



**AGENDA
SELECT BOARD
MONDAY, NOVEMBER 20, 2023
WAQUOIT MEETING ROOM
MASHPEE TOWN HALL
16 GREAT NECK ROAD NORTH
MASHPEE, MA 02649**

Broadcast Live on Local Cable Channel 8

Streamed Live on the Town of Mashpee Website: <https://www.mashpeema.gov/channel-8>

6:30 p.m. – Convene Meeting in Open Session

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

MINUTES

APPOINTMENTS & HEARINGS

COMMUNICATIONS & CORRESPONDENCE

NEW BUSINESS

- Discussion and Approval of Authorizing the Town Manager to Send Letters of Support for the Bourne/Falmouth Multi Use Path Connecting the Shining Sea Bike Path to the Canal Bike Path as a Trail *with* Rail
- Discussion and Possible Vote on Granting an Abatement of Betterment Assessment for 21 Cedar Street: *David G. Peck*
- Discussion and Approval of the Following Temporary Sign Permits:
 - Mashpee Firefighters Annual Homeless for the Holidays December 4-10, 2023: *Nicole Stanley*
 - Mashpee Youth Baseball and Softball; December 1-6, 2023: *Christopher Losh*
- Discussion and Approval of Re-appointment to the Barnstable County Dredge Advisory Committee: (Term: January 1, 2024 – December 31, 2026): *Harbormaster Robert Tomaino*
- Discussion and Approval of Accepting the Following Resignation:
 - Cultural Council (Term Expires September 30, 2025): *Nina Cocomazzi*
- Interviews, Discussion and Possible Approval of the Following Appointments:
 - Environmental Oversight Committee (Term Expires June 30, 2024): *Alexandra Zollo*
 - Mashpee-Wakeby Lake Management Committee (Term Expires June 30, 2024): *Allison Bernhardt*
- Discussion and Possible Approval of Forming a Community Development Block Grant Working Group
- Discussion and Approval of Closure of Mashpee Town Offices for the Annual Organization Day: Friday, December 15, 2023: *Town Manager Rodney Collins*
- State Ethics Complaint against the Town to be explained by the Town Manager
- Public Comment

ADDITIONAL TOPICS

(This space is reserved for topics that the Chair did not reasonably anticipate would be discussed)

LIAISON REPORTS

WATER QUALITY UPDATES

TOWN MANAGER UPDATES

EXECUTIVE SESSION

Discussion Relative to Disposition and Value of Real Property Pursuant to G.L. c.30A, §21(a) (6) and c.30B, §16 (35 Lake Avenue (Parcel 28-2-0); 409 Main Street (Parcel 36-80-0); 415 Main Street (28-3-0); 0 Meetinghouse Road (Parcel 68-13B); and 0 Falmouth Road (Parcels 68-14 and 68-16)).

ADJOURNMENT


MASHPEE TOWN CLERK
NOV 16 '23 PM1:58



MEMORANDUM

November 15, 2023

TO: Select Board
Rodney Collins, Town Manager

FROM: Catherine Laurent, Director 

RE: Recommendation to Support Retention of the Falmouth Secondary Line Railroad Tracks

There is a phased project underway in the Towns of Falmouth and Bourne to connect the Shining Sea Bike Path to the Canal Bike Path. The Town of Bourne is currently designing Phase 1 of the project within their town. The Town of Falmouth has begun design of their portion. While historically the discussion for the project always was for construction of the multi-use path adjacent to the Falmouth secondary railroad tracks (rail with trail), recently the Town of Bourne and members of the Bourne and Falmouth bike communities have been advocating for removal of the railroad tracks for conversion to a path (rail to trail).

As you may be aware, the Falmouth secondary railroad tracks serve the Upper Cape Regional Transfer Station (UCRTS). The Towns of Mashpee, Sandwich, and Falmouth used the UCRTS for approximately 30 years to transport municipal solid waste (MSW) by rail for disposal. While the Towns use ended in 2015, the facility has been used since by Cavossa Disposal Corp. through a lease with the UCRTS Board of Managers to transport C&D by rail off Cape.

Continued use and maintenance of the facility was the primary reason for the UCRTS Board signing the contract with Cavossa. With limited options for MSW disposal in Massachusetts, preservation of the UCRTS and the rail for potential future use by the Towns was important. A regional study by the Cape Cod Commission identified railing of MSW to out of state facilities as the best long term disposal option for the Cape. In Massachusetts today, there are five waste-to-energy facilities and six active landfills. The WTE facilities are operating at 100% capacity and the majority of landfills are expected to close within the next 10 years. And with no new MSW disposal facilities proposed, out of state disposal is the only option for Towns, with transportation by rail being the most cost effective and least impactful environmentally.

I therefore recommend that the Select Board vote to affirm the importance to the Town of Mashpee of retaining the operational integrity of the Falmouth secondary rail line that serves the UCRTS and to urge the appropriate state agencies as well as the Towns of Falmouth and Bourne to design the multi-use path connecting the Shining Sea Bike Path to the Canal Bike Path as a rail with trail.



TOWN OF MASHPEE


OFFICE OF THE SELECT BOARD

16 Great Neck Road North
Mashpee, Massachusetts 02649
Telephone – (508) 539-1401
bos@mashpeema.gov

MEMORANDUM

Date: November 15, 2023

To: Rodney C. Collins, Town Manager and
Honorable Members of the Select Board

From: Stephanie A. Coleman, Administrative Secretary 

Re: Application for Abatement of Betterment Assessment

Description

In accordance with M.G.L. Chapter 80 §5 a property owner may seek an abatement of the assessment by filing an application with the Assessing Board within six months of the date the tax collector mailed the assessment notice.

Attached is the application for Abatement of Betterment Assessments from David G. Peck regarding the street betterment assessed to the property located at **21 Cedar Street, Mashpee, MA, 02649, Map 77-39-0.**

TOWN MANAGERS OFFICE
NOV 1 '23 AM 11:07

David G. Peck

Mashpee, MA 02649

Board of Selectmen
Mashpee Town Hall
16 Great Neck Road North
Mashpee MA 02649

1 November 2023

Subject: Request for Abatement of Betterment Assessment

Dear Selectmen:

Please see attached documents comprising my request for abatement of one of the two fees assessed to me for the Chestnut St. Betterment.

I am requesting relief because I have been assessed twice for this improvement. One of the assessments—
—is my home for which the betterment assessment has been fairly assigned. The other—21 Cedar Street—is an unimproved wooded lot adjacent to the first which represents no use of, or burden to the improved road. My hope is to keep the second lot wooded and unimproved as relief from the density of development in the neighborhood, a little extra space for wildlife, and a steady source of firewood as I tend the woods.

The sum of the two assessments totaling \$38,205.34 represents an enormous expense and undue burden. I have just retired, returning home to the family house in which I grew up. Financing one fee may be feasible but two is out of reach on my fixed income.

My family has owned this property since the 1950s and lived on 1 Chestnut Street since the early '70s. We have paid taxes on time, been good neighbors, and asked for little from the Town. Until now. Please consider favorably this request.

Regards,



David G. Peck

TOWN OF MASHPEE



TOWN MANAGERS OFFICE
NOV 1 '23 AM 11:07

APPLICATION FOR ABATEMENT OF
BETTERMENT ASSESSMENTS

Must be filed with the Board of Selectmen within six months from date of the notice of assessment sent by the Tax Collector.

To the Board of Select Board:

NAME OF APPLICANT DAVID G. PECK

POST-OFFICE ADDRESS Mashpee MA

The above-named person aggrieved by a 2023 BETTERMENT ASSESSMENT
YEAR
hereby applies for an abatement.

NAME OF PERSON ASSESSED DAVID PECK

Location and Description of Property --- No. of Street, Plan, or Lot and Area of Land.
Description must be sufficiently accurate to identify the premises.

21 Cedar Street 77-39

Betterment Amount Assessed \$ 19,102.67 Amount Paid \$ _____

Assessment Paid by _____ on _____
DATE

IF THE APPLICANT IS NOT THE PERSON ASSESSED, what is the applicant's interest in the property?

SPECIFY PRESENT OWNERSHIP, MORTGAGE OR WHAT OTHER INTEREST

When was such interest acquired? 12/14/1998
DATE

Complete statement of reasons for this application I am being assessed twice for this betterment: once for my house/lot and again for this adjacent wooded lot.

CONTENTIONS OF LAW RAISED

SUBSCRIBED THIS 1st day of November, 20 23 UNDER THE PENALTIES OF PERJURY.

SIGNATURE OF APPLICANT David G. Peck
NAME IN FULL

THE FILING OF THIS APPLICATION DOES NOT STAY THE COLLECTION OF YOUR ASSESSMENT, IT SHOULD BE PAID AS ASSESSED OR INTEREST WILL ACCRUE. REFUND WILL FOLLOW IF ABATEMENT IS ALLOWED.

The Commonwealth of Massachusetts
Town of Mashpee
Office of the Treasurer/Collector
16 Great Neck Rd North
Mashpee, MA 02649

Mail date: October 25, 2023

PECK, DAVID GEOFFREY

FALLS CHURCH, VA. 22043-1612

Bill No: 8 - Cedar St- Street Betterment Assessment
Map/Lot: 77-39-0

Dear Taxpayer:

Enclosed you will find a bill for a Street betterment assessment on the property located at 21 CEDAR ST Under the acts of Legislature relating to Betterment Assessments you may pay this reassessment within 30 days from the mailing date of this bill, or if you so request the reassessment will be divided into any number of equal parts, not exceeding twenty years: one of said years, with interest on the remainder, at the rate of **5.00 %** to be added to your tax bill each year.

If you elect to pay this betterment reassessment off at any time after the thirty days has lapsed, please contact the Assessors' Office, ten days prior to the pay-off date, at (508) 539-1404 for pay-off procedures.

**I request that the above assessment be divided into _____
years and a part be added to the tax bill each year until paid.**

Signature

The Betterment process requires a lien to be placed on the parcels prior to construction. When the betterment is paid in full, the lien should be released. If you chose to pay the assessment in full at this time, it is necessary to you acquire a "Lien release" from the Tax Collector at a cost of \$4.00. Once acquired, you would record it at the Barnstable Registry of Deeds/ Land Court

State Tax
Form 209

Commonwealth of Massachusetts
Town of Mashpee
Office of the Collector of Taxes
16 Great Neck Rd North
Mashpee, MA 02649

Notice of Betterment
or Special Assessment

Mailing Date: October 25, 2023

Bill No 8 - Chestnut St. - Street Betterment

PECK, DAVID GEOFFREY

FALLS CHURCH, VA. 22043-1612

You are hereby notified that the following Street Betterment reassessment has been levied and now constitutes a lien upon the land located at Map 77-39-0 located at 21 CEDAR ST.

Betterment Assessment
\$19,102.67

Total Due
\$ 19,102.67

Payable at Collectors Office
Craig Mayen, Collector of Taxes
Office Hours: Mon-Fri 8:30am-4:30pm
508-539-1419

You will have 30 days from the date of mailing to respond whether you would like to finance the betterment reassessment or pay the betterment reassessment in full. If you choose to finance the betterment reassessment, you may finance up to 20 years. 5.00% INTEREST will be charged from the thirtieth day after the date of commitment. Checks, drafts or money orders must be made payable to the Town of Mashpee. If receipt is desired, enclose a self-addressed stamped envelope with entire bill.

Application for abatement must be filed in writing on an approved form with the Mashpee Board of Selectmen within six months from the date of this notice.

Craig Mayen, Collector of Taxes

This form approved by commissioner of Revenue.

Betterment or Special Assessment-STREET
Bill No 8 – Chestnut St / Street Betterment- Assessment
Office of the Collector of Taxes

Location: 21 CEDAR ST
ASSESSMENT: \$ 19,102.67

TOTAL: \$ 19,102.67

Key: 5729

Town of Mashpee - Fiscal Year 2023

10/31/2023 3:46 pm SEQ # 1

CURRENT OWNER										PARCEL ID			LOCATION			CLASS			DESCRIPTION			BN ID			SEQ #		
PECK DAVID GEOFFREY										77-39-0			21 CEDAR ST			1300			DEV LAND			BN			1		
FALLS CHURCH, VA 22043-1014										TRANSFER HISTORY			DOS			T			SALE PRICE			BK-PG (Cert)			1 of 1		
										PECK, DAVID GEOFFREY			01/29/1999			F			1 12028-291								
										PECK MARGARET			01/19/1999			F			1 12000-289								
										PECK LEONARD W ETAL			12/14/1998			F			1 11910-28								

**TOWN OF MASHPEE
BOARD OF SELECTMEN
PUBLIC HEARING NOTICE**

Pursuant to the Code of the Town of Mashpee §150-6.D., the Mashpee Board of Selectmen will hold a public hearing on Monday, May 24, 2021 at 6:35 p.m., in the Waquoit Meeting Room at Mashpee Town Hall, 16 Great Neck Road North, Mashpee MA 02649. The purpose of said hearing is to discuss the private to public road conversion of Chestnut Street, Cedar Street, Devon Street (partial), Ash Street (partial), Hawthorne Street (partial) and Gina Way, as shown on the plans entitled "Cedar Street, Devon Street, Ash Street Road Taking Project" in Mashpee MA, dated January 28, 2021, and prepared by Cape & Islands Engineering.

Copies of the plans may be viewed in the Office of the Board of Selectmen at Mashpee Town Hall.


Please be advised, if the Mashpee Town Hall is still closed to the public due to the COVID-19 public health emergency the public may participate in the following manner:

- *Broadcast Live on Local Cable Channel 18***
- *Call in Comment Number: (508) 539-1400 extension 8585***
- *Streamed Live on the Town of Mashpee Website*:
<https://www.mashpeeema.gov/channel-18>**

You can submit comments and questions via email to bos@mashpeeema.gov prior to the meeting date and time.

Per Order of
Mashpee Board of Selectmen

John J. Cotton, *Chair*
Thomas F. O'Hara, *Vice-Chair*
Carol A. Sherman, *Clerk*
Andrew R. Gottlieb
David W. Weeden


**TOWN OF MASHPEE
BOARD OF SELECTMEN
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Per Order of
Mashpee Board of Selectmen
John J. Cotton, Chair
Thomas F. O'Hara, Vice-Chair
Carol A. Sherman, Clerk
Andrew R. Gottlieb
David W. Weeden
May 14, 2021

May 19, 2021

David Geoffrey Peck

Falls Church, VA 2204

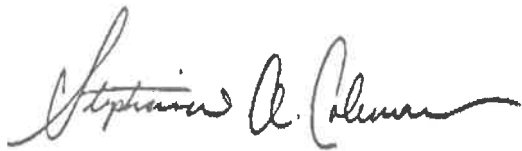
Dear Property Owner:

This letter serves as formal notification that the recent Estimated Betterment Cost for the Road Conversion Project for Chestnut Street; Cedar Street; Devon Street; Ash Street; Hawthorne Street and Gina's Way, which was mailed to you on May 14, 2021 contained inaccurate information which warranted calculation of a new betterment cost estimate for each property owner. Specifically, due to a clerical error, the cost to be borne by each owner of record is to be divided by fifteen (15) property owners and not sixteen (16).

For your reference, enclosed is the corrected Estimated Betterment Cost. The public hearing for the above mentioned Road Conversion Project will take place on Monday, May 24, 2021 at 6:35 PM. Copies of the plans may be obtained by contacting the Office of the Board of Selectmen at Mashpee Town Hall.

We apologize for any inconvenience this may cause you, and thank you in advance for your cooperation. Our office is available to address questions or concerns relating to this matter. Please do not hesitate to contact us at 508-539-1401.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephanie A. Coleman". The signature is fluid and cursive, with a long horizontal flourish at the end.

