



June 3rd, 2021

Staying Informed with DLS

Sean Cronin – Senior Deputy Commissioner of Local Services



In this edition:

- **Staying Informed with DLS**
- **With Planning, Local Leaders Can Reduce Disruptions Caused by Employee Transitions**
- **Ask DLS: Community Preservation Act - Part 12**
- **Attention Clerks! A Quick Reference Guide for DLS Submissions**

As you may have noticed, both the Executive Office for Administration and Finance (A&F) and the Division of Local Services (DLS) continue to provide information and guidance related to American Recovery Plan Act (ARPA) Coronavirus Local Fiscal Recovery Fund. Earlier today, we posted preliminary guidance regarding the revenue loss component of ARPA. To view our Bulletin 2021-5, please [click here](#). This follows last week's posting of Bulletin (BUL) 2021-4: [Accounting for Coronavirus State and Local Fiscal Recovery Funds](#), the first of our series providing guidance related to the accounting treatment of revenues received by cities and towns from ARPA.

In addition to our bulletins and guidance, our partners in the Executive Office for Administration & Finance Federal Funds Office (FFO) have published information on [Coronavirus Local Fiscal Recovery Fund Reporting Requirements](#), a [memorandum](#) summarizing the steps required for non-entitlement units to receive allocations through the CLFRF, and announced [a deadline extension](#) for the Coronavirus Relief Fund – Municipal Program (CvRF-MP). Today, a memorandum on CLFRF eligible uses has been posted. To view it, please [click here](#).

DLS will continue to issue alerts as new guidance material becomes available, so we recommend local officials encourage colleagues and any other interested parties to sign up by [clicking here](#). Timely and helpful informational resources are posted on the [Executive Office for Administration & Finance Federal Funds Office webpage](#) and

Important Dates & Information

Final FY2022 State-Owned Land Valuation under MGL C. 58 § 13-17

The Division of Local Services has posted on its website the FY2022 state owned land values based on the fair cash value of certain state owned lands (SOL) pursuant to [MGL Ch. 58, §§ 13-17](#). These lands are reimbursed for loss of local tax revenue on the Cherry Sheet's State-Owned Land line.

Click [here](#) to display the final municipal state owned land values and their share of the total state owned land. In addition, this [link](#) features *Frequently Asked Questions* about this program.

The Bureau of Local Assessment (BLA) was notified of acquisitions, deletions, and agency transfers by the Department of Capital Asset Management (DCAM) during the past year and have adjusted the values pursuant to [MGL Ch.58, §15](#).

Final FY2022 Department of Conservation and Recreation (DCR) Lands under MGL C. 59 §5G

Parcels under DCR are not reimbursed on the cherry sheet, but DLS does

on the [DLS COVID-19 Resources and Guidance for Municipal Officials page](#), so please take a moment to bookmark both.

A separate DLS partnership effort is also underway this week as we join our colleagues at the Massachusetts Municipal Association (MMA) in publishing a strategic guide to succession planning in local government. Drafted by the dedicated policy experts in our Technical Assistance Bureau and supported with insights from MMA staff, we anticipate this will be the first of many collaborations between *City & Town* and *The Beacon*. As always, if you have any questions, suggestions or feedback, please email us at cityandtown@dor.state.ma.us.

Finally, tomorrow, we'll publish a letter through DLS Alerts regarding operational changes to the Bureau of Accounts' State House Notes Program. Going forward, we request submission of the documents necessary to certify your note occur at least 5 business days in advance. Treasurers, please read the forthcoming Bulletin carefully to eliminate the chance of default and to receive your money timely. Our program, now in its 111th year, is working toward automating its activities to provide a more efficient process. Throughout this process and beyond we'll continue to provide support and answer questions by telephone or email. As we move forward, please stay tuned for more updates in *City & Town*. Thank you!

