



SELECTBOARD AGENDA & MEETING NOTICE

Tues., January 3, 2023

***Indicates item added after the 48 hour posting
bold underlined time = invited guest or advertised hearing
(all other times are approximate)

Location: 2nd floor of Town Hall, 325 Main Road, Gill

5:30 PM Call to Order (If the meeting is being videotaped, announce that fact. If remote participation will occur, announce member & reason, & need for roll call voting)

Old Business

- Review of Minutes: 8/29/22 & 9/12/22 & 9/26/22 & 10/11/22 & 11/21/22 & 12/5/22 & 12/19/22

New Business

- Special Municipal Employee designation for position of Representative and Alternate Representative to the Franklin County Solid Waste Management District
- Other business as may arise after the agenda has been posted.
- Public Service Announcements, if any
 - Fred W. Wells Fund Scholarship Applications now available at Town Hall
 - COVID test kits & variety of face masks – available for free at Town Hall
- Warrants
FY23 # 13 Vendors (\$546,049.67) & Payroll (\$38,177.52) – reviewed & signed on 12/19/22
FY23 # 14 – review & sign

Adjournment

Other Invitations/Meetings:

Date	Time	Event	Location
Mon 1/16		Martin Luther King Day Holiday	
Tues 1/17	5:30 PM	Selectboard Meeting	Gill Town Hall, 2 nd floor
Mon 1/30	5:30 PM	Selectboard Meeting	Gill Town Hall, 2 nd floor
Mon 2/13	5:30 PM	Selectboard Meeting	Gill Town Hall, 2 nd floor
Mon 2/20		President's Day Holiday	
Mon 2/27	5:30 PM	Selectboard Meeting	Gill Town Hall, 2 nd floor

TOWN OF GILL

M A S S A C H U S E T T S



SELECTBOARD MEETING MINUTES

September 26, 2022

Called to Order: The meeting was called to order at 5:30 PM in the 2nd floor meeting room at the Gill Town Hall.

Members Present: Randy Crochier and Greg Snedeker

Members Absent: Charles Garbiel

Others Present: Ray Purington, Town Administrator; Janet Masucci, Jerri Higgins, Kate Savage, Julian Mendoza, Doreen Stevens, Gene Beaubien, Bill Kimball, Peter Jenkins, Vicky Jenkins, Claire Chang, and Tupper Brown

Loan for Highway Truck: The Selectboard reviewed the summary of bids received by Treasurer Peter Turban for the 3-year loan for the 2023 International truck purchased for the Highway Department. The principal amount of the loan is \$161,284. Easthampton Savings Bank submitted the bid with the lowest interest rate at 4.25% and is Turban's recommendation for the bid award. Randy disclosed his daughter-in-law is a vice president of marketing at Easthampton Savings Bank. UniBank Fiscal Advisory Services sought the loan bids on behalf of the Town, and municipal loans are not among the job responsibilities of Randy's daughter-in-law. As the bid needed to be awarded today, the Rule of Necessity was invoked, allowing Randy to participate in the vote after disclosure of a possible perception of a conflict of interest.

Randy made a motion, seconded by Greg, to award the 3-year loan to Easthampton Savings Bank at the fixed 4.25% interest rate. The motion was approved by a 2-0 vote. Town Clerk Doreen Stevens, who is also a notary, witnessed the Selectboard's signatures on the loan documents.

Passing of Phil Maddern: Randy acknowledged the passing of Phil Maddern on August 2nd. Phil, with his wife Susie, operated the Gill Store from 1977-2005, and served on the Selectboard from 1991-2006.

Doreen Stevens left the meeting at 5:35 PM. Tupper Brown joined the meeting at 5:35 PM, establishing a quorum of the Energy Commission (Vicky J, Claire C, Janet M, and Tupper B) for their posted 5:30 PM meeting. Vicky Jenkins, as Chair, called the Energy Commission's meeting to order.

Review of Minutes: No minutes were available for review.