Stephanie A. Coleman
Administrative Secretary
To the Town Manager/Board of Selectmen

7020 1290 0001 3239 7888

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

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Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy)

\$

☐ Return Receipt (electronic)

\$

☐ Certified Mail Restricted Delivery

\$

☐ Adult Signature Required

\$

☐ Adult Signature Restricted Delivery

\$

Postage

\$

Total

\$

Sen

Stre

City

David Geoffrey Peck

Falls Church, VA 22043

Postmark
Here

1202 7

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



TOWN OF MASHPEE

OFFICE OF SELECTMEN

16 Great Neck Road North
Mashpee, Massachusetts 02649
Telephone - (508) 539-1401
bos@mashpeema.gov

May 14, 2021

David Geoffrey Peck

Falls Church, VA 22043

Dear Property Owner:

Pursuant to the Code of the Town of Mashpee §150-6.D., the Board of Selectmen will conduct a public hearing on **Monday, May 24, 2021 at 6:35 p.m.**, to address the private to public road conversion of Chestnut Street, Cedar Street, Devon Street (partial), Ash Street (partial), Hawthorne Street (partial) and Gina Way. The hearing will take place at Mashpee Town Hall, 16 Great Neck Road North, Mashpee, MA. The Department of Public Works Director and the Selectmen will be available to address any questions relating to the road taking process and the enclosed estimate.

Please be advised, if the Mashpee Town Hall is still closed to the public due to the COVID-19 public health emergency the public may participate in the following manner:

- **Broadcast Live on Local Cable Channel 18***
- **Call in Comment Number: (508) 539-1400 extension 8585***
- **Streamed Live on the Town of Mashpee Website:**
https://www.mashpeema.gov/channel-18*

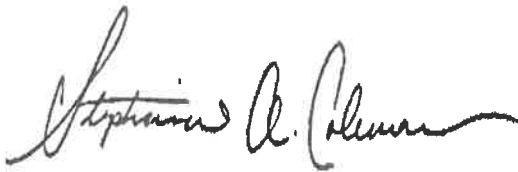
You can submit comments and questions via email to bos@mashpeema.gov prior to the meeting date and time.

If residents plan to move forward with the road conversion please contact this office to obtain petition #2. The second petition must be signed by at least 50% + 1 of the affected property owners and must be received in this office by July 12, 2021, in order to be placed on the October Town Meeting Warrant or by February 14, 2022, in order to be placed on the May Town Meeting Warrant.

If Town Meeting approves the road taking and after completion of all related road work, a final betterment amount will be calculated, apportioned equally to each abutter/property owner, and assessed on an upcoming tax bill. The total betterment assessment cannot exceed the amount of the attached estimate. Residents may choose to pay in full within 30 days interest free, or make payments over a period of up to 20 years at 5% interest. For assistance determining the amortized betterment amount as it would appear on your tax bill, you may contact the Assessor's Office at 508-539-1404.

Please direct any other questions to this office at 508-539-1401.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephanie A. Coleman". The signature is fluid and cursive, with the first name being the most prominent.

Stephanie A. Coleman
Administrative Secretary to the Town Manager,
and Board of Selectmen

Encls



TOWN OF MASHPEE

OFFICE OF THE SELECT BOARD

16 Great Neck Road North
Mashpee, Massachusetts 02649
Telephone – (508) 539-1401
bos@mashpeema.gov

MEMORANDUM

Date: November 15, 2023

To: Rodney C. Collins, Town Manager and
Honorable Members of the Select Board

From: Stephanie A. Coleman, Administrative Secretary

Re: Temporary Sign Permit Applications

Description

Discussion and approval of the following Temporary Sign Permit Applications:

- Mashpee Firefighters Annual Homeless for the Holidays, December 4 – 10, 2023: Nicole Stanley
One (1) 4' x 8', illuminated, free standing sign, located on the outer perimeter of the Mashpee Rotary.
- Mashpee Youth Baseball and Softball, December 1 – 6, 2023: Christopher Losh
Twenty-five (25) 3' x 3', free standing signs, located on the outer perimeter of the Mashpee Rotary and Old Barnstable Road.

Attached is Select Board Policy #037 Temporary Sign Placement and two applications for review.

Per Select Board Policy #037:

- ***Temporary signs shall not be larger than nine (9) square feet. Temporary signs shall be no higher than four (4) feet.***
- ***Temporary signs for events outside of Mashpee will not be permitted. Temporary signs will be permitted for non-profit organizations, or similar charitable or community causes. Requests for multiple signs may be limited to one on each of the following roadways: Route 130, Route 151, Route 28 (Barnstable side), Route 28 (Falmouth side), Great Neck Road North and Great Neck Road South.***
- ***Temporary signs shall not be erected and placed on any public property, public way, or public right of way for longer than a five (5) day period. Temporary signs describing a scheduled event shall be removed within twenty-four (24) hours after the event.***

**Town of Mashpee
Board of Selectmen**

Policy No: 037

Temporary Sign Placement

I. PURPOSE AND INTENT

The purpose of this policy shall be to revise the policy adopted by the Board of Selectmen on June 20, 2000 and amended on August 18, 2003. The intent of these revisions on the erection, placement, location and number of temporary signs on public property, specifically including public ways, and public right of ways, within the Town of Mashpee, in order to prevent unnecessary clutter and /or litter, and to preserve the qualities and characteristics of the Town of Mashpee. These regulations, restrictions, and limitations shall not be construed to apply to any signs on private property or permanent signs governed pursuant to Massachusetts General Law Chapter 93, Section 29, or temporary political signs as defined within this policy, except that temporary political signs are restricted in duration.

II. AUTHORITY AND DEFINITIONS

A. AUTHORITY:

No sign shall be erected, placed or located on any public property, public way or public right of way, without approval by the Board of Selectmen. The Town Manager or his designee shall reserve the authority to approve such placement of a temporary sign for Town operations or activities when, due to extenuating circumstances or scheduled regular Board of Selectmen meetings, approval by the Board is impractical.

B. DEFINITIONS:

1. Temporary Sign: A "temporary sign" as used within this policy shall mean any object, device, display, structure or any part thereof, which is placed outdoors on any public property, public way or public right of way to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors or images. A "temporary sign" shall further mean any base, including a post, wire, or similar framework utilized to brace or support the content within it.
2. Permanent Sign: A "permanent sign" shall not be governed by this policy, and shall be reviewed and considered under applicable laws of the Commonwealth of Massachusetts and by-laws of the Town of Mashpee.

3. Temporary Political Sign: A “temporary political sign” shall not be governed by this policy, provided that no such “temporary political sign” shall be erected and remain in place for longer than sixty (60) days.

III. RESTRICTIONS

1. Size: Temporary signs located shall not be larger than nine (9) square feet. Temporary signs shall be no higher than four (4) feet.
2. Limitations: Temporary signs for events outside of Mashpee will not be permitted. Temporary signs will be permitted for non-profit organizations, or similar charitable or community causes. Requests for multiple signs may be limited to one on each of the following roadways: Route 130, Route 151, Route 28 (Barnstable side), Route 28 (Falmouth side), Great Neck Road North and Great Neck Road South.
3. Duration: Temporary signs shall not be erected and placed on any public property, public way, or public right of way for longer than a five (5) day period. Temporary signs describing a scheduled event shall be removed within twenty-four (24) hours after the event.

IV. PROCEDURES

1. Any person, institution, organization, business, agency or other entity shall complete an application form at the Building Department for the erection, placement, location and number of any temporary signs on any public property, public way or public right of way. All application should be submitted at least one (1) month in advance of the date requested for the erecting and placement of such sign(s). Failure to provide such notice may result in the denial of such application. Temporary political signs shall not be governed by this policy except in duration.
2. The application form shall include the date of application, the date(s) requested for such temporary signs to be erected, proposed location of the signs, and the total number of signs to be placed. This shall specifically include the date that the said sign(s) shall be removed and an acknowledgement by the applicant of their responsibility to remove said sign(s).
3. The Application form shall include a photo, sketch or description of the signs including colors, lettering and size.
4. Any required information on the application that is incomplete or missing shall result in the Building Department returning the form to the applicant for appropriate details prior to review and consideration

5. All temporary signs shall comply with the provisions established within this policy.
6. All temporary signs shall comply with Article X of the Zoning Bylaws of the Town of Mashpee.
7. All Permits issued pursuant to this policy shall be subject to the provisions of Section 174-56 of the Code of Mashpee or the Board of Selectmen's right of waiver.
8. Upon the Building Department determining that the applicant has satisfied all of the criteria established by this policy, it shall forward the application to the Town Manager for approval.
9. The Town Manager or Designee shall forward the application to the Chairman of the Board of Selectmen as an agenda item at the next regular Selectmen's meeting for review, consideration and approval/denial. In extenuating circumstances an exception may be granted under Article II, Part A of this policy. The Board of Selectmen reserve the right to modify conditions during the review and approval process.

V. IMPROPERLY ERECTED OR PLACED SIGNS AND ENFORCEMENT

If any person, organization, agency or other entity that has erected or caused to be erected any temporary signs on public property, public ways, and public right of ways, within the Town of Mashpee, without authority under this policy the temporary signs are subject to being immediately removed and disposed of by a Building official or any Town employee so designated by the Town Manager. Additionally, if any temporary sign has been erected with authority under this policy but beyond the duration of said authority, the temporary signs are subject to being immediately removed and disposed of by a Building official or any Town employee so designated by the Town Manager.

***Adopted by the
Mashpee Board of Selectmen
June 29, 2000
Amended: August 18, 2003
Revised: August 8, 2016***

APPLICATION TO TEMPORARY SIGN PERMIT

APPLICATION DETAILS

Application #:	<i>TS-23-119189</i>	Date Issued:		Permit #:		Date Paid :	
Fee Payable: (\$)	<i>0.00</i>	Fee Paid: (\$)	<i>0.00</i>	Receipt # :			

Related RoadRace/ Special Event
Ap. No.

SECTION 1 - SITE INFORMATION

Street Name	<i>FRANK E . HICKS DRIVE</i>	Map Block Lot	<i>74-0-16</i>
Street Number	<i>20</i>	Zone	<i>C1</i>
Unit No.			

SECTION 2 - BUSSINESS OWNER INFORMATION

Business Owner Name	<i>Mashpee Firefighters Homeless for the Holidays Charity Fund</i>		
Street Number	<i>0</i>	Street Name	
City	<i>MASHPEE</i>	State	<i>MA</i>
Telephone		Zip	<i>02649</i>
		Email	

SECTION 3 - APPLICANT INFORMATION

Applicant Name	<i>Nicole Stanley</i>		
Street Number	<i>18</i>	Street Name	<i>Seconsett Point Rd</i>
City	<i>Mashpee</i>	State	<i>ma</i>
Telephone		Zip	<i>02649</i>
		Email	

SECTION 4 - MAILING ADDRESS

Street Number _____ Street Name _____
City Mashpee State MA Zip 02649

SECTION 5 - WORK DETAILS (THIS SECTION IS FOR OFFICIAL USE ONLY)

Location of Sign(s) of Property Mashpee Rotary

of Signs on Property _____ Will Sign(s) be Illuminated? ☐ Yes ☐ No

Type of Sign ☐ Temporary Banner ☐ Wall ☐ Ground ☒ Free Standing

Lower Edge will be _____ Feet _____ Inches Above Public Way

Upper Edge will be _____ Feet _____ Inches Above Public Way

Face Area 4'x8' Square Feet

Face of Building or Pole is _____ Feet _____ Inches Back From Street Line

Sign will extend _____ Feet Above Grade

Date of erection _____

Materials used to construct sign Frame _____ Face _____

Foundation Materials _____ Size _____

Electrician Required ☐ Yes ☐ No

Brief Description of Proposed Work

Mashpee Firefighters Homeless for the Holidays Charity Fund, Signs will be erected December 4th through December 10th 2023.

SECTION 6 - DECLARATION

I, Nicole Stanley as Owner/Authorized Agent hereby declare that the statements and information on the foregoing application are true and accurate, to the best of my knowledge and belief. Signed under the pains and penalties of perjury.

☒ I do hereby certify under the pains & penalties of perjury that the information provided above is true and correct.

Date 11/13/23

⚙️ APPLICATION TO TEMPORARY SIGN PERMIT

APPLICATION DETAILS

Application #:	TS-23-119242	Date Issued:		Permit #:		Date Paid :	
Fee Payable: (\$)	0.00	Fee Paid: (\$)	0.00	Receipt # :			

Related RoadRace/ Special Event
Ap. No.

SECTION 1 - SITE INFORMATION

Street Name	GREAT NECK RD NORTH	Map Block Lot	36-0-16
Street Number	16	Zone	C1
Unit No.			

SECTION 2 - BUSSINESS OWNER INFORMATION

Business Owner Name	Mashpee Youth Baseball & Softball		
Street Number	16	Street Name	GREAT NECK ROAD NORTH
City	MASHPEE	State	MA
		Zip	02649
Telephone		Email	

SECTION 3 - APPLICANT INFORMATION

Applicant Name	Mashpee Youth Baseball & Softball		
Street Number	16	Street Name	GREAT NECK ROAD NORTH
City	MASHPEE	State	MA
		Zip	02649
Telephone		Email	

SECTION 4 - MAILING ADDRESS

Street Number	-	Street Name	
City	MASHPEE	State	MA
		Zip	02649

SECTION 5 - WORK DETAILS (THIS SECTION IS FOR OFFICIAL USE ONLY)

Location of Sign(s) of Property Outer islands of the Mashpee Rotary, Old Barnstable Rd near schools

of Signs on Property 25 Will Sign(s) be Illuminated? ☐ Yes ☐ No

Type of Sign ☐ Temporary Banner ☐ Wall ☐ Ground ☒ Free Standing

Lower Edge will be _____ Feet _____ Inches Above Public Way

Upper Edge will be _____ Feet _____ Inches Above Public Way

Face Area 3 Square Feet

Face of Building or Pole is _____ Feet _____ Inches Back From Street Line

Sign will extend _____ Feet Above Grade

Date of erection _____

Materials used to construct sign Frame _____ Face _____

Foundation Materials _____ Size _____

Electrician Required ☐ Yes ☐ No

Brief Description of Proposed Work
Placement of free-standing signs for Mashpee Youth Baseball & Softball registration dates

SECTION 6 - DECLARATION

I, Mashpee Youth Baseball & Softball as Owner/Authorized Agent hereby declare that the statements and information on the foregoing application are true and accurate, to the best of my knowledge and belief. Signed under the pains and penalties of perjury.

☒ I do hereby certify under the pains & penalties of perjury that the information provided above is true and correct. Date 11/15/23

Terrie M. Cook
Administrative Assistant
(508) 539-1401
tmcook@mashpeema.gov



Office of the Town Manager
Mashpee Town Hall
16 Great Neck Road North
Mashpee, MA 02649

MEMORANDUM

TO: Town Manager Rodney C. Collins;
Chair John J. Cotton and the Honorable Members of the Select Board

FROM: Terrie Cook, Administrative Assistant

DATE: November 15, 2023

SUBJ: Re-appointment of Harbormaster Robert Tomaino to the Barnstable County Dredge Committee
(Term January 1, 2024 through December 31, 2026)

Harbormaster Robert Tomaino was appointed to fill a vacancy on the Barnstable County Dredge Committee at the May 15, 2023 meeting of the Select Board with a term expiring December 31, 2023. The Barnstable County Dredge Committee terms begin on January 1st and end on December 31st.

At this time, a vote is requested to re-appoint Robert Tomaino to a three year term beginning on January 1, 2024.

Thank you.