With Planning, Local Leaders Can Reduce Disruptions Caused by Employee Transitions

Zack Blake, Jared Curtis and Tara Lynch – DLS Technical Assistance Bureau

Cities and towns were already contending with pressures on the available workforce associated with the [aging of the Baby Boomer generation](#) when the COVID-19 pandemic caused an acceleration in the rate of retirements over the past year. The lean staffing structures of many municipalities, as well as the [older average age of public employees](#), raises the stakes for communities facing these challenges.

The knowledge and service vacuums that can occur when key employees leave local government can pose threats to operational and fiscal stability. Vacancies disrupt routines

determine the value of those lands, the final values can be found below:

DCR Water Supply Protection Land: Click [here](#) to display by municipality.

DCR Water Supply Protection Annexed Land: Click [here](#).

Any community with questions regarding their final state-owned land valuation should contact the DLS Bureau of Local Assessment at bladata@dor.state.ma.us.

DLS and OIG Offer Live "Overview of Municipal Audits" Webinar

We are excited to announce that the Division of Local Services and the Office of the Inspector General are collaborating to host a webinar entitled "Overview on Municipal Audits" on **Wednesday, June 9th at 10am**.

External audits are an important local tool that can assist a community in improving its financial controls and practices. This helps with the protection of the community's assets, potential upgrades in its bond rating and increased public confidence in the local government.

This webinar will answer

and can potentially derail important projects. The search for replacements diverts time and effort away from other objectives, and, in the case of a prolonged vacancy, a community may need to expend additional, unanticipated funds on contract services to fill the gap. Further, remaining staff are often called upon to backfill roles, train inexperienced newcomers, or improvise creative solutions — all of which divert resources from other vital tasks.

Local leaders are advised to be attentive to measures that can help manage the risks associated with employee departures, whether they can be anticipated (such as retirements) or not. To minimize the disruptions of employee transitions, municipalities can take proactive, concrete steps to plan for succession in key positions.

Communities with dedicated human resources departments may be better able to employ systematic approaches, while small towns that operate with very few employees in each department often find it difficult to groom in-house candidates for critical roles, or to cross-train staff to hold the line during vacancies at any level.

Succession planning strategies

While municipalities face varying challenges, the following are some strategies that leaders can pursue to ensure smooth personnel transitions:

- Assign succession planning objectives to the human resources director or to the town manager, city manager or similar officeholder as part of annual goal setting. In smaller communities without an HR department or administrator, consider forming an ad hoc succession committee or include the objectives in the mission of a standing personnel committee.
- Within the community's organizational structure, identify operationally crucial positions and determine those that may be hardest to replace due to the required skills and knowledge.
- Provide access to professional development opportunities for employees and encourage their use. Ensure that cross-training is taking place within departments, and, when appropriate, among

important questions including:

- What are the different components of an audit, and what do they cover?
- What are the benefits of having an audit completed in my community?
- What are the best practices for procuring a local audit?
- How often is my community required to have an external audit completed?

DLS and OIG staff will also be available to answer other questions you may have related to this topic.

To register, please click [here](#). You can also include any specific questions you think you might have ahead of time so that we can be better prepared to answer them! We look forward to seeing you there!

DLS Issues New Owners Unknown IGR

The Division of Local Services (DLS) has issued and posted Informational Guideline Release (IGR) 2021-15 informing local officials about

departments. Develop procedure manuals with step-by-step instructions for the most critical tasks, at a minimum.

- Identify employees with the skills, aptitudes and interest in being promoted, including those who might currently work in other departments. Systematically develop the knowledge and competencies of those employees through mentoring, funding training opportunities, setting up job shadowing practices, and delegating increasing responsibilities within their departments.
- Especially in small municipalities with limited personnel, department heads and executive staff should cultivate professional network relationships to source for potential recruits.
- Survey compensation in similar, nearby communities to ensure that your community is sufficiently competitive to quickly refill vacancies with good replacements.
- When informed of a pending departure, plan for time overlap, if possible, so that the departing employee can help orient and train his or her replacement.
- If positions are not able to be filled in a timely manner, use temporary/interim staffing to ensure continuity of operations.
- Evaluate options for changing or merging positions or titles, sharing costs with other towns, or contracting out for services as alternatives to filling a vacancy.