Green Community Competitive Grant – Public Safety Complex: Vicky Jenkins and Claire Chang provided an update on the Green Community competitive grant application for energy conservation projects at the Public Safety Complex, including partial insulation of the building's exterior walls and installation of air source heat pumps (mini-splits) in the various office spaces. Mini-splits will not be installed in the vehicle bays. To get the energy savings and cost data needed for the grant application, the Energy Commission is working with Energy Source, which is an Eversource-approved energy contractor. October 5th is the deadline to submit the grant application.

Based upon a return visit by Energy Source's insulation contractor, the proposed insulation work will now extend further down the walls of the vehicle bays. Several sections of deteriorated fiberglass insulation will be replaced in roof of the Highway section of the building, and spray foam insulation will be injected into the exterior walls of the office spaces. The contractor will use an infrared camera to determine where the foam needs to be applied. It is felt this is a satisfactory, but not perfect solution. There will still be uninsulated portions of the concrete block walls that will transfer inside heat to the outdoors, but a more complete approach to insulation would not be cost effective.

A one-page summary of project costs, dated today and provided by Energy Source, was reviewed. There is an overall total of \$157,046 with \$35,555 of incentives, leaving a "customer cost" of \$121,491. The work is expected to produce annual energy savings of \$10,038, which equates to a payback period of 12.1 years.

Randy expressed his concerns about the projected cost savings, stating that in many of the Town's prior energy conservation projects, the actual savings have been much less than the projections. While there is a push to reduce the Town's use of fossil fuels for heating systems, operating "electrified" buildings is currently more expensive than using heating oil, and he is not sure making the switch is in the best financial interests of the Town and its taxpayers,

at least not right now. Acknowledging these concerns, members of the Energy Commission explained it is possible for the Town to apply for the grant now but later the Selectboard could decide to not accept a grant award if it was felt the amount of the grant and incentives are insufficient.

Randy made a motion, seconded by Greg, to approve applying for the competitive grant as presented and authorizing Charles Garbiel (as Chair) and Ray to sign any paperwork as needed to submit the application. The motion expressly does not include acceptance of the grant and that decision is left for a later date. The motion was approved by a vote of 2 in favor and 0 opposed. The Energy Commission adjourned their meeting at 6:15 PM and Vicky Jenkins, Claire Chang, Tupper Brown, and Peter Jenkins left the meeting.

Firefighter Safety Equipment Grant: Fire Chief Gene Beaubien and Deputy Fire Chief Bill Kimball requested approval to apply for a \$10,500 grant to purchase a Hurst R421E2 “e-draulic” ram, batteries, and charging unit through the FY23 Firefighter Safety Equipment Grant Program. This will be the third piece of the Fire Department’s Jaws of Life tool to be swapped over from traditional hydraulic-powered to battery-powered. Randy made a motion, seconded by Greg, to approve the grant application and authorize Ray to sign any related paperwork. The motion was approved by a vote of 2 in favor and 0 opposed.

EMPG Grant: Beaubien, in his role as Emergency Management Director, explained his desire to apply for \$688 from the FFY 2022 Emergency Management Performance Grant (EMPG) to cover a portion of the Town’s \$1,500 annual contract for the Code Red reverse 9-1-1 software. He recommended assigning the \$2,012 balance of Gill’s EMPG eligibility to a regional project to assist the City of Greenfield’s Fire Department with the purchase of an upgraded drone. Kimball, who is a Lieutenant in the Greenfield Fire Department and active in the drone program, explained the new drone will be able to be deployed during rainstorms and in winds in excess of 20 mph. Six towns contributed to the purchase of the original drone, and at least that number have committed EMPG funds for the upgrade. Randy made a motion, seconded by Greg, to authorize an EMPG application for \$688 for Code Red and up to \$2,012 to be assigned to Greenfield’s drone project, and further authorize Ray to sign any related paperwork. The motion was approved by a vote of 2-0.