TOWN OF MASHPEE

OFFICE OF THE SELECT BOARD

16 Great Neck Road North
Mashpee, Massachusetts 02649
Telephone – (508) 539-1401
bos@mashpeema.gov

MEMORANDUM

Date: November 16, 2023

To: Rodney C. Collins, Town Manager and
Honorable Members of the Select Board

From: Stephanie A. Coleman, Administrative Secretary

Re: Board, Committee and Commission: Resignation

Description

Discussion and Acceptance of the following resignation:

- Mashpee Cultural Council: Nina Cocomazzi, term expires September 30, 2025

Attached is the letter of resignation submitted to the Select Board Office.

November 9, 2023

Town of Mashpee
Board of Selectmen

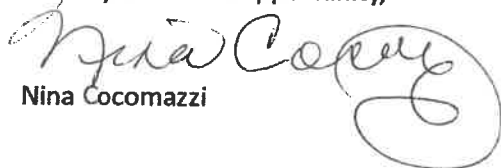
Dear Board of Selectmen and Mashpee Cultural Council:

I am submitting my resignation from the Mashpee Cultural Council. I will finish my time on December 1, 2023.

Since my start on the Council in September, 2016, I have exceeded two consecutive 3-year terms, and am looking forward to the exciting energy of new and future members!

I wish to express my appreciation to serve the Town on this council. I have enjoyed it very much, and I hope to possibly serve the Town in another capacity in the future.

Thank you for this opportunity,


Nina Cocomazzi



TOWN OF MASHPEE


OFFICE OF THE SELECT BOARD

16 Great Neck Road North
Mashpee, Massachusetts 02649
Telephone – (508) 539-1401
bos@mashpeema.gov

MEMORANDUM

Date: November 15, 2023

To: Rodney C. Collins, Town Manager and
Honorable Members of the Select Board

From: Stephanie A. Coleman, Administrative Secretary 

Re: Board, Committee and Commission: Appointments

Description

Discussion of the following appointments:

- Environmental Oversight Committee: Alexandra Zollo, term expires June 30, 2024
- Mashpee Wakeby Lake Management Committee: Allison Bernhardt, term expires June 30, 2024

Attached are the preliminary evaluation forms as well as letters of interest for both candidates.

Alexandra Zollo

September 19, 2023

Mashpee Selectboard
16 Great Neck Road North
Mashpee, MA 02649
United States

Dear Selectboard,

I am writing to express my interest in a position on The Environmental Oversight Committee (EOC). I currently serve as the Vice-chair of the Mashpee Conservation Commission and on our by-law review sub-committee.

In addition to my volunteer roles, my professional experiences with The 300 Committee Land Trust and The Town of Falmouth Conservation Department align well with the EOC's mission. I want to help identify gaps within our town's systems to better safeguard our natural resources. With the right methods and structure in place, Mashpee can identify and acquire strategic properties for open space. With all real estate transactions, time is of the essence, and with proactive outreach and planning, we can create partnerships to leverage state and local funding sources.

I hope that by serving on this committee, I can provide guidance and problem-solving for addressing the problems impacting our ecosystems and the state of our waters.

Thank you for your consideration.

Sincerely,

Alexandra Zollo

Alexandra Zollo

Mashpee, MA 02649

Work Experience

The 300 Committee Land Trust, Inc., Falmouth, MA

June 2017 – Present

Director of Stewardship: Works closely with the Executive Director and the Director of Program Services. Supports the Stewardship Committee to determine, fulfill and fund land management objectives for over 2500 acres. Responsible for planning and coordinating stewardship projects with town, local and state organizations, directing 100+ volunteers and overseeing the upkeep of local trails and properties. Proficient in grant writing, volunteer project creation and management, social media outreach, community and relationship building. Related activities and responsibilities include:

- Board and Committee Support
- Strategic Planning
- Project Design and Management
- Newsletter Design and Creation
- Website Management
- Tracking for Compliance, Hours, and Engagement

Town of Falmouth, Falmouth, MA

July 2012 – June 2017

Conservation Commission and Marine and Environmental Services (7/2014 – 6/2017)

Land Management Technician: Developed and implemented land management initiatives for Town properties. Conducted site visits to ensure compliance with wetland protections laws and decisions issued by the Conservation Commission. Collaborated with local groups and volunteers. Oversaw AmeriCorps Service Member projects.

Marine and Environmental Services (6/2012 – 7/2014)

Animal Control Officer: Worked with the public to ensure humane assistance with domestic animals and wildlife issues. Enforced state and local by-laws and managed volunteers.

Other Relevant Experience

Mashpee Conservation Commission, Mashpee MA

March 2021 – Present

Vice Chairman: Regulatory board member charged with the protection of the community's natural resources. Member of the By-law Review Sub Committee.

June 2021 - Present

Barnstable High School Environmental Science & Technology Program Advisory Committee,

Barnstable MA Committee Member: Advises staff for the Environmental Science and Technology vocational program at Barnstable High School.

Cape Cod Curling Club, Falmouth, MA

April 2018 – April 2021

Member of the Board of Directors: The Curling Club is a volunteer run 501c3. Supporting over 300 members, the club offers physical, social and educational opportunities for all ages to learn and enjoy the sport of curling.

Calm Yoga Studio, Falmouth, MA

September 2017 – 2020

Yoga Instructor: Lead weekly classes for mindfulness, centering and increased flexibility.

Degrees & Continuing Education

Harvard University Extension School, Cambridge, MA

Pursuing a Project Management Graduate Certificate, courses taken include:

- Leadership Communications
- Project Management

**Fall 2022
Spring 2023**

- Applied Systems Thinking and Design

Fall 2023

Westfield State University, Westfield, MA

B.S. in Movement Science with a concentration in Wilderness Leadership

2008 – 2010

Cape Cod Community College, Step-by-Step Social Media Marketing Course, Cape Cod
January 2021

Institute for Nonprofit Practice, Core Certificate Program, Cape Cod

September 2019 – April 2020

MA Association for Conservation Commissions, Fundamental Training Courses
2017 - Present

- Unit 102 -The Wetlands Protection Act: Fundamentals, Process and Procedures
- Unit 104- Wetland Functions and Values
- Unit 105- Writing Effective Orders of Conditions
- Unit 203- Open Space Planning and Protection Techniques

NOAA Coastal Services Center, Project Design and Evaluation Course

2016

Community College of Rhode Island, Grant Writing Proficiency Course

2013

Awards & Interests

Participant in The Keystone Project by UMass Amherst,

Spring 2023

Training at the Harvard Forest for competitively selected land owners, managers and community leaders in Massachusetts focused on forest ecology, stewardship, wildlife management, natural climate solutions and land protection.

Participant in Community Planning Sessions for Mashpees Comprehensive Plan

Fall 2022

Commencement Speaker, AmeriCorps Cape Cod

2019

Service Partner of the Year, AmeriCorps Cape Cod

2016-2017

Further Interests:

Reading/Writing, Raising Chickens, Cycling, Painting, Plant Based Eating, Camping, Curling, Aspiring Birder

November 12th 2023

John Cotton, Chair
Mashpee Selectboard
Town Hall
16 Great Neck Rd., North,
Mashpee, Ma 02649

Chair Cotton;

The Environmental Oversight Committee voted unanimously in favor to highly recommend the selectboard's appointment of Alex Gollo to the EOC.

I've attached the original copies of the notes through the "Preliminary Evaluation Forms" from the five members.

Recommendation (1-5)	Totals
Highly Recommend	25
Recommend	0
Not Recommend	0

David Weedem
Chair EOC

PRELIMINARY EVALUATION FORM

Candidate: Alex Zollo

Board/Committee/Commission/Council: _____

Interview Date: 10/30/23 Evaluator: D. Weed

Did the candidate appear available for scheduled meetings? YES [☒] NO [☐]

Did the candidate appear knowledgeable on role/responsibilities? YES [☒] NO [☐]

Did the candidate appear competent and qualified to serve? YES [☒] NO [☐]

Comments/Observations:

On 1-5 scale (5 the strongest and 1 the weakest) my rating of this candidate is: (5) Total

I attest that this evaluation is true and accurate to my knowledge and belief after impartially evaluating the candidate's performance in the initial interview.

D. Weed
Signature

PRELIMINARY EVALUATION FORM

Candidate: Alex Zola

Board/Committee/Commission/Council: EOC

Interview Date: 10-30 Evaluator: P. Colombo

Did the candidate appear available for scheduled meetings? YES [] NO []

Did the candidate appear knowledgeable on role/responsibilities? YES [] NO []

Did the candidate appear competent and qualified to serve? YES [] NO []

Comments/Observations:

Alex sound extremely qualified
for appointment to EOC.

On 1-5 scale (5 the strongest and 1 the weakest) my rating of this candidate is: 5

I attest that this evaluation is true and accurate to my knowledge and belief after impartially evaluating the candidate's performance in the initial interview.

Paul Colombo
Signature

PRELIMINARY EVALUATION FORM

Candidate: Alet 20110

Board/Committee/Commission/Council: EOL

Interview Date: 10/30/23 Evaluator: Shana Vitelli

Did the candidate appear available for scheduled meetings? YES [☒] NO [☐]

Did the candidate appear knowledgeable on role/responsibilities? YES [☒] NO [☐]

Did the candidate appear competent and qualified to serve? YES [☒] NO [☐]

Comments/Observations:

On 1-5 scale (5 the strongest and 1 the weakest) my rating of this candidate is: 5

I attest that this evaluation is true and accurate to my knowledge and belief after impartially evaluating the candidate's performance in the initial interview.

Shana Vitelli
Signature

PRELIMINARY EVALUATION FORM

Candidate: Alex Zollo

Board/Committee/Commission/Council: EDC

Interview Date: 10/30/23 Evaluator: A. Malone

Did the candidate appear available for scheduled meetings? YES [☒] NO [☐]

Did the candidate appear knowledgeable on role/responsibilities? YES [☒] NO [☐]

Did the candidate appear competent and qualified to serve? YES [☒] NO [☐]

Comments/Observations:

On 1-5 scale (5 the strongest and 1 the weakest) my rating of this candidate is: 5

I attest that this evaluation is true and accurate to my knowledge and belief after impartially evaluating the candidate's performance in the initial interview.

A. Malone
Signature

PRELIMINARY EVALUATION FORM

Candidate: Alex Zola

Board/Committee/Commission/Council: E.O.C

Interview Date: 10/30/23 Evaluator: Ashley Fisher

Did the candidate appear available for scheduled meetings? YES [☒] NO [☐]

Did the candidate appear knowledgeable on role/responsibilities? YES [☒] NO [☐]

Did the candidate appear competent and qualified to serve? YES [☒] NO [☐]

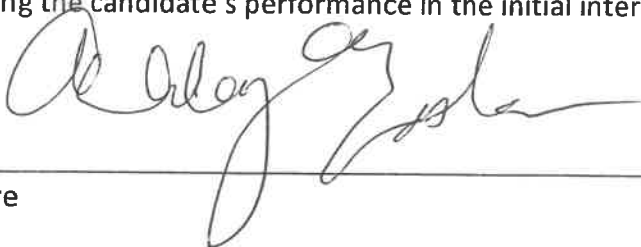
Comments/Observations:

Alex serves on Falmouth 300 committee
and Mashpee's con comm. Very
experienced in land acquisition and
wetlands act etc.

On 1-5 scale (5 the strongest and 1 the weakest) my rating of this candidate is: _____

I attest that this evaluation is true and accurate to my knowledge and belief after impartially evaluating the candidate's performance in the initial interview.

Signature



Mashpee Board of Selectman
6 Great Neck Rd
Mashpee, MA
02649

October 27, 2023

To whom this may concern,

My name is Allison Bernhardt and I am interested in joining the Wakeby Mashpee Lake Management committee. I am a full time resident of Mashpee and live directly on the lake in the Mashpee Shores community. We have owned our home for 5 years and have enjoyed the many benefits and pleasures that come with lake life. However, in those past 5 years we have been witness to not only the drastic increase of day boaters and jet skis that drop in on the weekends but also to the declining health of our beloved lake. As a full time resident and someone who plans to own this home for many years and pass it on to future generations, I want to make sure we are doing everything in our power to save this lake. Being part of this committee would allow me to play an active role in doing just that. I have attended the latest committee meeting as a guest on October 24th, 2023 and seek your approval to continue attending meetings as a committee member.

Thank you for your consideration,

Allison Bernhardt

A handwritten signature in cursive script that reads "Allison Bernhardt". The ink is dark and the signature is fluid, with a long, sweeping tail on the final letter.

Mashpee, MA

PRELIMINARY EVALUATION FORM

Candidate: Allison Bernhardt

Board/Committee/Commission/Council: MWLMC

Interview Date: Oct. 24, 2013 Evaluator: Debi McManus

Did the candidate appear available for scheduled meetings? YES [☒] NO [☐]

Did the candidate appear knowledgeable on role/responsibilities? YES [☒] NO [☐]

Did the candidate appear competent and qualified to serve? YES [☒] NO [☐]

Comments/Observations:

Would love to welcome Allison Bernhardt
to our committee. As someone that lives
on the lake I think she will have
some great input to our meetings.

On 1-5 scale (5 the strongest and 1 the weakest) my rating of this candidate is: 5

I attest that this evaluation is true and accurate to my knowledge and belief after impartially evaluating the candidate's performance in the initial interview.

Debi McManus
Signature

PRELIMINARY EVALUATION FORM

Candidate: Allison Bernhardt

Board/Committee/Commission/Council: Mashpee Wakeby Lake Management Com.

Interview Date: Oct 24, 2023 Evaluator: Barbara B. Nichols

Did the candidate appear available for scheduled meetings? YES [☒] NO [☐]

Did the candidate appear knowledgeable on role/responsibilities? YES [☒] NO [☐]

Did the candidate appear competent and qualified to serve? YES [☒] NO [☐]

Comments/Observations:

Allison appears very knowledgeable and
interested in taking part in the work
of the committee. She would be a valuable
addition to MWLMC.

On 1-5 scale (5 the strongest and 1 the weakest) my rating of this candidate is: 5

I attest that this evaluation is true and accurate to my knowledge and belief after impartially evaluating the candidate's performance in the initial interview.

Barbara Blunck - Secretary MWLMC
Signature

PRELIMINARY EVALUATION FORM

Candidate: Allison Bernhardt

Board/Committee/Commission/Council: Mashpee / Wakeby Lake Management Committee

Interview Date: October 24, 2023 Evaluator: Paul S. Bibb

Did the candidate appear available for scheduled meetings? YES [☒] NO [☐]

Did the candidate appear knowledgeable on role/responsibilities? YES [☒] NO [☐]

Did the candidate appear competent and qualified to serve? YES [☒] NO [☐]

Comments/Observations:

Allison expressed genuine interest in participating in and contributing to the activities of the Committee.

She is a Mashpee resident who enjoys the benefits of Mashpee Wakeby and appears eager to assure

that the safety and quality of this resource is preserved

On 1-5 scale (5 the strongest and 1 the weakest) my rating of this candidate is: 5

I attest that this evaluation is true and accurate to my knowledge and belief after impartially evaluating the candidate's performance in the initial interview.

Paul S. Bibb



Signature

PRELIMINARY EVALUATION FORM

Candidate: ALLISON BERNHARDT

Board/Committee/Commission/Council: MASHPEE WAKEBY LAKE COMMITTEE

Interview Date: 10/24/23 Evaluator: DON MACDONALD

Did the candidate appear available for scheduled meetings? YES [☒] NO [☐]

Did the candidate appear knowledgeable on role/responsibilities? YES [☒] NO [☐]

Did the candidate appear competent and qualified to serve? YES [☒] NO [☐]

Comments/Observations:

ALLISON WILL BE A GREAT ADDITION TO THE COMMITTEE.
SHE REPRESENTS THE WEST SIDE OF THE LAKE AND
WILL BE A RESOURCE TO THE ASSOCIATION THERE
AS WELL.

On 1-5 scale (5 the strongest and 1 the weakest) my rating of this candidate is: 5

I attest that this evaluation is true and accurate to my knowledge and belief after impartially evaluating the candidate's performance in the initial interview.

