We recommend that the town formulate a corrective action plan to address internal control weaknesses identified in the independent auditor's management letter. When weaknesses in internal controls are identified, a corrective action plan should be developed, indicating what steps will be taken, who will be responsible, and when the action will be completed. Selectmen should then monitor the plan's implementation through periodic updates from financial management staff. We further recommend, due to the number and significance of issues in New Marlborough, that selectmen engage an independent auditor every year. The high cost of the audit we hope will create additional incentive and provide added pressure on the town to resolve its financial management issues. When confidence in the town's internal controls returns, local officials might receive audits on a biennial



basis to validate the town's financial practices. Additional guidance on the reconciliation of cash and receivables can be found on our website: [www.mass.gov/dls](http://www.mass.gov/dls) > Technical Assistance > Best Practices.

## **2. Strengthen Administrative Assistant's Role**

The administrative assistant's pending retirement presents an opportunity to reshape the position to one that can better coordinate and supervise financial operations. Currently, New Marlborough's administrative assistant has little authority over staff and lacks the ability to direct operations. In reconsidering the role of the position, the town should reflect on the most effective way to bring focus to bear on financial management and centralized decision-making. Over time, a single management presence has emerged as an important way to promote clear lines of authority and accountability in government.

Toward this end, the administrative assistant's responsibility for supervising and evaluating finance officers should be acknowledged and formalized. The position should also have greater authority to act as the town's principal budget officer with responsibility for leading the operating and capital budget process. To demonstrate a commitment to the concept of central management, and to create stability, the administrative assistant's authority and responsibilities should be clearly defined in a new town bylaw. At a minimum, the bylaw should spell out the position's role and responsibilities involving the budget process, financial operations, interdepartmental operations, policy analysis, personnel administration, and procurement. Additionally, the bylaw should formally acknowledge the administrative assistant's responsibility for supervising and evaluating finance officials, including the town accountant, treasurer, tax collector, and assessor's clerk.

Additionally, the board of selectmen should evaluate whether sharing this position with a neighboring community is feasible. A regionalized part-time administrative assistant supported by the selectmen's administrative secretary may be the most cost effective way to securing an individual with requisite experience and expertise.

## **3. Hold Periodic Staff Meetings**

Given New Marlborough's ongoing financial management challenges and the part-time staff schedules, it is important that department heads meet periodically to discuss town operations. These financial team meetings, comprising the administrative assistant, accountant, treasurer, tax collector, and assistant assessor, along with the selectmen and finance committee chairs as necessary, should be used as a vehicle to provide greater oversight. Specifically, meetings present an opportunity to review information, discuss issues, and plan ahead. We expect this group to meet at the start of the budget process, during the year's midpoint to review revenues and expenditures, and prior to the year-end

closing. Other opportunities include, reviewing upcoming deadlines for setting the tax rate, issues pertaining to town meeting, assisting the outside auditors, and reinforcing monthly reconciliations.

#### **4. Measure Employee Performance**

We recommend that selectmen revive the town's annual performance reviews for all employees. While we found reference to performance reviews in the administrative assistant's job description, on a practical level they appear not to be occurring. Therefore, in order to hold an employee accountable, the administrative assistant should engage department heads to develop a comprehensive list of clearly definable annual goals and objectives related to operational performance. Goals would be broad statements of purpose, while objectives would offer specific strategies to attain preferred results. With this guidance, a series of specific and measurable benchmarks can be developed for each staffer that would be consistent with a longer-term plan outlined for the town. Based on the annual evaluation, an employee may be rewarded or given suggestions to improve performance. An evaluation program works best when it is recognized as a two-way process. Employee performance is an obvious focus, but employee opinion and comment during the process can also provide the administrative assistant with valuable insight. Ultimately, the evaluation process can evolve into a collaborative effort leading to improvements in job performance, the operation of government and in work place conditions.

#### **5. Develop Formal Budget Process**

We recommend that New Marlborough develop a formal budget process. Documenting a formal budget process will go far to ensure consistency from year to year and stimulate confidence in budget decisions. As a first step, we recommend that the chairs of the board of selectmen and finance committee meet no later than October to plot out and agree on a budget calendar. Working back from the date of town meeting, dates should be created for each milestone.

The budget process should begin early in the fall with a budget calendar agreed to by the administrative assistant, the selectmen and the finance committee. The administrative assistant would then present revenue and fix cost projections to a joint meeting of the selectmen and finance committee. To facilitate long-term thinking, a multi-year forecast should also be produced. A consensus accepting the projections should be recorded. If possible, agreement should also be reached on how future increases in revenue projections will be divided among departments. Based on these projections, budget guidelines are circulated to department heads. Appropriation requests would be sent to the administrative assistant, who would assemble them into a working budget document.