Fire Department Brush Truck – Update: Kimball provided an update on the Fire Department’s request last year to purchase a new brush truck to replace the 1986 military surplus pickup truck currently being used for that purpose. The desired vehicle is a Ford Super Duty F-450, which in April 2022 had a fully-equipped purchase price of \$73,700 for the 2022 model year. The quote he received today for the identical vehicle in the 2023 model year is just over \$85,000. The window during which orders for the truck will be accepted is only four days long, from November 7th through the 10th, and there will be at least a 12-month lead time before the truck is delivered.

Kimball expressed concern with the trends he is seeing with pricing and lead times – both are increasing at an unprecedented pace. He suggested the Selectboard consider committing \$58,642 from the NMH donation account and authorize placing the order for just the truck chassis, in order to get the Town’s name on the list for a vehicle. There would be time to figure out a source for the remaining \$26,372 for the equipment. In the event the remaining funds could not be found, he felt the Town would be able to cancel the order without penalty, as the dealership will have a long waiting list of other buyers.

The Selectboard asked to have the Capital Improvement Committee review this request and suggested the topic be brought back as an agenda item for a future Selectboard meeting. Kimball and Beaubien left the meeting at 6:33 PM.

Appointment: Acting on a request from Police Chief Chris Redmond, Randy made a motion, seconded by Greg, to appoint Derek Worden as a Part-Time Police Officer through June 30, 2023. The motion was approved by a vote of 2 in favor, 0 opposed.

Municipal Road Safety Grant Program: The Executive Office of Public Safety and Security has awarded Gill’s Police Department \$17,450 in the FFY 2023 Municipal Road Safety Program. The grant includes funds for the purchase of two speed display boards similar to those installed on Main Road in the center of town. Chief Redmond has informed Ray that due to cost increases after the grant application deadline, up to \$1,500 of town funds may be needed to complete the purchase. Randy made a motion, seconded by Greg, to accept the grant and authorize Ray to sign any related paperwork, and to further authorize Ray and Chief Redmond to determine the source of any town funds that may be required. The motion was approved by a vote of 2 in favor and 0 opposed.

Executive Session: It was announced that after reviewing and signing the warrants, the Selectboard would go into Executive Session to discuss strategy with respect to litigation, i.e. to receive an update and discuss strategy

regarding FirstLight relicensing settlement talks regarding riverbank erosion, and after the Executive Session would reconvene in public session only for the purpose of adjourning the meeting.

Jerri Higgins, Kate Savage, and Julian Mendoza left the meeting at 6:40 PM.

Warrant: The Selectboard reviewed and signed the FY 2023 warrant # 7 with totals of \$325,466.01 for vendors and \$35,548.49 for payroll. Janet Masucci left the meeting at 7:10 PM

Randy made a motion, seconded by Greg, to go into Executive Session for the purpose of discussing strategy with respect to litigation, i.e. receiving an update and discussing strategy regarding FirstLight relicensing settlement talks regarding riverbank erosion, and after the Executive Session reconvening in public session only for the purpose of adjourning the meeting. A roll call vote was taken: Randy – aye; Greg – aye. The motion was approved by a vote of 2 in favor and 0 opposed.

At 8:10 PM the Selectboard returned from the Executive Session and the public session meeting was adjourned.

Minutes respectfully submitted by Ray Purington, Town Administrator

Signed copy on file. Approved on 01/03/2023

Randy Crochier, Selectboard Clerk

Ray Purrington/Gill Selectboard

From: Vicky Jenkins <vjenkins01354@gmail.com>
Sent: Friday, December 16, 2022 11:01 AM
To: Ray Purrington
Subject: Fwd: FW: Special Municipal Employee - FCSWMD Board Reps/Alternates
Attachments: Special Municipal Employee - Fact Sheet.pdf; Conflict of Interest - Special Muni Employee info.pdf; FCSWMD Special Municipal Employee motions.docx

I think this has to go to SB - note it's for the position, not the person in the position.