Don MacDonald
Signature

Office of the Town Manager
Mashpee Town Hall
16 Great Neck Road North
Mashpee, MA 02649

Mr. Fahd suggests that it was recommended that the meeting be cancelled for some "undefined conflict." There is no denial that based upon the information known to me at the time, the meeting was definitely recommended for cancellation. The reason was clearly articulated in a letter to MIDC Chair Marie Stevenson. (See attached) The letter, as you can read for yourself, put the Chair on notice that political activities pursuant to Chapter 268A of Massachusetts General Laws were illegal. The focus of attention generally is on whether the meeting is to provide facts and information or whether there is illegal advocacy, which includes Warrant Articles and/or Ballot Questions. I even attached advisories that were part and parcel of the subject matter.

What was the basis for concluding an illegal meeting was about to take place? A department head was provided notice of a MIDC meeting and its purpose. The department head raised concern with me and I in turn had concern regarding compliance with the law. I then shared the information with Town Counsel (See attached) and he concluded that the concerns were legitimate and the meeting would potentially violate the law. This was all brought to my attention on Friday, October 13 and the meeting was scheduled Monday, October 16. It is further noted that the department head sent an email on October 11.

The standard protocol for seeking clarity on the spirit and intent of the law is to check with General Counsel or Labor Counsel. We pay counsel as neutral and impartial interpreters of the law to examine bylaws, state law, settled case law, and constitutional provisions in the protection of the Town's interests. Town Counsel, as the old saying goes, has no "dog in the fight." Each counsel is professional and examines facts with regards to the application of law. Management makes decisions in the interests of the Town in reliance of such counsel and advice. Such decisions do not advocate political positions or philosophies but rather facts. In other words, the decisions are professionally driven, not emotionally driven. That is the way it must be and to deviate from such professional standards exposes the Town to unnecessary recklessness. It further makes no sense to draw an incompetent opinion and defy the advice provided by Counsel that is founded on sound reasoning. Such opinions should be respected and not ignored until a court of competent jurisdiction rules otherwise.

That was the process in these set of circumstances. The compelling evidence is all attached. End of story.

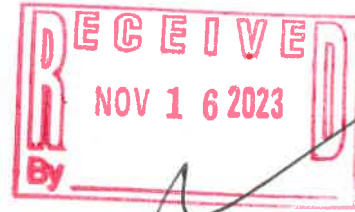
Sincerely,

A handwritten signature in dark ink, appearing to read 'Rodney C. Collins', with a long, sweeping horizontal line extending to the right.

RODNEY C. COLLINS
Town Manager

Mohamad Fahd of 35 Ashumet Rd., 2C Mashpee, MA 02649
mohamadf@hotmail.com 508 648 8299

State Ethics Commission
Enforcement Division
1 Ashburton Place, 6th floor, Room 619
Boston, MA 02108
Via **complaint@mass.gov**



October 24, 2023

Dear Investigator,

This complaint arises from a Town Manager's decision to forbid a special committee meeting for some undefined conflict of interest allegation(s). Furthermore, the Town Manager's decision relied on a Town Counsel "interpretation" of MGL c.268A.

This complaint will follow the logical structure of the "Complaint Form" as available online.

The public employee(s) complained about:

Rodney Collins, Mashpee Town Manager. Mr. Collins is a municipal paid employee.

Patrick Costello, Mashpee Town Counsel. Mr. Costello is a municipal paid employee.

In support of this Complaint, I am attaching the following documents:

- October 11, 2023 Special Committee meeting invitation by its Chair.
- October 17, 2023 Town Manager letter to the Committee.
- 2018 Mashpee Town Policy #79 Establishing the Committee's purpose, powers, and duties.

Summary of the Complaint:

The Mashpee Inclusion and Diversity Committee (hereinafter the Committee) Chair did send an email on October 11, 2023 inviting Committee members for "a very brief zoom" to "approve a statement of support to be given at the Town Meeting "regarding a couple of warrant articles. These articles concern transfer of some land to the Mashpee Wampanoag Tribe and the vote to permit the Select Board to initiate a dialogue with the Tribe concerning another land transfer, respectively. The special meeting "was properly posted" following Open Meeting Law procedure, as referenced in the Town Manager letter.

Town Counsel's opinion, to invalidate, the meeting may be based on the presence of two paid Town employees who are participating, as Committee members, outside of "their public work time". The other members are appointed and unpaid Town residents.

The questions presented to the Ethics Commission for clarification:

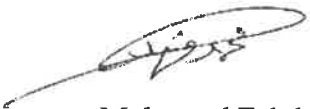
Is the Committee subject to the Conflict of Interest laws in light of all MGL applicable statutes? Can the Committee be confounded with its individual members?

Were the Town Manager and Town Counsel correct in cancelling the planned Committee meeting? The latter to discuss and vote to support or oppose Town Meeting articles?

Can the Committee convene, in quorum, to vote to support or oppose Town Meeting articles, within the strictures of Open Meeting Laws?

Apparently, the Law applies essentially to "individual" public employees. Moreover, Town Counsel failed to argue why the Committee cannot have a public opinion on the respective warrant articles; the Committee acted in the spirit of inclusion and diversity as described in its "charter" (Town Policy 79), absent any palpable "conflict of interest".

Regards,

A handwritten signature in black ink, appearing to read 'Mohamad Fahd', with a stylized flourish extending from the end.

Mohamad Fahd

From: J. Marie Stevenson
Sent: Wednesday, October 11, 2023 3:27 PM
To: Gail Wilson <gwilson@mashpeema.gov>; dankupferma
<dankupferma@mpspk12.org>; aimen iqbal <aimen.iqbal@mpspk12.org>; mohamad Fahd
<mohamadf@hotmail.com>; Kimberly Landry <klandry@mashpeema.gov>; richard klein
ayesha shafi <ayesha.shafi@mpspk12.org>; Patricia DeBoer
<pdeboer@mpspk12.org>; rbrandt
khennessy@mashpeepd.com <khennessy@mashpeepd.com>; Winnie Johmson-Graham
<egraham@mwtribe.com>; David Weeden <david.weeden@mwtribe-nsn.gov>;
cmacdonald@mashpeema.gov <cmacdonald@mashpeema.gov>; rowelz
>
Subject: SPECIAL MEETING OCTOBER 16 AT 4 VIA ZOOM

I am calling a very brief zoom meeting on Monday at 4:00 with one item agenda. You will receive an invite from Dan. I will be sending you a copy of Dan's article which clearly describes the articles to be proposed at Town Meeting by Tribal members.. This will be designated for information only. You will need to read the information provided in order to determine if you approve a statement of support to be given at the town meeting from our committee. I am assuming that the meeting will last all of 15 minutes at best. It will be important to have at least 5 voting members vote on this motion. Please let me know if you are able to attend! Thank you

Town Manager Correspondence with regard to cancelled MIDC October 16, 2023 Meeting

Terrie Cook <tmcook@mashpeema.gov>

Tue 10/17/2023 12:45 PM

To: J. Marie Stevenson <smstevenson@mashpeema.gov>; Gail Wilson <gwilson@mashpeema.gov>; dankupferman <dankupferman@mpspk12.org>; aimen iqbal <aimen.iqbal@mpspk12.org>; mohamadf@hotmail.com <mohamadf@hotmail.com>; Kimberly Landry <klandry@mashpeema.gov>; rnklein@bellsouth.net <rnklein@bellsouth.net>; ayesha shafi <ayasha.shafi@mpspk12.org>; Patricia DeBoer <pdeboer@mpspk12.org>; Rolf Brandt <rbrandt@mashpeema.gov>; Katie Hennessey <KHennessey@mashpeema.gov>; David W. Weeden <DWeeden@mashpeema.gov>; egraham@mwtribe-nsn.gov <egraham@mwtribe-nsn.gov>; Christine MacDonald <CMacDonald@mashpeema.gov>; rowela <rowela@mashpeema.gov>;
Cc: Rodney C. Collins <rccollins@mashpeema.gov>
Bcc: Wayne E. Taylor <wtaylor@mashpeema.gov>

📎 3 attachments (1 MB)

midc letter 268a.pdf; state ethics advisory 9-23.pdf; ethics 268a political activity.pdf;

Good Afternoon:

At the request of the Town Manager, attached are the following documents with regard to the cancellation of the Monday, October 16, 2023 meeting of the Mashpee Inclusion and Diversity Committee (MIDC) due to provisions in M.G.L. Chapter 268a:

- Letter from the Town Manager to MIDC Chair Stevenson
- State Ethics Commission reminder dated September 5, 2023 re: use of public resources for political purposes
- State Ethics Commission Advisory 11-1: Public employee political activity

Thank you.

Terrie M. Cook, MCPPO | Administrative Assistant to the Town Manager
Office of the Town Manager
16 Great Neck Road North, Mashpee, MA 02649
Office: 508.539.1401 | Fax: 508.539.1142
Email: tmcook@mashpeema.gov



"Preserving public trust and providing professional services."

Notice: This communication is intended for the listed recipient only. If you have received this in error, it may be unlawful and prohibited to retain, reproduce or disseminate this message. Please reply to sender if you have received this message in error and delete it with any attachments. Warning: The content of this message and any response may be considered a Public Record pursuant to Massachusetts General Law.

"Preserving public trust and providing professional services"



Rodney C. Collins
Town Manager
508-539-1401
rccollins@mashpeema.gov

Office of the Town Manager
Mashpee Town Hall
16 Great Neck Road North
Mashpee, MA 02649

October 17, 2023

Chair J. Marie Stevenson
Mashpee Inclusion and Diversity Committee
16 Great Neck Road North
Mashpee, MA 02649

Dear Chair Stevenson:

At your request, I am responding to your inquiry as to the circumstances that led to the cancellation of your Special Meeting for October 16, 2023 at 4 pm via zoom. My understanding is that you called for a Special Meeting on October 11, 2023 at 3:27 pm. The meeting was scheduled for October 16th at 4 pm. At the time this matter was brought to my attention, I was uncertain as to whether the proper posting and access requirements had been satisfied. My understanding is in an email to committee members, you stated:

"I am calling a very brief zoom meeting on Monday at 4:00 with one item agenda. You will receive an invite from Dan. I will be sending you a copy of Dan's article which clearly describes the articles to be proposed at Town Meeting by Tribal members. This will be designated for information only. You will need to read the information provided in order to determine if you approve a statement of support to be given at the town meeting from our committee. I am assuming that the meeting will last all of 15 minutes at best. It will be important to have at least 5 voting members vote on this motion. Please let me know if you are able to attend! Thank you."

This matter was brought to my attention on October 13th at 1:34 pm. I expressed two concerns. One, unless this was a properly posted meeting with public access, the Open Meeting Law may have been violated. Two, Chapter 268A of Massachusetts General Laws restricts public employees engaging in political activities. This includes but is not limited to the advocacy of a particular Warrant Article at Town Meeting. This does not include providing relevant information such as "fact sheets." There are also exceptions. For example, elected Town officers (Select Board members) have more leeway. As Town Manager, I have latitude in speaking to the Town's legislative body at Town Meeting consistent with my policy-making role but restrictions apply to advocacy with respect to Town resources to advocate for an Article/Ballot Question and "political activity" related thereto. The Ethics Commission has issued an Advisory on the subject matter. (See attached) In that spirit, Town Counsel provided me with caution regarding the use of the Town's web page and/or Facebook for the advocacy of a Warrant Article after information was provided to me for posting and I had concerns about it. Town Counsel specifically referenced Section 23 (b) (2) (ii) of Chapter 268A.

Due to the content of your scheduled October 16th meeting, I expressed concern to the public employees on the committee and I forwarded it to Town Counsel and stated, *"Please review and comment."*

The Town Attorney responded: **"Upon detailed review of this issue, I do believe that the proposed meeting of the Mashpee Inclusion and Diversity Committee (MIDC) 'to approve a statement of support for passage of Articles at Town Meeting' would be a clear violation of the Conflict of Interest statute, G.L. c. 268A. For purposes of this analysis I consider MIDC members to be appointed non-policy making public employees. Section 23 (b) (2) (ii) of Chapter 268A restricts the extent to which public employees may engage in political activity in their public roles, or use public resources in connection with such political activity. The ethics law covers two types of political activity: 'Election-related political activity,' is activity directed at influencing people to vote for or against candidates and/or ballot initiatives; 'Non-election-related political activity,' is activity directed at influencing governmental decision-makers which does not involve an election, including non-ballot related Town Meeting articles. Non-election-related political activities have been determined by the Ethics Commission to include supporting or opposing town meeting warrant articles, municipal bylaw changes, user fees for public services or school activities, etc. A public employee may not engage in political activity, whether election-related or non-election related, on their public work time; while acting in their official capacity or while in their official uniform; in a public building (except where equal access for such political activity is allowed to all similarly situated persons); or with the use of other public resources, such as staff time, public office space and facilities, public officer equipment such as computers, copiers, and communications equipment, public websites and links to public websites, or public office supplies such as official stationery."**

The Town Attorney continued, **"Appointed public employees who do not hold positions in the top management level of their agencies and do not make policy for their agencies, such as members of the MIDC, are barred by the conflict of interest law from engaging in non-election-related political activity in their official capacity or during their public work hours. The only exception to this is if the employee is authorized and directed by a superior elected or appointed policy-making public employee with the authority to engage in non-election-related political activities concerning matters within the purview of their agency to participate in such activities in support of the superior's own lawful political activity. It does not appear that this exception applies in this situation."**

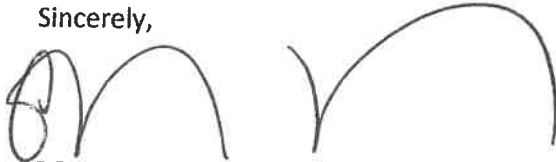
Finally, the Town Attorney concludes, **"Further, I note that this proposed meeting would also be subject to Open Meeting Law requirements, including the posting requirement mandating '48 business hours' notice prior to a proposed public body meeting. Accordingly, public notice of MIDC's meeting at 4:00 pm on Monday October 16th should have been posted on or before 4:00 pm on Thursday October 12, 2023."**

Subsequently, I learned that the scheduled meeting was properly posted. However, due to the opinion stated above, I instructed my administrative staff to provide notification of the conflict with Chapter 268A. It is my understanding that the message was conveyed to you on October 13th. I believe an email was issued indicating that the meeting was cancelled due to an Open Meeting Law violation. That is not factually correct. The initial concern over that issue was alleviated.

My recommendation that the scheduled meeting be cancelled was on the sole premise that to conduct such a meeting based upon the agenda would violate Chapter 268A, as opined by Town Counsel.

If you have any other questions or concerns, please don't hesitate to contact me. I want to extend my appreciation to you and your committee members for the work you do. The dedication, passion and commitment of this committee is evident. Your volunteer efforts make a difference in making this a great community. Keep up the good work!

Sincerely,

A handwritten signature in dark ink, consisting of a stylized 'R' followed by a large, sweeping arch that extends to the right.

RODNEY C. COLLINS
Town Manager

Attachment

Cc: Committee members

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NEWS

State Ethics Commission issues reminder on use of public resources for political purposes

Using public resources to support candidates and political campaigns is generally prohibited

9/05/2023

David A. Wilson, Executive Director

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BOSTON, MA — The State Ethics Commission reminds state, county, and municipal employees that the conflict of interest law generally prohibits the use of public resources in connection with political campaigns or other private political activity.

With limited exceptions, public employees are prohibited from engaging in political activity on public work time; while wearing a public uniform; in a public building, except where equal access for such political activity is allowed; or with the use of other public resources.

The conflict of interest law prohibits public employees from using or attempting to use their official positions to obtain for themselves or others valuable, unwarranted privileges that are not properly available to

similarly situated individuals. In general, using public resources to support a candidate or a political campaign violates this provision of the law.