Once department requests are received, the administrative assistant would meet with department heads to review requests and develop an omnibus budget for presentation to the selectmen. The selectmen

would review, with the administrative assistant, his budget recommendations. If desired, they would meet with department heads of major town departments, such as police, fire and highway. Subject to any changes, the selectmen would approve the town budget and forward it to the finance committee. Once the finance committee completes its budget hearings with department heads and review of other warrant articles impacting town finances, and incorporates its changes, if any, the budget would be made ready for town meeting. At town meeting, the finance committee would present the budget and be available to answer any questions along with the selectmen and their administrative assistant.

Necessary to the process is a high level of communication between and among local officials. Joint meetings serve this purpose. The exchange of information should be on-going among the administrative assistant, selectmen, finance committee and the town's financial officers, particularly as they get deeper into the process. In this way, town leaders can present a unified budget position at town meeting which will go far to build public confidence in the process and the persons involved. Also, to ensure that the adopted budget is kept on track, the accountant should distribute monthly expenditure reports and periodic revenue reports. With this information, the administrative assistant will be able to monitor revenues and expenditures to make sure the budget is on target, or to prepare corrective action if it is not. If problems appear, the administrative assistant should inform the selectmen and finance committee chair.

## **6. Codify Capital Planning Process**

We recommend that the town adopt its capital improvement program in bylaw. From what we understand, the town is in the midst of developing a comprehensive capital improvement program. Selectmen established a new capital planning committee this past summer comprised of a selectman, a finance committee member, and three residents. The committee, charged with delivering a capital policy and ten-year plan to the selectboard and finance committee by November, is current working to outline a method for defining, reviewing, and financing capital requests. In its design, a capital program facilitates a strategic planning process built upon a multi-year capital plan that embodies clear standards and capital spending priorities. It therefore serves as an effective resource allocation tool, by enabling officials to direct scarce resources to prioritized needs.

## **7. Adopt Free Cash, Stabilization and Debt Guidelines**

We recommend that selectmen work with the finance committee to establish written guidelines for free cash, stabilization funds, and debt. For additional guidance, we direct local officials to our Best Practices webpage at [www.mass.gov/dls](http://www.mass.gov/dls) under Technical Assistance Services.

*Free Cash:* A free cash policy should limit the amount that can be used, or establish an amount that must remain as a starting point for next year's free cash calculation. For instance, if the town chooses to direct a portion of free cash to a recurring spending purpose, then an equal amount should be retained as unexpended so that it might carry forward into the subsequent year's free cash calculation. As a matter of practice, the town should resist using free cash to supplement current year operations, using it instead to fund a portion of the capital budget or to serve as a funding source for next year's budget.

*Stabilization Funds:* A stabilization fund policy should identify target levels in a total dollar amount or as a percentage of the total budget. Three-to-five percent of the budget is the recommended range by credit rating agencies. The policy might also specify that excess free cash or certain, recurring income streams become a stabilization funding source. The use of stabilization might be restricted to non-recurring expenditures and only in an amount above a certain dollar threshold. The town might also explore the use of special purpose stabilization funds, which can be funded through a debt exclusion under M.G.L c. 40, §5B.

*Debt:* A debt policy should directly relate to the town's capital improvement program. The policy would specify what spending purposes would qualify for bonding, and help control the amount of debt issued by tying debt service levels to a percentage of total general fund revenues (exclusive of free cash, stabilization, or debt exclusion revenue). The policy would also direct an annual review of previously authorized or issued debt, with the purpose of redirecting any remaining balances where projects are completed, abandoned, or have yet to begin after a certain period has passed since authorization (often, this is set every two years).

## **8. Consolidate Treasurer and Tax Collector Positions**

The pending retirement of the treasurer and the recent termination of the tax collector present a unique opportunity to reassess job responsibilities with an eye toward streamlining the organizational structure. Due to parallel job responsibilities and professional skill-sets, we routinely encourage communities to combine the offices of treasurer and collector into a single, appointed position. Having all receipts collected, counted, posted, deposited and reconciled through one office makes organizational sense. Combining these two roles will also create a more full-time position, which is more attractive to potential job candidates.

## **Other Considerations**

### **9. Modify Composition of Finance Committee**

We recommend that New Marlborough amend its finance committee bylaw to remove the treasurer. Finance committees in Massachusetts typically comprise elected or appointed volunteer residents, with local officials functioning in only an advisory role. For reasons we do not clearly understand, the composition of New Marlborough's finance committee includes the town treasurer. The treasurer's mandatory attendance at finance committee meetings not only falls outside common practice, it appears to be complicating the town's ability to hire the current treasurer's replacement who might otherwise be unavailable during the evening hours to attend finance committee meetings.