----- Forwarded message -----

From: **Jan Ameen-FCSWMD** <fcswmd@crocker.com>
Date: Mon, Dec 12, 2022 at 11:16 AM
Subject: FW: Special Municipal Employee - FCSWMD Board Reps/Alternates
To: Andrea Donlon <andreadonlon@yahoo.com>, Bob MacEwen <bob2atnflid@gmail.com>, Charlemont rep - Val Reid <valentine.reid@townofcharlemont.org>, Chris Boutwell <cboutwell@martignetti.com>, Dan Poplawski - Rowe rep <dcheg37@gmail.com>, Larry Kuttner <lark@larksnet.com>, Laurie DiDonato <ldidonato@hotmail.com>, Leverett TS - Annette <leverettsnewsletter@gmail.com>, Lynn Rubinstein <lynnr42lynn@gmail.com>, M.A. Swedlund <maswedlund@comcast.net>, Marti Ferguson - Buckland alternate <marti@walkingcloudfarm.com>, Michael Shuipis - Colrain rep <mshuipis@gmail.com>, New Salem rep - Amy Fagin <20thci@gmail.com>, Priscilla Curtis <Losttwo1230@yahoo.com>, Vicky Jenkins - Gill rep <vjenkins01354@gmail.com>

Hi,

Some of you were present at the last board meeting and heard the discussion about this issue of special municipal employee status for board members. Others may be learning about this for the first time.

I am forwarding an email that I just sent to each town. In summary, our legal counsel is suggesting that each town classify the board positions as a special municipal employee. This relates to Mass. Conflict of Interest rules. Right now, any board member who also has another town position or represents an outside community group in front of the Selectboard has a conflict of interest. The proposed motions and votes will allow for more flexibility for board members if they are Special Municipal Employees.

I'll do my best to answer questions. Feel free to email me or to call my cell phone: 802-258-8281.

Jan

From: Jan Ameen-FCSWMD [mailto:fcswmd@crocker.com]

Sent: Monday, December 12, 2022 11:06 AM

To: Bernardston BOS <bos@townofbernardston.org>; Buckland BOS <twndadmin@town.buckland.ma.us>;

Charlemont Administrator - Sarah (administrator@townofcharlemont.org)

<administrator@townofcharlemont.org>; Colrain BOS <bos@colrain-ma.gov>; 'Veronique Blanchard'

<townadmin@conwayma.gov>; Deerfield BOS <townadmin@town.deerfield.ma.us>; Erving - Bryan

<bryan.smith@erving-ma.gov>; Gill BOS <administrator@gillmass.org>; Hawley BOS

<info@townofhawley.com>; Heath BOS <bos@townofheath.org>; Leverett BOS

<townadministrator@leverett.ma.us>; Montague BOS-Steve <townadmin@montague-ma.gov>; New Salem

BOS <coordinator@newsalemma.org>; Andrea Llamas <allamas@NorthfieldMA.gov>; Orange BOS

(gvoelker@townoforange.org) <gvoelker@townoforange.org>; Rowe BOS <admin@rowe-ma.gov>; Shelburne

BOS <townadmin@townofshelburnema.gov>; Warwick BOS <coordinator@town.warwick.ma.us>; Wendell

BOS <coordinator@wendellmass.us>; Whately BOS - Brian <townadmin@whately.org>; Whately Asst - Amy

Lavallee <adminassist@whately.org>; Sunderland BOS - Geoff <townadmin@townofsunderland.us>; Cindy -

Sunderland <selectmen@townofsunderland.us>

Subject: Special Municipal Employee - FCSWMD Board Reps/Alternates

Importance: High

Hi,

Earlier this year it came to my attention that some of the District's Board representatives have conflicts of interest as a county "employee" and their other roles in town or their roles as citizens before the Selectboard. It took me quite some time to understand the state's conflict of interest law as it applies to county positions and different positions in town. I worked with the District's legal counsel to understand the issues and how to resolve them.

After months of reading and discussion, it seems that the only solution to this conflict of interest situation is for each member town to classify their Board representative and alternate as a Special Municipal Employee. This classification goes with the position, not the person.