For example:

- A selectman running for re-election could not hold a campaign event in Town Hall unless the town has a policy that allows anyone to hold political events in the public building.
- A police officer could not hold a sign supporting a political candidate while on duty or in uniform.
- An employee of a state office could not use an office computer or state worktime to produce campaign literature for a political candidate.

State Ethics Commission Advisory 11-1: Public Employee Political Activity

(/advisory/state-ethics-commission-advisory-11-1-public-employee-political-activity) contains a full description of the types of political activity allowed and prohibited under the conflict of interest law.

Public employees can obtain free, confidential advice about the conflict of interest law from the Commission's Legal Division by submitting an online request

(/how-to/request-advice-about-how-the-conflict-of-interest-law-applies-to-you) on the Commission's website, or by calling the Commission at 617-371-9500 and asking to speak to the Attorney of the Day.

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State Ethics Commission

The State Ethics Commission is an independent state agency that administers and enforces the provisions of the conflict of interest law and financial disclosure law.

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ADVISORY

State Ethics Commission Advisory 11-1: Public Employee Political Activity

DATE: 03/18/2011

ORGANIZATION: State Ethics Commission

REFERENCED SOURCES: 2011 Ethics Commission
Rulings (<https://www.mass.gov/files/documents/2016/08/vw/2011-rulings-final.docx>)

The conflict of interest law generally restricts public employees from using public resources in connection with campaign or political activity, except under limited circumstances. The Commission's advisory on public employee political activity can assist public employees in understanding the conflict of interest law restrictions. Public employees are encouraged to contact the State Ethics Commission at 617-371-9500 for advice on specific situations.

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Introduction

Public employees -- employees and volunteers of state, county, and municipal agencies -- have most of the same rights as other citizens to engage in private political activity. However, the conflict of interest law, G.L. c. 268A, restricts some political activity of public employees. In addition, the campaign finance law, G.L. c. 55, restricts public employees' political fundraising. The campaign finance law is enforced by the Office of Campaign and Political Finance ("OCPF"). Questions regarding the campaign finance law should be directed to OCPF. This Advisory addresses restrictions on public employee political activity imposed by the conflict of interest law.

In their public roles, public employees are subject to Section 23(b)(2)(ii) of the conflict of interest law. That section provides that public employees may not knowingly (or with reason to know) use or attempt to use their official positions to secure for themselves or others unwarranted privileges or exemptions of substantial value that are not properly available to similarly situated individuals. Section 23(b)(2)(ii) restricts the extent to which public employees may engage in political activity in their public roles, or use public resources in connection with such political activity.

This Advisory explains the restrictions placed by the conflict of interest law on public employee political activity. This Advisory addresses "**election-related political activity**," which is activity directed at influencing people to vote for or against candidates and/or ballot initiatives. This Advisory also addresses "**non-election-related political activity**," which is activity directed at influencing governmental decision-makers which does not involve an election. Non-election-related political activities include, for example, supporting or opposing: town meeting warrant articles, municipal bylaw changes, user fees for public services or school activities, changes to funding for public services, the renovation or construction of public buildings, roads, bridges, and other public infrastructure, closure of public libraries, schools or fire stations, and changes to state and local tax rates, laws, regulations, and budgets.

The restrictions on public employee political activity are not the same for all public positions. Elected officials may engage in more political activity than appointed officials and employees. Public employees who hold policy-making positions have more leeway to make public statements and take official action on political issues than do non-policy-makers. This Advisory has separate sections addressing the restrictions for each type of position.

How to Use this Advisory

Which parts of this Advisory apply to you depends on the type of public position you hold. Different rules apply to elected and appointed public employees. Different rules apply to policy-making public employees and non-policy-makers. A "policy-making" position is one in the top management level of a governmental agency in which the holder actively participates in determining the agency's policies or plans of action. A non-policy-maker does not participate in determining agency policy, but instead carries out or puts into action policies determined by others. All elected positions are policy-making. Chief executives, town and city managers, department heads and board members are presumed to hold policy-making positions.

If you are an **ELECTED** public employee, the following sections of this Advisory apply to you: Sections 1, 2, 3, 4, and 5.

If you hold a **POLICY-MAKING** public position, the following sections of this Advisory apply to you: Sections 1, 2, 3, and 5.

If you were **APPOINTED** to your public position and are not a policy-maker, the following sections of this Advisory apply to you: Sections 1, 2, and 5.

If you have a question about **election-related political activity** by public employees, see Sections 1 through 4 of this Advisory.

If you have a question about **non-election-related political activity** by public employees, see Section 5 of this Advisory.

1. May Do: Political Activities by Public Employees That Generally Do Not Raise Conflict of Interest Law Issues

In general, public employees of all types may engage in private political activity, subject to the restrictions on political fundraising imposed by G.L. c. 55. The conflict of interest law does not prohibit a public employee from engaging in political activity on his own time, using his own or other private resources, and when he is acting for himself and not as an agent or representative of anyone else.

Below are some examples of **election-related political activity** that public employees may engage in privately without raising any issue under the conflict of interest law, provided that they use no public resources in connection with such activity.

Example: An appointed Assistant District Attorney may run for State Representative, as long as he does so on his own time and without using his paid public work time, his official title, or public resources such as his office email address or copy machine. The conflict of interest law does not, however, prohibit the Assistant District Attorney from including the fact of his public service in biographical information contained in his campaign literature or in his party primary nomination papers (and on the primary ballot) as allowed by state elections law. [1] The conflict of interest law does not require him to take a leave of absence from his Assistant District Attorney position to run, although the District Attorney's office may have its own policy that does so.

Example: A public school teacher may support a local ballot question, such as a tax limit override question, if she does so on her own time, and without the use of public resources. She may serve on a ballot question committee, so long as she does so without pay and does not fundraise or act as the agent for the campaign in any matter involving her town. She may distribute campaign literature, make get-out-the vote telephone calls, conduct campaign polls and research, drive voters to the polls, and display or hold signs.

Example: A state agency employee may support the election (or reelection) of a candidate for elected public office on his own time, and without the use of public resources. He may serve on a candidate's campaign committee (in an uncompensated capacity not involving fundraising or acting as the agent for the campaign in any matter involving the state), distribute campaign literature, make get-out-the vote telephone calls, conduct campaign polls and research, drive voters to the polls, and display or hold signs.

Below are further examples of election-related political activity that any public employee may do on his own time and without the use of his official title or public resources without raising any issue under the conflict of interest law:

- with his own stationery, computer, or wireless account, write letters to the editors or blog about political issues,
- distribute advocacy literature or hold a sign expressing his political views,
- with his own computer and email or wireless account, send emails or text messages expressing his political views,
- contribute his own funds in compliance with the campaign finance law to a campaign committee for a candidate or concerning a ballot question,
- answer voter survey questions, and
- vote in any election.

Similarly, public employees may engage in **non-election-related political activity** on their own time, without the use of public resources and as private citizens. Below are examples of non-election-related political activity that do not raise any issue under the conflict of interest law.

Example: A member of a town Conservation Commission, acting as a private citizen and without using his title or any public resources, may participate in a grass roots group's efforts to convince local government to build a new public school, provided that he does not act as the group's agent or representative and is not compensated for his participation. He may attend and speak on his own behalf at meetings concerning political issues; use his own stationery, computer, or wireless account to write letters to the editor or blogs; distribute advocacy literature or hold a political sign; use his own computer, email, or wireless account to send emails or text messages expressing his political views; draft and propose a warrant article for town meeting; attend public hearings concerning the proposal; and vote at town meeting.

Any public employee, acting in her official capacity and using public resources, and acting in a neutral and non-partisan manner, may notify the public that a state, county or federal election will be held on a certain date and encourage all voters to vote. A public employee may also neutrally notify the public generally that a town

meeting will be held on a certain date and neutrally encourage all voters or members to attend. Public resources may not be used to notify only a subset of voters in order to influence the outcome of the vote or meeting. For example, notifying only the parents of school children of a ballot question whether to fund a new public school, and not notifying childless homeowners, would be prohibited, because it would not be neutral.

2. May Not Do: Political Activities by Public Employees That Generally Are Prohibited by the Conflict of Interest Law

In general, a public employee may not use his public position to engage in political activity. Section 23(b)(2)(ii) of the conflict of interest law prohibits the use of one's public position to engage in political activity, because a public employee who does so is using his official position to secure for himself or others (such as a candidate or a ballot question committee) unwarranted privileges of substantial value that are not properly available to similarly situated persons.

There are two exceptions to this general rule. First, elected officials, and public employees who hold policy-making positions, have more leeway to make statements about and take action concerning ballot questions, while using their public positions and public resources, than do appointed public employees who do not hold policy-making positions. Second, elected officials have greater latitude than non-elected public employees to engage in certain other election-related political activities. These exceptions are discussed in more detail below in sections 3 and 4.

Subject to these exceptions, a public employee **may not** engage in political activity, whether election-related or non-election related, on his public work time; while acting in his official capacity or while in his official uniform; in a public building (except where equal access for such political activity is allowed to all similarly situated persons); or with the use of other public resources, such as staff time, public office space and facilities, public office equipment such as computers, copiers, and communications equipment, public websites and links to public websites, or public office supplies such as official stationery.

A public employee who engages in such political activity, unless the activity is of truly minimal duration or significance (such as wearing a political campaign button to work in a public office), violates the conflict of interest law.

Example: A state employee sends out a blast email urging all her contacts to vote for a particular candidate for Governor. This is a violation of the conflict of interest law, because she is using public resources to support a particular candidate.

Example: A state legislator directs his district office staff, who are paid state employees, to use paid state work time to visit voters in his district, pass out his campaign literature, and urge voters to vote for him. This is a violation of the conflict of interest law, because he is using his official position and public resources to gain election.

Example: A police chief urges voters entering a polling place to vote for a particular candidate for District Attorney. The police chief is wearing his uniform and standing near the entrance to the polling place while he does so. This violates the conflict of interest law because he is using his official uniform to support that candidate.

Example: An incumbent Selectman seeking reelection uses her official position to gain access to the Board of Selectmen's meeting room, which under town policy is not available for private use, to make a campaign video featuring herself in the meeting room standing next to the town's seal, urging voters to vote for her, and soliciting campaign donations. This violates the law, because the Selectman is using her official position to gain access to and use the meeting room and the town seal, both of which are public resources, for the private purpose of securing her reelection to the Board. The Selectman would not violate the law by using in her campaign materials a news media photograph of herself in the Board's meeting room taken during a public meeting, even if the photograph included the town seal, because then she would not be using her official position to get an unwarranted privilege.

Example: Municipal Department of Public Works employees who are union officers use paid work time to attend a fundraiser for a mayoral candidate as representatives of their union. This violates the conflict of interest law because they are using their public work time, which is a public resource, to obtain an unwarranted privilege for themselves, the use of work time for private purposes.

Example: A City Councilor puts links on her city council website to her campaign website and to websites of other candidates who belong to her political party. This violates the conflict of interest law, because she is using her City Council website to obtain an unwarranted privilege of substantial value for herself, and to confer such an unwarranted privilege on the other candidates whose websites are linked.

Below are further examples of election-related political activities that public employees MAY NOT DO. Public employees MAY NOT:

- send campaign-related emails using official computers or email,
- send campaign-related documents using official fax machines,
- use a public office telephone to make campaign-related calls,
- use on-duty public employees or public supplies, materials, or equipment to create, reproduce or distribute campaign materials,
- use official letterhead stationery, even if privately paid for, to advocate for or endorse a candidate or to support or oppose a ballot question,
- use any public seal, logo, or insignia, on campaign materials,
- use public office staff or equipment to do any of the following: conduct campaign research, write campaign or political speeches, conduct campaign polls, answer campaign questions, or create or maintain voter or supporter databases or campaign website or links,
- use public office staff or space for a press conference to endorse, promote or oppose a candidate or ballot question position,
- if appointed, use a public title while campaigning,
- if appointed, use a public title to endorse a candidate,

- if appointed, use a public title to support or oppose a ballot question (except to the extent appointed policy-makers are permitted to do so, as further discussed below in Section 3 of this Advisory),
- if appointed, perform election campaign tasks while on public work time,
- hold campaign planning meetings or any other campaign-related event in public office space, or
- wear a public employee uniform while performing campaign tasks or urging support for a particular candidate or measure.

Political fundraising is regulated by G.L. c. 55, the campaign finance law. In addition to the restrictions of Chapter 55, Section 23(b)(2)(ii) of the conflict of interest law prohibits all public employees - whether elected, appointed, or policy-making - from directly or indirectly soliciting political contributions of any kind, including personal services, in any situation where such a solicitation is inherently coercive.

A solicitation is inherently coercive, and therefore prohibited by the conflict of interest law, if it is directed by a public employee at his subordinate, persons or entities doing business with or having a matter pending before his public agency, or anyone subject to his or his agency's authority. By contrast, campaign contributions which are voluntarily made in response to a general rather than a targeted solicitation may be accepted from such sources if they are received and reported by the official's campaign committee in compliance with the campaign finance law.

Example: A Superintendent of Schools suggests to her office staff that they contribute to the campaign of a School Committee candidate. This is inherently coercive because it is directed at subordinate employees, and violates the conflict of interest law.

Example: An incumbent candidate for reelection to a School Committee personally solicits, or directs his campaign workers to solicit, donations from local businesses that have contracts with the School Department. Such solicitations are inherently coercive because they are targeted at persons doing business with the candidate's agency, who are subject to his official authority. Therefore, such solicitations violate the conflict of interest law. The candidate may not direct his campaign workers to do what he is prohibited from doing himself.

The conflict of interest law also restricts the extent to which a public employee may represent campaigns and grass roots groups in dealings with government agencies. A public employee who is not serving in a "special" position may not represent a political campaign or a grass roots group in its dealings with public agencies at his level of government (state, county, or municipal), pursuant to Sections 4, 11 and 17 of the law.

Example: A full-time municipal employee may not (even as an unpaid volunteer) sign a municipal campaign finance report to be filed with the town clerk, nor could he be paid to help prepare the report even if he did not sign or deliver it.

Example: A full-time state employee with the Department of Conservation and Recreation may not act as a candidate's attorney (even on her own time and without a fee) before the State Ballot Law Commission, nor could she be paid to review signatures on nomination papers, even if she did not appear before the Commission.

These restrictions generally apply to "special" public employees only as to matters in which the employee participated, or for which the employee had official responsibility, or which is pending in the special public employee's agency.

Example: A town Conservation Commissioner whose position has been designated as "special" may sign a municipal campaign finance report on behalf of a candidate for selectman and file the report with the town clerk because Conservation Commissioners have no official responsibility for campaign finance reports.

Example: A town clerk whose position has been designated as "special" by the Select Board may not sign such a report to be filed with her own office, because, as town clerk, she has official responsibility for receiving such reports.

If you are uncertain whether your position is a "special" position for purposes of the conflict of interest law, you should obtain advice from the Ethics Commission's Legal Division by calling (617) 371-9500, or online at www.mass.gov/ethics.

3. May Do: Elected and Appointed Policy-making Public Employees and Ballot Questions

Elected public employees, and appointed policy-makers, have more leeway under the conflict of interest law to take certain actions regarding ballot questions than do non-policy-makers. The reason for this is that part of the role of elected public employees and policy-makers is to inform and guide public debate on public issues.

For example, on the municipal level, municipal police chiefs, fire chiefs, library directors and school superintendents, although appointed, serve in policy-making positions and are customarily expected (if not required) to take positions on matters within the purview of or affecting their respective agencies. A police or fire chief is expected to take a position on whether a new public safety building is needed. A library director is expected to have a view on whether the public library should be expanded. A school superintendent is expected to recommend to the School Committee and the town's voters whether the public high school should be renovated or replaced. Therefore, by taking these actions, these policy-making public employees do not obtain or confer any unwarranted privileges of substantial value in violation of Section 23(b)(2)(ii).