### **10. Reconstitute Technology Committee**

We recommend that the town seek to strengthen its technology management capabilities. New Marlborough, like a lot of small towns, has no information technology person who is responsible for the care and maintenance of computer systems or data protection. Instead, local officials rely on their own limited in-house technical expertise, while contracting with an outside consultant to resolve more complex hardware, network, and operating system problems upon request. The town's existing three-member technology committee also has two vacancies. This setup often leaves crucial functions such as data backup, anti-virus protection, and data privacy policy development underserved.

### **11. Direct All Fees to General Fund**

We recommend that New Marlborough discontinue the practice of allowing certain employees to retain their fees. Under M.G.L. c. 40, §21, a town may adopt a bylaw directing all town officers to pay all fees received by them by virtue of their office into the town treasury. In doing so, however, we would expect the town to increase the compensation for these employees by a corresponding amount. The ability of certain office holders to retain fees is a throwback to yesteryear and is not fitting to modern municipal practice. To our knowledge, the tax collector, building inspector, and town clerk are retaining their fees in New Marlborough.

### **12. Complete Property Inspections**

We recommend that the town complete timely property inspections. The Bureau of Local Assessment (BLA) requires communities to re-inspect all properties in town at least once every nine years. A cyclical re-inspection program encompasses a complete interior and exterior inspection of

all real property over a multi-year period. The primary benefit of this program is that it will provide the assessors with current, accurate data. Currently, New Marlborough assigns these tasks to its outside appraisal consultant, pk Valuation Group. However, as of BLA's last triennial certification completed in FY2014, only about 20 percent of the inspections were complete with only three years remaining in the mandatory nine year inspection timeline.

### **13. Receive Deeds Electronically**

We recommend that the assessing office obtain deeds electronically from the Registry of Deeds. The Southern Berkshire County Registry of Deeds offers, as a free service, an online database for searching and downloading deeds. The database, which allows searches by name, document type, property address or certificate number, can streamline procedures, saving the town both time and money. The assessor's clerk currently receives deeds from the registry every two months or so when she drives to Great Barrington to collect the records in hardcopy. As an alternative, the clerk can simply search, select and download the appropriate document from the Registry database to their computer and upload them to the town's property database. The Registry provides instructions that walk users through the various viewing options and downloading process.

### **14. Make Assessors Database Available Online**

We recommend that the assessors' property database be placed on the town's website. Increasingly, communities put property data on the internet so individuals may access it at their convenience. Posting this information helps reduce telephone calls and foot traffic at the assessing office. At the discretion of the assessors, all or parts of the public information found on property record cards may be placed on the town's website. New Marlborough's current list of proposed values posted on the assessors' website is helpful; although it does not include other information commonly found on property record cards, including construction details, sketch, photo, and ownership history, which may be useful to the public.

### **15. Review Partial Payment Plans**

We recommend that the tax collector's office review its partial payment plans. Circumstances often exist where taxpayers are unable to pay their tax bill on time. To prevent outstanding balances from quickly accumulating, M.G.L. c. 60, §22 permits the tax collector to enter into partial payment plans. In New Marlborough, existing agreements should be reviewed to ensure that each is being honored and that payments are sufficient to pay down the outstanding tax balance within a reasonable time. If not, the agreement should be restructured or voided, with tax taking proceedings initiated for those unable to meet the terms of the agreement.

**16. Transfer Custody of Tax Collector's Bank Account to Treasurer**

We recommend that any bank accounts under the control of the tax collector be closed or that custody be transferred to the treasurer. The tax collector's office currently maintains a bank account separate from the treasurer for the deposit of tax receipts, which, once payments clear, are transferred to the treasurer. The collector would deposit tax and other receipts directly into the town's general account under the treasurer's control. In this way, funds are in the custody of the treasurer as required by M.G.L. c. 41, §35, and immediately become part of the general cash flow to generate interest.

Once the account is transferred, we encourage the treasurer to impose a bounced check fee. Under M.G.L. c. 60 § 57A, communities are allowed to impose a penalty of one percent of the amount of a bounced check or \$25, whichever is greater. Based on our conversations with the former tax collector, she did not impose a penalty on those whose checks are returned for insufficient funds. With the account moving to the treasurer, we would expect her have a form letter and process in place to notify the payee of payment due, together with the appropriate penalty charge.

## **Acknowledgments**

**This report was prepared by the Department of Revenue's Division of Local Services:**

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