Each Selectboard will need to vote on this classification. It is a simple majority vote. Sample motions are attached. One challenge with the state's rules concerning county positions is that *every board member must be a Special Municipal Employee* in order for the classification to take effect. In other words, all 21 towns must affirmatively vote for their representative and alternate to be a Special Municipal Employee. If even one town votes no then all the other town votes are invalid. I'm honestly not sure what that would mean for board members with inherent conflicts of interest due to their other town work. It could mean that they have to resign from the District's board.

To me, this is a very convoluted issue with a simple solution. I have attached information from our legal counsel, information from the state's Ethics Commission website, and sample motions.

In the hope that all towns approve this reclassification and all Board positions are Special Municipal Employees, the next step will be for me to work with each board member individually to ascertain if there are any conflicts of interest that need to be reported to the state. While the ultimate authority is the state Ethics Commission, our legal counsel and I believe we can offer some initial guidance based on each person's other roles in the town or as a representative for a community organization.

Let me know if you have any questions. If possible, I would appreciate each town taking up this vote prior to February 1st.

Sincerely,

Jan Ameen



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REDUCTION
RECYCLING
COMPOSTING
DISPOSAL



Franklin County Solid Waste Management District

117 Main Street, Second Floor, Greenfield, MA 01301 • (413) 772-2438 • Fax: (413) 772-3786
www.franklincountywastedistrict.org • info@franklincountywastedistrict.org

Motions to Classify a Town's FCSWMD Representative and Alternate As Special Municipal Employees.

December 12, 2022

Note there are two motions as the Mass. Ethics Commission requires that **each** position be voted separately.

Once voted, the position is added to the list of special municipal employee positions on file in the Town Clerk's office. This list should also be filed with the Ethics Commission.

#1 - Select Board Motion: I move that the Select Board designate the position of Franklin County Solid Waste Management District representative as a special municipal employee position for the Town pursuant to M.G.L. c. 268A, section 1(n).

#2 - Select Board Motion: I move that the Select Board designate the position of Franklin County Solid Waste Management District alternate representative as a special municipal employee position for the Town pursuant to M.G.L. c. 268A, section 1(n).



Franklin County Solid Waste Management District

117 Main Street, Second Floor, Greenfield, MA 01301 • (413) 772-2438 • Fax: (413) 772-3786
www.franklincountywastedistrict.org • info@franklincountywastedistrict.org

Fact Sheet from the Mass. Ethics Commission

www.mass.gov/service-details/special-municipal-employees

Special Municipal Employees

An explanation of how the conflict of interest law applies to "Special Municipal Employee" positions

The conflict of interest law, G.L. c. 268A, covers all municipal officials and employees, whether elected or appointed, paid or unpaid, full-time or part-time. However, two sections of the conflict law apply less restrictively to those part-time or unpaid municipal officials who have been designated as "special municipal employees."

"Special municipal employee" status can be assigned to certain municipal positions by a vote of the board of selectmen, board of aldermen, town council or city council. Several specific municipal positions are automatically designated as "special" under the law. Your position is eligible to be designated as a "special municipal employee" position provided that:

- you are not paid; or
- you hold a part-time position which allows you to work at another job during normal working hours; or
- you were not paid by the city or town for more than 800 working hours (approximately 20 weeks full-time) during the preceding 365 days.

It is the municipal position that is designated as having "special" status, not the individual. Therefore, all employees holding the same office or position must have the same classification as "special municipal employees." For instance, one member of a school committee cannot be classified as a "special" unless all members are similarly classified.

The designation may be made by a formal vote of the board of selectmen, board of aldermen, town council or city council at any time. Votes should be taken individually for each board or position being designated, expressly naming the positions being designated. Once a position is designated as having "special" status, it remains a "special municipal employee" position unless and until the classification is rescinded. A list of all the "special municipal employee" positions should be on file at the town or city clerk's office. This list should also be filed with the Ethics Commission.