By contrast, rank and file police officers and firefighters, public school teachers, and librarians serve in non-policy-making positions, and it is not part of their responsibilities to use public resources or their official positions to inform and guide the public discussion on these issues (although they may of course do so as private citizens).

The extent to which elected public employees and policy-makers may use their official positions and public resources to make statements about ballot questions depends upon the positions they hold. Specifically, elected officials and appointed policy-makers may take official actions concerning ballot questions relating to their particular areas of official responsibility. They may also use public resources to inform the public, as opposed to for purposes of advocacy, without violating the conflict of interest law.

The conflict of interest law does not define the scope of a public employee's official responsibility. Such scope may be defined by applicable statute, precedent, bylaw, job description or practice. For example, the official

responsibility of a state agency commissioner may be defined in the agency's enabling law. The official responsibility of a police chief may be defined by state statute, local ordinance or bylaw, or employment contract. Because the conflict of interest law does not define it, the Commission's Legal Division will not advise on the scope of a public employee's official responsibility and will refer the employee to agency or municipal counsel for a determination as to whether the public employee is in a relevant policy-making position with respect to a particular ballot question. Municipalities vary in how they define the official responsibilities of particular positions. For instance, one city may want its police chief to take public positions on renovating a public safety building, while another may draft its chief's employment contract to include a provision forbidding her from doing so.

Below are some examples of actions that elected officials and policy-makers may take with respect to ballot questions, consistent with the conflict of interest law.

Example: A question concerning school aid will be on the statewide ballot at the next election. A School Committee may discuss the question at its own meetings and at informational meetings sponsored by a public or private group. It may invite or permit ballot question committees to address its meetings, or to use public buildings for meetings, provided that the invitations and permissions are made in accordance with a policy of equal access for all viewpoints. It may vote to take a position on the ballot question, and issue an official statement reporting that position. It may also use any means by which official actions are usually reported (such as posting on real and virtual bulletin boards and on websites, and broadcasting public meetings via local public access cable television) to distribute information about their position. In reporting its position, the School Committee should only provide factual information and not engage in advocacy.

Example: A question concerning legalizing medical use of marijuana will be on the statewide ballot at the next election. The Colonel of State Police, acting in her official capacity, may assign her staff to use paid work time to analyze the impact of this proposal on agency operations. In her official capacity, on behalf of the State Police and without any compensation apart from her State Police salary, the Colonel may also: provide the resulting analysis to persons requesting it or attending public meetings of the agency or visiting its office; post the analysis on a governmental bulletin board or website, provided that it does not advocate for or against the ballot question; hold an informational forum, or participate in such a forum held by a private group; and communicate with the press concerning the ballot question and its potential impact on the State Police, but only in a manner and to a degree consistent with the established practices of the State Police. The conflict of interest law forbids the Colonel from doing any of these things for pay apart from her State Police salary; she may not be paid by a ballot question committee to do the actions listed in this example.

Beyond this limited non-advocacy activity directed at *informing* the public (including the fact of their own position for or against a ballot question), elected officials and appointed policy-makers may not use public resources for election-related political purposes (except only to the limited extent allowed to elected officials as explained in Section 4 below). Thus, neither an individual appointed policy-maker nor a board comprised of such employees may use their individual titles or their board name in a political advertisement in favor of or against a ballot question. No public employee may use public resources to send out a mass mailing, place an advertisement in a newspaper, or distribute to voters, directly or through others, such as school children, a flyer concerning the substance of a ballot question.

By contrast, while elected officials may not use their board or agency name in such advertisements, they may use their individual titles, see Section 4 below.

4. May Do: Election-Related Political Activities in which Only Elected Public Employees May Engage

Elected public employees have greater latitude under the conflict of interest law to engage in certain election-related political activities than do appointed public employees, even those holding policy-making positions. This is in part because elected public employees are generally elected to perform the functions of their office rather than to provide a required number of hours of service in exchange for compensation, and in part because elected public employees normally must participate in election-related political activities in order to continue in their elected positions. For that reason, elected officials do not obtain or confer unwarranted privileges of substantial value by engaging in such activities, and therefore do not violate Section 23(b)(2)(II) of the conflict of interest law.

Most elected public employees are not legally required to work a minimum number of hours per week or a specified work schedule, or to maintain fixed office hours. This category of elected officials, which includes most holders of state, county and municipal elected offices, are not required to take time off from their public positions in order to campaign for reelection or for election to a new office, or to confine their campaigning to nights and weekends. Thus, an elected public official who does not have required public work hours is not prohibited by the conflict of interest law from campaigning for reelection, or for or against a ballot question, during the hours in which he typically or normally performs his public duties, or during what would otherwise be considered "normal business hours."

Elected public employees are also not prohibited by the conflict of interest law from referring to or identifying themselves by their official titles in campaigning for reelection or for election to new office, as well as in political fundraising activities, whether for themselves or others. Similarly, elected public employees are not prohibited from identifying themselves by their individual official titles in endorsing other candidates for elected office, and in supporting or opposing ballot questions.

Finally, elected public employees are not prohibited by the conflict of interest law from, in their official capacity, either individually or as a governmental body (such as a Board of Selectmen, City Council or School Committee) stating their viewpoints and positions on ballot questions regardless of the subject matter of the ballot questions. However, unlike with ballot questions, elected boards and other elected governmental bodies may not as a body endorse or oppose candidates for offices elected by the voters.

5. Non-Election-Related Political Activity: What Public Employees May and May Not Do

Not all political activity involves elections. Political activity may involve matters which will not be decided by election, or which will occur before any election has been scheduled. Examples of such political activity includes supporting or opposing town meeting warrant articles, municipal bylaw changes, and the other types of decisions set forth in the Introduction to this Advisory.

The prohibition of Section 23(b)(2)(ii) of the conflict of interest law against the use of official position to obtain or confer unwarranted privileges of substantial value applies to non-election-related political activity as well as to election-related activity. As with election-related activity, the applicable restrictions depend upon the

particular public position that a person holds. This section of this Advisory describes the restrictions on non-election-related political activity under the conflict of interest law.

It is important to note that once an election is scheduled (or, in some cases, even just anticipated) concerning a matter, political activity relating to the matter will be deemed to be election-related political activity and a public employee's involvement in such activity will be subject to the greater restrictions described above in the sections of this Advisory concerning election-related political activity. Most importantly, election-related political activity is subject to the restrictions of the campaign finance law and the public employee wishing to participate in such activity must observe those limits. Any action prohibited by the campaign finance law will generally be considered "unwarranted" for purposes of Section 23(b)(2)(ii). A public employee who is uncertain about the restrictions imposed by the campaign finance law should consult OCPF.

A. Appointed Non-policy-making Public Employees

Appointed public employees who do not hold positions in the top management level of their agencies and do not make policy for their agencies are barred by the conflict of interest law from engaging in non-election-related political activity in their official capacity or during their public work hours. The only exception to this is if the employee is authorized and directed by a superior elected or appointed policy-making public employee with the authority to engage in non-election-related political activities concerning matters within the purview of his agency to participate in such activities in support of the superior's own lawful political activity.

Example: A non-policymaking public school teacher may not, during her school work hours, prepare, produce and distribute to municipal officials and residents a flier in support of a new public school, or hold a sign in front of the school supporting the construction of a new school, or attend meetings of a grass roots group supporting the construction of a new school. She also may not use her school email or computer to send out a mass message supporting the construction of a new school, or use her school website to advocate for the construction of a new school.

Example: A rank and file police officer or firefighter may not, while on duty or in uniform, hold a sign supporting the construction of a new public safety building, and may not allow his or her official title and rank to be used in an advertisement, flyer or other materials distributed in support of the new building.

However, participation in non-election-related political activities is not prohibited where it is duly authorized by a superior elected or appointed policy-making public employee with the authority to engage himself in such activities concerning matters within the purview of his agency, as set forth in Subsection B below.

Example: A Superintendent of Schools may authorize and direct subordinates to engage in non-election-related political activities in favor of a new school in furtherance of the superintendent's own lawful advocacy for the new school as an appointed policy-maker acting within the purview of his own agency. The subordinates engaging in those activities, as lawfully authorized and directed by the Superintendent, do not violate the law. By contrast, the Superintendent may not authorize or direct subordinate employees to engage in non-election related political activities in favor of a new public safety building, as that would not be a matter within the purview of the school department, and not an activity in which the Superintendent himself could legally engage.

B. Appointed Policy-making Public Employees

Just as appointed policy-makers have more leeway to take positions on election-related matters within the purview of or affecting their respective agencies, they also have more leeway to take such actions with respect to non-election-related matters. This is because a policy-maker's use of his official title, public work time and other public resources for that purpose, if within the purview of or affecting his agency, is within his responsibilities and therefore not unwarranted under Section 23(b)(2)(ii).

Example: A police chief may, in his official capacity and during his public work hours, support, and seek to convince the town meeting or the city council to support, the construction of a new public safety building. The chief may write a letter to the editor of a local newspaper in his capacity as chief advocating for a new public safety building, allow his name and official title to be used in a newspaper advertisement supporting the construction of a new public safety building, and advocate as chief for a new public safety building on the police department's website. He could also, while on duty and in uniform, attend meetings of public boards or visit public officials in their offices in order to advocate for a new public safety building, or telephone, email or otherwise correspond for the same purpose. He could use his subordinates' work time and department funds (if consistent with the department's budget and municipal policy) to prepare and distribute a flyer supporting the new public safety building.

These principles apply to all persons holding appointed policy-making positions, including appointed municipal board members, regarding non-election-related political activities concerning matters *within their official responsibility*. A police chief **may not**, in his official capacity, engage in similar activities in support of the construction of a new public school or library, as those matters are not within the purview of the police department. Similarly, a public schools superintendent may, in her official capacity, seek to convince the municipal government, including the town meeting, to support a new public school, but not to support a new public safety building or public library, which are outside of the purview of the school department.

C. Elected Officials

Elected officials are presumed to hold policy-making positions and, thus, may engage in the same non-election-related political activities as public employees in appointed policy-making positions. In addition, because they hold their positions by popular vote, elected officials are not required to limit their non-election-related political activities to matters within their respective official responsibilities or within the purview of their own agencies. An elected official generally may, in his official capacity, engage in non-election-related political activities concerning any matter. If, however, an elected official has specific paid work hours, he may engage in such activity during his public work hours only as to matters within his official responsibility or his agency's purview.

Finally, once a matter is anticipated to be or is placed on the ballot for decision by the voters at an election, political activity relating to the matter will be deemed to be election-related political activity and a public employee's involvement in such activity will be subject to the greater restrictions described above in the sections of this Advisory concerning election-related political activity. Election-related political activity is regulated by the campaign finance law, and activity prohibited under that law will generally be impermissible under the conflict of interest law.

Disclaimer

This Advisory Supersedes Advisory 84-01: Political Activity.

This Advisory is intended to summarize the State Ethics Commission's advice concerning compliance with the conflict of interest law and is informational in nature. It is not a substitute for advice specific to a particular situation, nor does it mention every aspect of the law that may apply in a particular situation. Public employees can obtain free, confidential advice about the conflict of interest law from the Commission's Legal Division by submitting an online

request (/how-to/request-advice-about-how-the-conflict-of-interest-law-applies-to-you) on our website, by calling the Commission at (617) 371-9500 and asking to speak to the Attorney of the Day, or by submitting a written request for advice to the Commission at One Ashburton Place, Room 619, Boston, MA 02108, Attn: Legal Division.

[1] Detailed information on the inclusion of official position information on nomination papers and election ballots may be obtained from the Office of the Secretary of the Commonwealth concerning state and county elections and from the city or town clerk concerning municipal elections.

REFERENCED SOURCES:

2011 Ethics Commission Rulings (<https://www.mass.gov/files/documents/2016/08/vw/2011-rulings-final.docx>)

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INTERPRETIVE BULLETIN

**Activities of Public Officials
in Support of or Opposition to Ballot Questions**

This office frequently is asked about the extent to which public officials may act or speak in support of or in opposition to a question submitted to the voters.

In general, officials may undertake various official actions that concern ballot questions relating to matters that are within their areas of authority, such as voicing their opinions, holding or attending meetings and making information available to the public. Officials should not, however, use public resources to engage in a campaign to influence voters concerning a ballot question, for example by authorizing a publicly funded mass mailing to voters or using city or town resources to support or oppose a ballot question.

This Interpretive Bulletin addresses restrictions on the use of governmental resources for political purposes under the campaign finance law, M.G.L. c. 55. It is important to note, however, that a separate statute, the Massachusetts conflict of interest law, M.G.L. c. 268A, also restricts public employees' use of governmental resources. In some cases, the conflict of interest law prohibits activity not addressed by the campaign finance law. Public officials should ensure that their activities comply with both statutes. The conflict of interest law is enforced by the State Ethics Commission, and questions regarding the conflict of interest law should be directed to that office.¹

In *Anderson v. City of Boston*, 376 Mass. 178 (1978), appeal dismissed, 439 U.S. 1069 (1979), the Supreme Judicial Court ruled that public resources may not be used to influence voters concerning a ballot question.

In accordance with the *Anderson* decision, OCPF has consistently advised that governmental entities may not contribute or expend anything of value in support of or opposition to a ballot question,

¹ The Ethics Commission has issued Advisory 11-1 "Public Employee Political Activity," which is posted on the Commission's website at <http://www.mass.gov/ethics/education-and-training-resources/info-section-7/advisories/advisory-11-1.html>. The Ethics Commission can be reached at 888-485-4766 or 617-371-9500.



whether it is on the statewide ballot or placed before voters in a single city or town.² See OCPF Interpretive Bulletin IB-91-01 and advisory opinions cited therein for more specific guidance on activities that fall under this prohibition. In addition, public resources may not be used to distribute even admittedly objective information regarding a ballot question unless expressly authorized by state law. See IB-91-01.

Anderson, however, does permit public officials to act and speak regarding ballot questions, subject to certain limitations. As the Anderson court noted with apparent approval:

At oral argument, the plaintiffs conceded that the mayor and persons in relevant policy-making positions in . . . government are free to act and speak out in support [of a ballot question]. *Id.* at 199 (emphasis added).

In short, the decision reflected a recognition that if officials were prohibited from stating their positions regarding a ballot question related to their official responsibility, such a prohibition would unnecessarily (and probably unconstitutionally) restrain such officials from carrying out the duties of their offices.

Nevertheless, OCPF always advises caution on the part of officials to avoid the appearance of improperly using public resources to support or oppose a ballot question. In Anderson, the court indicated that the campaign finance law reflects an interest "in assuring the fairness of elections and the appearance of fairness in the electoral process." 376 Mass. at 193. In general, officials should be aware that some of their actions or comments may be viewed unfavorably by those who oppose their positions, even if those actions are not specifically prohibited by the campaign finance law. On the other hand, members of the public who may question an official's conduct or comments concerning a ballot question should be aware that, as noted by the court in Anderson above, an official has the right to voice his or her opinion on a public policy issue, including a ballot question. Objections to the speech or actions of officials concerning a ballot question are sometimes based not on the law, but on other considerations that are beyond the scope of OCPF's jurisdiction.

This bulletin provides more specific guidance regarding the scope of such permissible activities concerning a ballot question, but it cannot be seen as encompassing all situations that might arise. OCPF is aware that ballot questions, especially those concerning Proposition 2 ½ overrides and debt exclusions, are often contentious issues. Given the limited treatment of this issue in Anderson, and the absence of relevant statutory provisions, questions and issues not addressed or reflected in this bulletin will continue to be raised regarding the extent to which officials may speak or act regarding ballot questions in a manner consistent with Anderson. Those who have questions not addressed here may contact OCPF for advice.