Local examples

Southborough Assistant Town Administrator Vanessa Hale, who handles human resources duties in her town, said “efficient and thoughtful succession planning” is an important tool. “It provides an opportunity to on-board much more quickly, decreases the time spent bringing a

assessing property to an owner unknown.

[IGR-2021-15 – Owners Unknown Assessments](#)

To access additional IGRs and Bulletins, please visit this [webpage](#).

DLS Issues New IGRS

The Division of Local Services (DLS) has issued and posted Informational Guideline Release (IGR) 2021-13 informing local officials that they can impose liens for unpaid sewer charges on property located outside the borders of the municipality and Informational Guideline Release (IGR) 2021-14 informing local officials about the collection of various state and municipal charges for the removal or abatement of public health and safety hazards.

IGR 2021-13 – [Extraterritorial Sewer Lines and Duration of Municipal Water, Sewer and Electric Light Liens](#)

IGR 2021-14 – [Demolition Charges and Liens](#)

To access additional IGRs and Bulletins, please visit this [webpage](#).

**MassWorks Application
Deadline is June 4th**

manager up to speed, and provides a quick transition when we promote from within,” she said. “It’s also fiscally prudent, with low recruitment costs. The icing on the cake is the morale boost it provides when it is handled swiftly and soundly.”

Blandford Town Administrator Joshua Garcia said employee retention and succession planning “are critical to avoid gaps in services and mitigate any potential liability to the business of the local government and the safety of the public.”

In his small town (pop. 1,200), he said, “it’s difficult to compete with large cities when it comes to attracting strong qualified candidates to carry out critical roles in town. Therefore, my planning is target-specific, flexible and sometimes non-traditional.” Garcia said he tries to target candidates who are planning to retire, have retired, or are looking for a part-time role. “Creative planning and flexibility are important,” he said.

(Editor's note: This article appears concurrently with the June 2021 issue of the Massachusetts Municipal Association's The Beacon.)

Ask DLS: Community Preservation Act - Part 12

This month's *Ask DLS* features Part 12 of frequently asked questions concerning the Community Preservation Act (CPA) and the acquisition and disposition of real property acquired with CPA funds. Additional questions about the CPA will be featured in future editions of *City & Town*. For Part 11 of the series, see the [May 6th, 2021 edition of City & Town](#). For additional information on the Community Preservation Act see [Informational Guideline Release \(IGR\) 19-14](#). 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.

Are there any requirements regarding the acquisition of real estate with CPA funds?

Upon recommendation of the Community Preservation Committee (CPC), a city or town may acquire, or take by eminent domain, interests in real estate for allowable community preservation purposes. A two-thirds vote of its

Does your city or town plan to apply for MassWorks in 2021? **If so, do not miss the deadline coming up on June 4th, 2021!** What about Site Readiness or Housing Choice Capital Grants? These programs, as well Urban Agenda, Mass Downtown Initiative, Brownfields Redevelopment, and the NEW Community Planning, Underutilized Properties, and Rural/Small Town Development Fund grants, are now all part of the Community One Stop for Growth.

The deadline to apply for all of these programs is June 4th at 11:59 PM, so start your application(s) today. If you haven't already, you'll need to register for an account on the online application portal. Visit www.mass.gov/onestop for all the details.

New IGR Related to Supplemental Tax Assessments and Abatements Due to Fire or Natural Disaster

The Division of Local Services (DLS) has issued and posted Informational Guideline Release (IGR) 2021-12 informing local officials of the requirements of G.L. c. 59, § 2D allowing supplemental tax assessments and abatements due to fire or natural disaster.

legislative body is required to take the interest by eminent domain. [G.L. c. 44B, § 5\(e\)](#); [G.L. c. 79](#). All other acquisitions require a majority vote of its legislative body. Real estate interests acquired or taken using monies from the CP Fund may be located in another Massachusetts city or town. [G.L. c. 44B, § 6](#).