Under no circumstances may a mayor, city councilor, town councilor, alderman, or selectman in a town with a population of more than 10,000 be designated as a "special." However, in towns of 10,000 or less, selectmen are automatically considered "special" employees. Other municipal positions in towns with a population of less than 10,000 must still be designated as "special municipal employee" positions by the selectmen.

The Legislature may also designate certain positions to have "special municipal employee" status. For example, board members and part-time employees of local housing and redevelopment authorities are defined by law as "special municipal employees" and do not need to have local authorities approve their designation as "specials." (See G.L. c. 121B, section 7.)

THE CONFLICT LAW IS LESS RESTRICTIVE FOR "SPECIALS"

Only two sections of the conflict of interest law apply less restrictively to "specials", §§ 17 and 20. All other sections of the conflict law that govern regular municipal employees apply to "special municipal employees" in exactly the same way. See the Summary of the Conflict Law for Municipal Managers or the Practical Guide to the Conflict Law for Municipal Employees for information on your responsibilities under the law (these publications are available from the State Ethics Commission). Remember that even if you serve on an unpaid part-time board or commission, you are still considered a regular municipal employee, unless your position has been expressly designated as having "special municipal employee" status.

Section 17 - Acting on Behalf of Others

Section 17 generally prohibits municipal employees from representing a private party before municipal boards or departments. It also prohibits municipal employees from acting as agent (or attorney) for a private party in connection with any matter of direct and substantial interest to their city or town. Finally, it prohibits municipal employees from accepting pay or other compensation in connection with any matter of direct and substantial interest to their municipality.

However, if you are a "special municipal employee," you may:

- represent private parties before municipal boards other than your own, provided that you have not officially participated in the matter and the matter is not now (and was not within the past year) within your official responsibility;
- act as agent for private parties in connection with a matter of interest to your city or town, provided that you have not participated in the matters as a municipal official, and that the matter is not (and has not been, during the past year) within your official responsibility; and
- receive pay or other compensation in connection with matters involving your city or town, provided that you have not officially participated in the matters and they are not (and have not been, within the past year) within your official responsibility.

Example: You are a Conservation Commissioner. The Commission has been given "special municipal employee" status. You are also an engineer in private practice in town.

- You may be hired as site engineer and represent a private development company at a Planning Board hearing, as long as the hearing does not in any way involve Conservation Commission matter.
- However, if the hearing is about a wetlands dispute, you could not represent the developer before the Planning Board because the matter is under your official responsibility as Conservation Commissioner.
- Also, if you prepare site plans, blueprints, structural analyses or other professional documents, you may not allow the developer to submit those materials to the

Conservation Commission (or to any other municipal boards, in connection with matters under the Conservation Commission's responsibility).

- Also, you may not be paid for giving the developer advice about how to get his project approved by the Conservation Commission, or for any other activity related to the Conservation Commission review process.

Note that the prohibition against "acting as agent" covers any type of activity that involves representing someone other than your city or town. Activities which can be considered "acting as agent" include: serving as someone's spokesperson; making phone calls or writing letters; acting as a liaison; affixing professional seals or signing supporting documentation; and participating as an electrician, plumber or other contractor during municipal building inspections. For more information about section 17, request Advisory No. 13: Municipal Employees Acting as Agent from the State Ethics Commission.

Section 20 -- Restrictions on Having an Interest in Contracts with your City or Town

Section 20 generally prohibits municipal employees from having a direct or indirect financial interest in a contract with their city or town. However, there are many exemptions in this section of the law. For instance, a municipal employee may own less than 1% of the stock of a company that does business with the municipality.

Also, a municipal employee may have a financial interest in a contract with a municipal department which is completely independent of the one where he works, provided that the contract has been publicly advertised or competitively bid, and the employee has filed a disclosure of his interest in the contract with the city or town clerk. Note that there are additional requirements for personal services contracts: contact your town counsel or city solicitor or the State Ethics Commission's Legal Division for more information.