I. Permissible Official Activity by Public Officials

In general, a public official may comment regarding a ballot question. In addition, a public official may take certain actions regarding a ballot question, if the actions are consistent with his

² Anderson generally does not address or restrict activities of officials concerning town meeting. There may be some limitations, however, in the case of a ballot question that is also the subject of a town meeting, such as a Proposition 2 ½ override. See IB-91-01.

official responsibilities.³ An official may therefore address an issue or advocate a position regarding a ballot question that may affect the official's agency or which relates to a matter within the scope of his agency's enabling legislation. See AO-02-03.

On the other hand, if an official could utilize governmental resources to promote or oppose a ballot question, the fundamental prohibition set forth in Anderson would be meaningless. While voters have the right to know an official's position, they also have the right to expect that their tax dollars will not be used for political purposes, whether to support the election of a candidate or to gain approval of a question put before voters. Therefore, officials may not use public resources in an attempt to promote or oppose a ballot question, e.g., by placing an advertisement in a newspaper urging a "yes" or "no" vote on the question, or by conducting a mass mailing of flyers urging a yes or no vote on a question or by distributing such a flyer through students at a public school.

In general, officials are prohibited from using any publicly funded publications, including newsletters, to influence voters concerning a ballot question. Such materials may be prepared, but they may not be sent unsolicited to voters.

Even with these restrictions, however, public officials may act or speak regarding ballot questions in a number of ways without violating the campaign finance law. Notwithstanding the Anderson restrictions, a public official may:

A. Discuss a ballot question, including at meetings of a governmental entity or at informational meetings of private groups. Officials may discuss a ballot question at any time, including at an official meeting of a governmental body, such as a board of selectmen or school committee, or at informational meetings sponsored by a private group. Although sometimes a person may complain that the statements made by officials at such meetings are inaccurate or inappropriate, the accuracy or appropriateness of officials' statements is not an issue under the campaign finance law.

B. Take a position on a ballot question. Officials may endorse, or vote as a body to endorse, a ballot question, and may issue statements supporting or opposing a ballot question. However, the distribution of such statements should be restricted to such usual methods as posting on a bulletin board or a press release, not in a manner restricted by Anderson as noted below. The fact that a ballot question is discussed or a vote is taken does not make an official meeting a "political event" and therefore does not trigger an equal access requirement for the use of the meeting room or inclusion on the agenda of the meeting. See AO-95-33 (selectmen may discuss ballot question at meetings, respond to inaccurate or misleading statements and post a statement on town hall bulletin board) and AO-00-19 (selectmen may endorse candidate or ballot question).

³ It is worth noting, however, that *elected* officials have considerably more leeway than *appointed* officials. An *elected* official may speak about a ballot question at any time, even if the ballot question is not within the official's area of responsibility. In contrast, an *appointed* official may speak regarding a ballot question during work hours only if the question relates to a matter within the scope of the official's area of responsibilities. In addition, an appointed official may not appear at a political committee's campaign function to promote or oppose a ballot question during working hours. The appointed official may attend the event during non-working hours. An elected official, however, may attend such an event at any time.

C. Analyze the impact of a ballot question. An official may conduct an analysis of a ballot question's impact on agency operations or assign staff to conduct such an analysis, provided the question would affect the official's area of responsibility or agency. For example, a police chief may prepare an analysis of the effect of a Proposition 2 ½ override that would fund his department; if the question concerned the school budget only, however, such a use of police department resources would run counter to Anderson. The results of such analysis would be considered a public document and could be made available to the public upon request, but should not be prepared or distributed in a manner inconsistent with the next section. The official may not conduct a study primarily to aid the proponents or opponents of a ballot question.

D. Provide copies of the agency's analysis of and/or position on a ballot question, or other public documents, to persons requesting copies or to persons attending public meetings of a governmental entity. An official may distribute information containing the official's position on a ballot question or the agency's analysis to persons requesting such information, and may make a reasonable number of copies available to persons attending an official meeting (such as a public forum) of a governmental entity. However, even if the study is a public record, it may not be mailed or distributed, beyond those who attend such a meeting or request such information, to voters or a class of voters at public expense without express statutory authorization. See IB-91-01. A copy may be made available to an individual or group and may be reproduced with private funds and distributed by individuals or political committees, if such distribution is disclosed in accordance with the campaign finance law. Officials should not provide an excessive number of copies to a private group, political committee, or individual, for mailing or any other type of distribution.

E. Hold an informational forum, participate in a forum held by a private group, and distribute a notice of the forum. An official or agency may hold an informational forum concerning a ballot question, or participate in a forum sponsored by a private group. As noted above, the campaign finance law generally does not cover the content of public meetings. If the governmental agency distributes a notice of a forum, however, such a notice may not discuss the substance of the ballot question or contain an argument for or against the question. For example, it may announce the date, time and location of the forum, but it may not contain a discussion of the reasons for supporting or opposing the ballot question.

F. Speak to the press. An official may speak to the press regarding a ballot question that concerns a matter within the official's area of responsibilities. An official may also respond to or direct staff to respond to questions from the press or the public about the official's position on such a ballot question. See AO-92-32. Officials should contact OCPF before a press release is prepared or distributed using public resources.

G. Post information on a government bulletin board or Web site. Information or endorsements by governmental entities or other information regarding a ballot question that are public records may be posted on a town's Web site or bulletin board. See AO-00-12. Further use of the governmental web site or the Internet for a more political purpose, such as unsolicited e-mails to voters asking for their support, should be avoided.

H. Allow private groups to use a public building for a meeting concerning a ballot question. In *Anderson* the court stated that the political use of certain government resources, such as facilities paid for by public funds "would be improper, unless each side were given equal representation and access." Accordingly, ballot question committees, or other groups that support or oppose a ballot question, may use areas within public buildings that are accessible to the public (i.e., not private offices) for meetings if each side is given equal access. See AO-90-02. "Equal access" does not mean that the other side must be invited to attend a meeting. It means that both sides may, upon request, use the same space for separate meetings on the same terms and conditions. It is important to remember, however, that fundraising relating to the ballot question may not take place at such a meeting. See M.G.L. c. 55, § 14 (prohibiting any demand, solicitation or receipt of money or other things of value for any political campaign purpose in any building or part thereof "occupied for state, county or municipal purposes").

I. Appear on cable television. The fact that an official may, as described above, discuss or take a position on a ballot question is not altered if such an action is broadcast on local access cable television. In addition to speaking at public meetings that may be broadcast, an official may appear on a local cable or broadcast television or radio show, during work hours if applicable, to discuss a ballot question that relates to a matter within the scope of the official's area of responsibilities. During the course of the official's appearance on the show, the official may state that he or she supports or opposes the ballot question. See AO-02-03. Questions concerning content of cable television programming and the use of cable television by municipalities should be directed to Cable Television Division of the state Department of Telecommunications and Cable at (617) 305-3580.

J. Distribution of information advising voters of election. Officials may distribute a notice (either in printed or electronic form, or by automated phone calls) to advise voters of an upcoming vote, such as a notice of the time, date and place of a municipal election. Also, such information may include a brief neutral title describing the ballot question, and the text of the ballot question. Extreme care should be taken to avoid any comment on the merits of a ballot question or the appearance of advocacy. See AO-07-03.

K. Use of a newsletter to inform persons of how they may obtain information regarding a ballot question. Although an official may not use a newsletter mailed or emailed to recipients using public resources to distribute information or advocacy regarding a ballot question, the official may use such a newsletter to let recipients know how they can get such information from the municipality or other governmental agency. For example, a newsletter may advise persons that they can visit a school district's website to obtain information relating to an override, or may provide a link to such a website. The newsletter should not, however, be used to provide a link to a ballot question committee's website, or to provide information on how persons may contact a ballot question committee.

II. Private activity by officials

The examples listed above concern an official's actions while using some type of public resource, i.e., staff time or material, to promote or oppose or otherwise influence a ballot question. The *Anderson* opinion applies to the use of such public resources, but does not extend to the use of privately-funded resources. A person's status as a public official does not preclude him or her from engaging in political activity when not at work, including activity supporting or opposing a ballot

question. The campaign finance law does not prohibit officials from acting or speaking in favor of or in opposition to a ballot question on an individual basis on their own time. It is important to keep in mind, however, that appointed, paid public employees may not, be involved *at any time* in fundraising to support or oppose a ballot question. See M.G.L. c. 55, § 13, which state that public employees may not "directly or indirectly solicit or receive" any contributions of anything of value for any political purpose. For more information regarding restrictions on fundraising, see OCPF's *Campaign Finance Guide: Public Employees, Public Resources and Political Activity*.

Specifically, public officials may, on their own time:

A. Serve on a ballot question committee or perform services for such a committee. An official may, on his or her own behalf, perform services or serve as a member of a political committee, or hold any committee position, aside from treasurer or any other position that involves fundraising (if the official is appointed as opposed to elected, as noted above). In addition, as discussed below, some activities of public officials acting or speaking in favor of or opposition to ballot questions may raise issues relating to the conflict of interest law, M.G.L. c. 268A, which is enforced by the State Ethics Commission.

B. Contribute to a ballot question committee or make expenditures to support or oppose a ballot question. An official may use his or her own personal funds to contribute to a ballot question committee or otherwise to support or oppose a ballot question. There is no monetary limit to such contributions or expenditures.

This bulletin provides general guidance. To ensure compliance with the campaign finance law, OCPF strongly encourages officials to contact this office if they are in doubt regarding the scope of permissible involvement in ballot question campaigns.

If you have any questions or need further information regarding this interpretive bulletin or any other campaign finance matter, please call OCPF at (800) 462-OCPF or (617) 979-8300. The office's web site, www.ocpf.us, provides additional guidance on this and other campaign finance topics.

 2/25/15
Michael J. Sullivan
Director

CAMPAIGN FINANCE GUIDE

*Public Employees, Public Resources
and Political Activity*



Office of Campaign and Political Finance
Commonwealth of Massachusetts

The Office of Campaign and Political Finance ("OCPF") is an independent state agency that administers Massachusetts General Laws Chapter 55, the campaign finance law. Included in Chapter 55 are sections governing the role of public employees, public buildings and other public resources in campaigns. This brochure is intended to provide guidance to public employees and officials, political candidates and committees and other parties on the application of these sections of Chapter 55 to campaigns.

This publication is only meant to be an introductory guide to the campaign finance laws governing public employees, buildings and resources, not a substitute for these laws. OCPF is available to help public employees, officials and campaigns comply with the provisions of this statute. It is the responsibility of all those participating in political activities in Massachusetts, especially all public employees, to become familiar with the provisions of these laws. In addition, other statutes, regulations or administrative policies of your agency or department as well as local charters may regulate the activities of a public employee. You should, therefore, review plans for political activity with your agency or town counsel.¹ Violations of the law carry serious penalties of fines, imprisonment or both. For additional information, please contact OCPF at the phone numbers or address listed on the back cover of this guide.

¹ The guide addresses issues concerning Massachusetts public employees only. Federal employees and employees of a state, county or municipal agency that receives federal funding may have additional restrictions under the federal Hatch Act. For more information on the Hatch Act consult the U.S. Office of the Special Counsel in Washington at (800) 85-HATCH (800-854-2824).

Office of Campaign and Political Finance

Chapter 1173 of the Acts of 1973 strengthened the state campaign finance laws and established the Office of Campaign and Political Finance. While the 1970s saw a push for reforms in campaign finance disclosure laws all across the country, portions of the campaign finance law were on the books in Massachusetts as early as 1884. Those laws provide for restrictions on and protections for public employees as well as the political use of public buildings.

OCPF administers sections 13 through 17 of M.G.L. Chapter 55. These laws concerning public employees' political activity were designed to:

- o Protect public employees from being coerced into providing political contributions or services in their employment;
- o Protect individuals doing business with the public sector from being coerced into contributing to any political fund or rendering any political service; and
- o Separate governmental activity from political campaign activities.

This guide provides a summary of M.G.L. Chapter 55, Sections 13 through 17 and is divided into three sections: Public Employees; Public Buildings and Public Resources. The complete text of these laws can be found at the end of this guide, following Frequently Asked Questions.

I. Public Employees

Section 13: Soliciting and Receiving Contributions

M.G.L. Chapter 55, Section 13 prohibits paid state, county, city or town employees, other than elected officials, from directly or indirectly soliciting or receiving any contributions or anything of value for any political purpose. "Political purpose" includes fundraising activity on behalf of any candidate or political committee, including parties, PACs, people's committees (an offshoot of PACs) and ballot question committees on any level – local, state or federal.

This prohibition applies to:

- o public employees at any time – during both working and non-working hours. The prohibition also has no geographic restriction: a public employee may not solicit or receive funds in any location, not just his or her own community.
- o paid employees of any state, county or municipal office or agency, including public authorities, boards and commissions.
- o part-time as well as full-time public employees. The law establishes no threshold level of hours worked or pay earned.
- o appointed, paid members of public boards (including municipal committees). If a member of a public board or commission receives a stipend of any amount, he or she is considered a public employee. Reimbursement for expenses is not considered compensation and does not by itself define a person as public employee under Section 13.

Elected officials may receive compensation, but they are not subject to the prohibitions of Section 13. If an elected official is also an appointed public employee, however (such as a selectman who is also employed by the Commonwealth), the public employee status overrides the elected official's exemption and the individual may not solicit or receive contributions for political purposes.

This prohibition does **not** apply to:

- o a person who is not compensated for his or her work for a public entity. (Employees or board members who voluntarily decline their pay or stipend, however, are still bound by the restriction).
- o a public employee who is raising money for humanitarian, charitable or educational causes. Only political fundraising falls under Section 13. Nonpolitical fundraising should be approved by an employee's supervisor and, if appropriate, the State Ethics Commission.
- o A former public employee who is retired. Though they may draw a pension check, workers retired from public employment are not considered public employees under Section 13.

Examples of **PROHIBITED** fundraising activities by public employees include:

- o Selling or distributing tickets for a fundraising event to benefit any political candidate or political committee and soliciting attendance at such an event by telephone or otherwise;

- o Otherwise asking for contributions to support any candidate or political committee (federal, state, county or local) or a ballot question;
- o Hosting a political fundraising event;
- o Accepting donations or payment for admission at a political fundraising event or accepting money at the door of a political fundraising event;
- o Signing a fundraising letter or advertisement on behalf of a candidate or political committee;
- o Permitting your name to be listed on campaign stationery as an officer, member or supporter, if the stationery is used to solicit funds for a political purpose;
- o Providing persons raising money for a candidate or committee with the names of individuals who would then be solicited;
- o Providing general or specific advice to a political campaign with regard to fundraising strategies.

Despite the restriction on political fundraising, public employees may engage in a variety of other campaign activities without violating the provisions of section 13.

Examples of **ALLOWABLE** activity include:

- o Making a contribution to a candidate or political committee or attending a political fundraiser;
- o Serving as a member of a political committee or holding any committee position, aside from treasurer or any other position that involves fundraising;

- o Performing any service for a campaign that does not involve fundraising, such as holding signs, stuffing envelopes, signing endorsement letters (as long as those letters do not also ask for money) or working at political fundraisers in a non-fundraising capacity, such as setting up tables or preparing food, not collecting money at the door.
- o Meeting with anyone, including other public employees, for political purposes, as long as no fundraising activity takes place;
- o Raising money for humanitarian, charitable or educational causes or other issues not related to elections.

Public employees may also run for public office. If, however, you are a public employee and you plan to raise money as part of your campaign for public office, you **must** organize a political committee and have the political committee handle all fundraising activities for you.

A public employee who is a candidate may not even solicit or receive contributions for the committee organized on his or her behalf. Rather, the employee must refer all questions about fundraising, including offers of contributions, to the committee. In addition, a committee organized on behalf of a public employee may **not** solicit or receive any contribution from any individual who has an interest in any matter in which the public employee candidate participates, is an employee of the candidate or is otherwise the subject of such employee's official responsibility. For example, the appointed head of a state agency who runs for public office may not solicit or receive contributions from any employee at that same agency, since its employees are the subject of the public employee candidate's official responsibility.