An acquisition of an interest in real property with community preservation funds is not subject to the procurement requirements of [G.L. c. 30B, § 16](#); however, notwithstanding the provisions of [G.L. c. 40, § 14](#), the price of a real property interest acquired with community preservation funds must not exceed the value of the property determined through procedures customarily accepted by appraising professionals as valid. [G.L. c. 44B, § 5\(f\)](#).

What procedures must the community follow once real property is acquired with CPA funds?

The city or town must own any real property interest acquired or taken with community preservation monies. Management of the properties may be delegated by the legislative body to the conservation commission, historical commission, park commission or housing authority, as appropriate, or to a nonprofit corporation created under [G.L. c. 180](#) or nonprofit trust created under [G.L. c. 203](#). Management of properties acquired for future wellhead development may be delegated by the legislative body to a water, water supply or fire district. [G.L. c. 44B, § 12\(b\)](#).

Additionally, real property interests financed in whole or in part with CPA funds must be bound by a permanent restriction, recorded as a separate instrument, which limits the use of the property to the purpose for which it was acquired. The restriction must conform to the requirements of [G.L. c. 184, §§ 31-34](#).

What procedures must a community follow to dispose of CPA property?

Although acquisitions of interests in real estate with community preservation funds are specifically exempted from the procurement requirements of [G.L. c. 30B, § 16](#), there is no similar exemption from procurement requirements for dispositions of interests in real estate acquired with community preservation funds. [G.L. c. 44B, §](#)

[IGR 2021-12 – Supplemental Tax Assessment on New Construction](#)

To access additional IGRs and Bulletins, please visit this [webpage](#).

Bulletin 2021-2: FY2022 Budget Issues and Other Related Matters

This [Bulletin](#) addresses several issues that cities, towns, regional school and other districts should consider for FY2022 budget issues and other related matters including:

- **Coronavirus Relief Fund (CvRF) and The American Rescue Plan Act (ARPA)**
- **Dedication of Revenue Stream to a Stabilization Fund**
- **Estimating FY2022 Receipts**
- **Estimating FY2022 Enterprise Revenues**
- **Appropriations from Free Cash to Reduce the Tax Levy**
- **Appropriating from Free Cash or Enterprise Retained**

[5\(f\)](#). As a result, a municipality must follow the applicable procurement procedures regarding a disposition of real estate when the real estate is acquired with community preservation funds. If the real estate will be disposed subject to the CPA use restriction (see above), the municipality must follow applicable general legal requirements regarding the disposition of municipal real estate. If the community determines that it is impossible to dispose of the real estate subject to the restriction (for example, it has been determined that it is impossible to use the property for the purpose it was acquired – i.e., planned recreational fields cannot be developed on a site due to latent site constraints), then the community must also follow the restriction release procedures set forth in [G.L. c. 184, § 32](#). In addition, Article 97 of the Amendments to the Massachusetts Constitution may apply to a real estate disposition. [Mass. Const. Amend. art. 97](#). Municipal legal counsel should be involved whenever a community proposes an acquisition or disposition of an interest in real estate.

What happens to the proceeds from the sale of property acquired with CPA funds?

The proceeds obtained from the disposal of any real estate interest acquired with monies from the CP Fund must be credited to the Fund. [G.L. c. 44B, § 7\(iv\)](#). If the original financing source for the acquisition was restricted, i.e., from the open space special purpose restricted reserve, then the disposition proceeds should be credited to that special purpose restricted reserve.

What happens if a municipality wants to dispose of land acquired for CPA purposes but never recorded a restriction?