However, if you are a "special municipal employee," you have two additional exemptions to section 20:

As a "special municipal employee," you may have a financial interest in a contract with a department which is completely independent of the one where you work, provided that you file a disclosure of your interest in the contract with the city or town clerk (there is no "public notice" or "competitive bid" requirement for this "special municipal employee" exemption).

As a "special municipal employee", you may even have a financial interest in a contract with your own department (or with a department which has overlapping jurisdiction with your department), provided that you file a disclosure of your interest in the contract with the city or town clerk and the board of selectmen, board of aldermen, town council or city council vote to grant you an exemption to section 20.

Example: You are a member of the School Committee, which has been given "special municipal employee" status. You also own a hardware store in town.

- You may sell light bulbs to the town's Department of Public Works, because Public Works is not under the jurisdiction of the School Committee; however, you must file a disclosure of your interest in the light bulb sales with the Town Clerk.
- You also may sell light bulbs to the School Department (which is under the School Committee's jurisdiction), but only if you file a disclosure of your interest in the light bulb sales with the Town Clerk and the Board of Selectmen vote to exempt your light bulb sales from the restrictions of section 20.

For more information about restrictions on holding an interest in municipal contracts, contact your city solicitor or town counsel or the Legal Division of the State Ethics Commission.

Section 20 -- Restrictions on Holding Multiple Municipal Positions

Because the restrictions of section 20 also apply to employment contracts, municipal employees are generally prohibited from holding more than one municipal position. However, there are many exemptions to this general prohibition. If you are a municipal employee -- regular or "special", you may:

- hold any number of unpaid positions, because you do not have a financial interest in any of the positions (however, if you hold even one paid appointed position, you must look for other exemptions);
- hold any number of elected positions, whether paid or unpaid, because you serve in those positions by virtue of your election, rather than because of an appointment or employment contract (however, if you hold even one paid appointed position, you must look for other exemptions); and
- in some instances, you may hold more than one paid appointed position, provided that the jobs are in separate departments (which do not have overlapping responsibilities) and all paid jobs have been publicly advertised. However, your board of selectmen, board of aldermen, town council or city council must vote to exempt you from section 20, and there are also other requirements you must meet. For more information, see Advisory No. 7: Multiple Office Holding from the State Ethics Commission, or contact your town counsel or city solicitor or the State Ethics Commission's Legal Division.
- If you serve in a town with a population of less than 3,500, you may hold more than one position with the town if the board of selectmen formally approves the additional appointments.

If you are a "special municipal employee", you may also:

- hold any number of other "special municipal employee" positions, provided that the positions are with totally independent departments and you file a disclosure of your financial interest in all the positions with the city or town clerk;
- hold any number of other "special municipal employee" positions, even if the departments' jurisdictions overlap, provided that you file a disclosure of your financial interest in all the positions with the city or town clerk, and the board of selectmen, board of aldermen, town council or city council vote to exempt you from section 20.

Example: As a Cemetery Commissioner, you are a "special municipal employee."

- You may also hold "special municipal employee" positions on the Board of Library Trustees and on the Waterways Commission, because the three positions are completely independent of each other. However, you must file a disclosure of your financial interest (e.g., stipends, per diem payments, salary) in the positions with the Town Clerk.

If you wish to hold a "special municipal employee" position with the Department of Public Works (which maintains buildings on the cemetery grounds) or as the town's Tree Warden (who cares for the trees on the cemetery grounds), you must file a disclosure of your financial interest in the positions with the Town Clerk, and the Board of Selectmen must vote to exempt you from section 20.

For more information about holding more than one municipal position, request Advisory No. 7: Multiple Office Holding from the State Ethics Commission, or contact your town counsel or city solicitor or the State Ethics Commission's Legal Division.

* * *

The definition of "special municipal employee" can be found in section 1(n) of the conflict of interest law (G.L. c. 268A). Note that town councils are empowered by G.L. c. 39, section 1 to exercise all duties and powers of boards of aldermen.