First, the CPA requires that a permanent restriction be recorded. Any land acquired with CPA funds must be subject to a recorded restriction, [G.L. c. 44B § 12](#). If a municipality has acquired land for CPA purposes for affordable housing purposes, but there is no restriction recorded and it now wants to sell the land, the community must record a restriction for those purposes before it sells the property because the land was acquired with CPA funds for those purposes and it must be restricted to those purposes. Once CPA funding is spent on the parcel or it is acquired for CPA purposes, the land is restricted to that CPA purpose, whether a restriction is recorded or not. However, if it is

<p>Earnings</p> <ul style="list-style-type: none"> • Balance Sheets as of 6/30/2021 and Revenue Recognition 	<p>impossible to use or sell the property subject to the restriction (for example - latent defect makes development of a property for affordable housing impossible) and no one will buy the property subject to a restriction, then the property can be sold without restriction.</p>
<ul style="list-style-type: none"> • Betterment Reserve 	<p>What records are required regarding the acquisition and sale of CPA property?</p>
<ul style="list-style-type: none"> • Special Accounting Treatment for Intended FEMA Reimbursement 	<p>The CPC is responsible for maintaining records relating to the use of the CP Fund. G.L. c. 44B, § 13. These records are subject to disclosure as public records. G.L. c. 66, § 10; G.L. c. 4, § 7, Clause 26.</p>
<ul style="list-style-type: none"> • Early Voting Law 	<p>The CPC must maintain an inventory of all real property interests acquired, disposed of or improved by the community after recommendation of the committee. The inventory must contain, at a minimum, the names and addresses of the grantors and grantees, the amount of consideration and all relevant action dates. It should also reference all documents related to acquisitions, dispositions and improvements, such as purchase and sale agreements, deeds and permanent restrictions on acquired property interests. G.L. c. 44B, § 12(a).</p>
<ul style="list-style-type: none"> • 911 Reimbursements 	<p>For more information see Informational Guideline Release (IGR) 19-14.</p>
<ul style="list-style-type: none"> • Borrowing Purposes and Terms 	<p>Attention Clerks! A Quick Reference Guide for DLS Submissions Data Analytics & Resources Bureau</p>
<ul style="list-style-type: none"> • Borrowing - Premiums, Surplus Proceeds and Debt Exclusions 	<p>With election season upon us, we wanted to provide an update on some new and old policies for city and town clerks. To ensure we receive and process votes, notifications, and other forms as timely as possible, we request all submissions occur electronically. To assist these efforts, please refer to the below contact information to properly facilitate the submission process.</p>
<ul style="list-style-type: none"> • Certification of Notes and Receipt of Audit Reports 	<ul style="list-style-type: none"> • Proposition 2 ½ referendum questions require an emailed copy of the specimen ballot with results written on the ballot. Results must be submitted whether the vote passed or failed and sent to
<ul style="list-style-type: none"> • Court Judgments 	
<ul style="list-style-type: none"> • Departmental Revolving Funds 	
<ul style="list-style-type: none"> • Emergency Expenditures 	
<ul style="list-style-type: none"> • Energy Generating Facilities Enterprise 	

Fund

databank@dor.state.ma.us.

- **Energy PILOTs under G.L. c. 59, § 38H(b)**
 - **Estimating FY2022 Medicaid Receipts**
 - **Expenditure Budgeting for FY2022**
 - **Expenditure of Federal Funds Threshold**
 - **Free Cash Update and Non-Recurrent Distributions to Cities and Towns**
 - **Advances in Anticipation of Issuing Debt**
 - **Minimum Performance Bond – Treasurers, Collectors and Clerks**
 - **Year End Transfers**
 - **School Finance**
- Municipalities may adopt certain local option statutes that will impact the assessment of local property taxes or account differently for certain funds. They can be found [here](#). It's important that these notifications be emailed to the Municipal Databank as soon as possible at databank@dor.state.ma.us.
 - DA-82 with supporting warrant articles, town meeting votes and other supporting documents should be emailed to Bill Arrigal at arrigal@dor.state.ma.us. It's unnecessary to send a copy to the Databank email, so please refrain from doing so.
 - Elections reports submitted through Gateway are automatically transmitted to the Secretary of State's Office. DLS does not need a copy, so feel free to discontinue this practice.
 - Town meeting minutes and articles **not regarding borrowings** do not require submission. However, please note that DLS Bureau of Accounts field advisors may request this information as needed.

If you have any questions regarding submissions, please contact us at databank@dor.state.ma.us.

To review other Bulletins and Publications recently issued by DLS, please see this [webpage](#).

New Informational Guideline Releases

The Division of Local Services (DLS) has issued and posted the following Informational Guideline Releases (IGRs) regarding the form and content of tax bills and cost of living adjustments for FY2022.

[IGR 2021-3 - Fiscal Year 2022](#)

[Tax Bills Semi-Annual](#)

[Payment System](#)

[IGR 2021-4 - Fiscal Year 2022](#)

[Tax Bills Semi-Annual](#)

[Payment System – Optional](#)

[Preliminary Bills](#)

[IGR 2021-5 - Fiscal Year 2022](#)

[Tax Bills Semi-Annual](#)

[Payment System – Annual](#)

[Preliminary Bills](#)

[IGR 2021-6 - Fiscal Year 2022](#)

[Tax Bills Quarterly Payment](#)

[System](#)

[IGR 2021-7 - Social Security](#)

[Deduction for Fiscal Year](#)

[2022](#)

[IGR 2021-8 - Optional Cost of](#)

[Living Adjustment for Fiscal](#)

[Year 2022 Exemptions](#)

The Bureau of Accounts has also posted its updated Enterprise Fund Manual. [See IGR 2021-11 - Enterprise Funds.](#)

To access additional IGRs and Bulletins, please visit this [webpage](#).

**Municipal Vulnerability
Preparedness (MVP)
Program FY22 Funding
Round Now Open**

**Municipal Vulnerability
Preparedness Program
Planning Grants**

The Executive Office of Energy and Environmental Affairs (EEA) is seeking proposals for Municipal Vulnerability Preparedness (MVP) Planning Grants, which provide support for Massachusetts cities and towns to complete climate vulnerability assessments and develop action-oriented climate resiliency plans. The program helps communities define extreme weather and natural and climate related hazards; understand how their community may be impacted by climate change; identify existing and future vulnerabilities and strengths; and develop, prioritize, and implement key actions. State-trained MVP providers offer technical assistance to communities in completing the assessment and resiliency plans.

Communities that complete the MVP planning grant program become certified as an MVP community and are eligible for MVP Action Grant funding. The link to the COMMBUYS website hosting the RFR and required forms can be accessed through the new [MVP program website](#).

Planning Grant applications are due by 4:00 p.m. on June 4, 2021 (via email, see RFR for details) for MVP planning processes that must be complete by June 30, 2022. Please reach out to kara.runsten@mass.gov with questions.

Cybersecurity and IT Health Check Programs

The Office of Municipal and School Technology has announced the following programs available to Massachusetts municipalities and schools. If you have any questions, please contact Catherine.Marques@mass.gov

[Cybersecurity Health Check](#)

The Cybersecurity Health Check Program provides opportunities for local government to access basic cyber security services at no cost.

These services can be a good first step in discovering, assessing and identifying cybersecurity gaps that could impact IT systems that support essential business functions. This is a rolling application.

[IT Health Check](#)

An IT Health Check is a high-level assessment of current IT

assets. A Health Check can be a good first step in discovering, assessing and identifying gaps that could impact IT systems that support essential business functions.

The discovery will result in a completed score card that will identify the current state of critical IT systems, and platform and vendor agnostic suggestions. This is a rolling application.

DLS Links:

[COVID-19 Resources and Guidance for Municipal Officials](#)

[Events & Training Calendar](#)

[Municipal Finance Training and Resource Center](#)

[Local Officials Directory](#)

[Municipal Databank](#)

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

[Bulletins](#)

[Tools and Financial Calculators](#)



Editor: Dan Bertrand

Editorial Board: Sean Cronin, Donnette Benvenuto, Linda Bradley, Paul Corbett, Emily Izzo, Theo Kalivas and Tony Rassias

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

To unsubscribe to *City & Town* and all DLS alerts, email dls_alerts@dor.state.ma.us.