Section 15 Contributions by Public Officials

Section 15 prohibits bribes or any “quid pro quo” payments to public officials, but allows all elected and appointed public officials of the Commonwealth, a county or a city or town to make political contributions to any candidate or political committee.

Sections 16-17: Coercion or politically related job actions

Various sections of the campaign finance law protect public employees and those in the private sector from being forced to contribute to or otherwise support a political candidate or committee. Likewise, the law also protects employees from being subject to retribution from their employers for not supporting a candidate or political committee.

Section 16 protects public employees from being required to make contributions or render political services in exchange for their employment, and protects them from retribution for failing to do so.

Section 16A protects individuals doing business with the Commonwealth from having to render a political service or make a political donation in exchange for doing business with the state.

Section 16B protects any employee, public or private, from being forced to contribute or render service to a political candidate or committee. (Employees of a political campaign are, understandably, not covered by this section.)

Section 17 provides additional protection against retribution to a public employee or officer who fails to give or withholds a contribution or who contributes to an opposition candidate or cause.

II. Public Buildings

M.G.L. Chapter 55, Section 14 prohibits **anyone** from soliciting political contributions in a building occupied for state, county or municipal purposes. The prohibition applies to all public employees, elected and appointed officials, members of the general public and anyone else who enters a public building. Fundraising activity for any candidate or political committee – federal, state, county or local – is not allowed.

The following activities may not take place in a public building:

- o asking for or receiving contributions to *any* political committee or candidate;
- o using a public building as a return address for contributions or using a phone number in the building as a contact for buying tickets to a fundraiser;
- o posting an advertisement or a circular selling tickets to a fundraiser or otherwise seeking contributions.

The Section 14 prohibition applies to such buildings as the State House, city and town halls, public schools, police and fire stations, municipal and county offices, offices of public agencies, commissions and authorities, public works facilities and senior centers. Clubhouses and other buildings at a publicly owned golf course would also be subject to the prohibition if the facility were staffed by public employees. If the facility is run for the state, city or town by a private contractor using private employees, the Section 14 prohibition likely would not apply. Contact OCPF for further guidance on fundraisers at publicly owned golf courses.

A building does not have to be publicly owned in order to be “occupied for state, county or municipal purposes” under

Section 14. Even a building that is privately owned but occupied by government offices is considered a public building for the purposes of the campaign finance law. If only a portion of a private building is made up of government offices or facilities, those sections are subject to the fundraising restriction, but not any sections occupied by private employers or common areas such as the lobby.

Please note that Section 14 applies only to public **buildings**, not public property such as parks, streets and other common areas. Property owned by a public entity such as the state, a city or a town may be used for fundraising to the extent allowed by the owner. Such access, however, must be consistently available to all political candidates and committees; if one candidate may have a fundraiser at a certain public park, all other candidates must be granted use of the park under the same terms and conditions if they request it (they do not all have to be notified of its availability). On the other hand, the campaign finance law does not prevent a public entity from adopting a policy denying use of its property for any political fundraising, as long as that policy is consistently applied.

The Section 14 restriction applies to political fundraising only. For guidance on use of public buildings for other political activities, see the following section, *Public Resources and Campaigns*.

If you are unsure whether Section 14 applies to a particular building, contact OCPF for guidance.

III. Public Resources and Campaigns

In *Anderson v. City of Boston* (1978), the state's Supreme Judicial Court prohibited a municipality from spending public money to try to convince voters to support a statewide ballot question. The court ruled that public resources may not be used to support or oppose a ballot question. The office has applied this principle to prohibit the use of public resources for any political campaign purpose whatsoever. Public employees, as well as other persons, are prohibited from using any public resources for political campaign purposes, including the promotion of a candidate or any political committee or party.

"Public resources" are defined as anything that is paid for with public money, whether raised through taxes or fees. This definition includes:

- o Staff time: When public employees are on the job, they are prohibited from engaging in political campaign activity. This includes activities such as holding campaign signs, stuffing or addressing envelopes with campaign literature, or in any way soliciting votes or funds for political purposes. **In addition, paid appointed public employees are prohibited from political fundraising at any time, whether at work or not.**
- o Office and other equipment: Copy machines, fax machines, typewriters, telephones, computers, cars and trucks are some examples of taxpayer funded equipment that fall under this category.
- o Public buildings: Using a public building or any part thereof for political campaign purposes is prohibited, **unless** equal access to the building is provided to any group wishing to use it, under the same terms and conditions as all other groups. **Under no circumstances** may any political fundraising go on in a public building or

any part of any building occupied for a state, county or municipal purpose.

- o State, county or municipal seals: Public seals are considered public resources and may not be used for political campaign purposes. This means using public seals on items such as letterhead or envelopes for political campaign purposes is prohibited.

What are "political campaign purposes"?

In the context of M.G.L. Chapter 55, "political campaign purposes" are broadly defined and include promoting or opposing a candidate's nomination or election to public office or a political party office such as a state, ward, town or city party committee; promoting or opposing a vote on a ballot question; or aiding, promoting or antagonizing the interests of a political party.

"Political campaign purposes" does not include issues that are not on the ballot, and does not include lobbying boards or other political bodies. An expenditure made primarily to influence a legislative body or town meeting, not a ballot question, is not prohibited by the *Anderson* decision. For example, a municipal department could use public resources to ask voters to support an article on the town meeting warrant; the department could not use such resources to support a question on the election ballot.

As noted above, public buildings may be used for political purposes in some limited circumstances. Political committees may hold meetings in a town hall or school as long as equal access is provided: all such committees have the same opportunity to use the building, or no such groups may do so. The principle of equal access also applies to candidates and political committees campaigning or seeking signatures on a petition in a public building: as long as equal access is provided,

there is no violation of the campaign finance law. The public entity owning the building may, consistent with the campaign finance law, set a policy regarding access, as long as it is applied evenly. Remember, despite any equal access that is provided, the prohibition against soliciting or receiving political contributions still applies; any use that is allowed may not involve fundraising.

May public officials take positions on ballot questions?

Public resources may not be used to prepare or distribute materials which promote, oppose or otherwise seek to influence a ballot question.

However, if policy-making public officials were not allowed to discuss officially or to take positions on ballot questions that affect the public they serve, they would be hampered in that service. Therefore, policy-making officials may discuss officially ballot questions that affect their agencies or a segment of the population which their agencies serve. Policy-making officials include elected officials, commissioners, cabinet secretaries, and department and agency heads at the state, county and municipal levels.

In addition, policy-making public officials may use resources of their offices -- within limits and under certain circumstances -- to prepare analyses of ballot questions, answer questions regarding ballot questions, and direct staff to help prepare such materials. They are not, however, allowed to distribute such materials to voters or a class of voters at public expense.

It is also important to note that the Secretary of the Commonwealth's Elections Division has advised that public officials may not publish and distribute so-called "voter information" materials, even if they are truly impartial, at public expense unless state statute expressly authorizes it.

OCPF has prepared several pieces of informational material concerning the use of public resources and the *Anderson* decision. For more information on the rights of or limitations on public policy making officials and the distribution of voter information, see:

- o Interpretive Bulletin **IB-91-01**, "The Application of the Campaign Finance Law to the Use of Governmental Resources for Political Purposes."
- o Interpretive Bulletin **IB-92-02**, "Extent to which Appointed and Elected Officials May Act or Speak in Support of or Opposition to Ballot Questions."

Elected incumbents are also allowed, in certain circumstances, to use public resources to respond to criticism from election opponents concerning their job performance or the state of their offices. For example, an incumbent whose opponent charges he is mismanaging public money could commission a budget review within his office to respond to the charge. The incumbent could also comment on the charges through his official (i.e., publicly funded) spokesman. The use of public resources in this situation is limited, however: the incumbent cannot use public resources to attack his or her opponent or comment beyond the scope of the original charge. For further guidance, see Interpretive Bulletin IB-95-03, "Use of Public Resources by Elected Officials to Communicate with Constituents or Respond to Criticism."

Seeking Guidance from OCPF

Anyone wishing to receive guidance on his or her own campaign finance activities should contact the office prior to undertaking a particular activity. This office issues written advisory opinions based on written requests describing specific facts and circumstances. The office will issue opinions only on prospective activities.

If you have any questions concerning advisory opinions, please contact OCPF. You may also obtain informal, oral advice by calling the office.

In addition to specific advisory opinions, from time to time the Director of OCPF issues Interpretive Bulletins setting policy guidelines on a variety of subjects. These documents are publicly available from OCPF and provide helpful guidance to public employees.

Filing a Complaint

If you have reason to believe that a violation of the campaign finance laws has occurred, you may file a complaint with this office. OCPF reviews all matters brought to its attention, regardless of the source of the complaint. The office keeps the identities of all complainants confidential.

OCPF will not comment on any matter that is under review or investigation. Consequently, an individual making a complaint will not receive periodic information on the status of the complaint. However, the complainant will receive notice of any public disposition of a case.

This office welcomes individuals with information concerning possible violations of the campaign finance law to call or write OCPF.

Frequently Asked Questions

I am a public employee. May I...

Q. ...ask a friend or relative to purchase a ticket to a fundraiser for a political candidate?

A. No. Section 13 prohibits this activity.

Q. ...hold a fundraiser for a political candidate in my home?

A. No. Section 13 prohibits this activity.

Q. ...make a political contribution?

A. Yes. If the candidate is a public employee or an incumbent elected official, you must make the contribution to the political committee organized on the candidate's behalf, not directly to the candidate. You should also be aware that the law does not allow political committees organized on behalf of candidates who are also public employees to solicit or receive contributions from their employees or anyone else within those employees' "area of responsibility." You should also make sure political contributions are not prohibited by regulations at your own office.

Q. ...give permission for my name to appear on a fundraising letter either in the letterhead, text, or as the signatory of such letter soliciting for a candidate?

A. No. This activity is not allowed under Section 13.

Q. ...give permission for my name to appear in the body of a fundraising letter for my own candidacy?"

- A. Yes, as long as you do not appear to be soliciting in the letter and you do not sign such a letter.
- Q. ...have a committee use the State House or a city or town hall as an address to send a donation for a political committee?**
- A. No. This activity is prohibited under Section 14.
- Q. ...run for public office?"**
- A. M.G.L. Chapter 55 does not prevent a public employee from running for public office. If you run for office, however, you must organize a political committee to handle fundraising activities on your behalf. You should be aware that the campaign finance law does not allow you to solicit or receive contributions from your employees or anyone in your "area of responsibility." You should also check with your agency or city/town for further guidance or restrictions.
- Q. ...be the treasurer of my local party committee?**
- A. No. An appointed public employee is prohibited from being the treasurer of any political committee.
- Q. ...be a member of a political committee or work for a political committee or a candidate if I were not the treasurer of the committee?**
- A. Yes. As long as you are not involved in the committee's fundraising there are no prohibitions on being a member or working on a candidate's or a political committee's behalf.
- Q. ...be forced to make a political contribution or perform any sort of political service, or be subject to demotion or other job action if I refuse to do so?**
- A. No. The campaign finance law protects public employees against such coercion.

- Q. I am an appointed state employee, but also a selectman in my home town. Do the limitations on fundraising in Section 13 apply to me?**
- A. Yes.** While elected public officials are exempt from Section 13, its fundraising restrictions would still apply to you for your campaign or any other political campaign because of your appointed public employment.
- Q: I am an unpaid member of a city board. Are my political fundraising activities still limited by the campaign finance law?**
- A: No.** The campaign finance law allows you or any other appointed, uncompensated "person in the service" of the Commonwealth or any city or town to solicit, receive or make campaign contributions to candidates or political committees. You may also serve as an officer, including a treasurer, of a political committee. The campaign finance law does, however, prohibit you or any other person from soliciting contributions in a public building. In addition, the campaign finance law protects you and others from being removed from office for making or not making a political contribution or for rendering or not rendering a political service, such as actively supporting a candidate or committee.
- Q. May I use paper and photo copying equipment in my school office to print flyers asking people to vote for a referendum question?**
- A. No.** The use of public resources to promote or oppose a ballot question, or any matter that appears on an election ballot, is prohibited.
- Q. May I use the paper and copier in my school office to print a "fact sheet" that does not ask people to vote for or against a ballot question, but merely provides objective information?**

- A. No. Even if voter information commenting on the substance of a ballot question is intended to be objective and factual, it may not be produced or distributed using public funds. As a practical matter, even material billed as "objective" or "informational" contains advocacy, even implicit.
- Q. **May governmental resources be used to distribute a flyer that simply informs people about the time, date and place of an election and contains a brief title describing the ballot question or its text?**
- A. Yes, but great care should be taken to avoid the appearance of advocacy. A brief, **neutral** title identifying the ballot question may be used. For example, the title "school expansion project" would be appropriate. On the other hand, titles which would not be appropriate include "ballot question relating to need for school expansion," or "ballot question addressing school overcrowding problem."
- Q. **I am an elected selectman. May I speak out in favor of or opposition to a ballot question and ask my aide to prepare an analysis of how that question might affect the town I represent?**
- A. Yes, provided that no public resources are used to distribute such analysis to voters. In other words, you may take a position on a ballot question at any meetings, forums and interviews and also authorize documents or studies concerning the question for your board's use. Such documents, however, may not be distributed to voters using town resources.

Mass. General Laws Chapter 55
Sections 13-17

Section 13. No person employed for compensation, other than an elected officer, by the commonwealth or any county, city or town shall directly or indirectly solicit or receive any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for the political campaign purposes of any candidate for public office or of any political committee, or for any political purpose whatever, but this section shall not prevent such persons from being members of political organizations or committees. The soliciting or receiving of any gift, payment, contribution, assessment, subscription or promise of money or other thing of value by a non-elected political committee organized to promote the candidacy for public office of a person so employed for compensation by the commonwealth or any county, city or town, shall not be deemed to be a direct or direct solicitation or receipt of such contribution by such person; provided, however, that no such gift, payment, contribution, assessment, subscription or promise of money or other thing of value may be solicited or received on behalf of such a person from any person or combination of persons if such person so employed knows or has reason to know that the person or combination of persons has an interest in any particular matter in which the person so employed participates or has participated in the course of such employment or which is the subject of his official responsibility.

Any appointed officer or employee convicted of violating any provision of this section may be removed by the appointing authority without a hearing.

Violation of any provision of this section shall be punished by imprisonment for not more than one year or by a fine of not more than \$1,000.

Section 14. No persons shall in any building or part thereof occupied for state, county or municipal purposes demand, solicit or receive any payment or gift of money or other thing of value for the purposes set forth in section thirteen.

Any appointed officer or employee convicted of violating any provision of this section may be removed by the appointing authority without a hearing.

Violation of any provision of this section shall be punished by imprisonment for not more than one year or by a fine of not more than \$1,000.

Section 15. No officer, clerk or other person in the service of the commonwealth or of any county, city or town shall, directly or indirectly, give or deliver to an officer, clerk or person in said service, or to any councillor, member of the general court, alderman, councilman or commissioner, any money or other valuable thing on account of, or to be applied to, the promotion of any political object whatever.

Nothing in this section shall be construed to prevent any officer, clerk or other person in the public service of the Commonwealth, or of any county, city or town from making a contribution to a candidate or to an elected or non-elected political committee.

Violation of any provision of this section shall be punished by a fine of not less than \$100 nor more than \$1,000.

Section 16. No person in the public service shall, for that reason, be under obligation to contribute to any political fund, or to render any political service, and shall not be removed or otherwise prejudiced for refusing to do so.

Violation of any provisions of this section shall be punished by a fine of not less than \$100 nor more than \$1,000.

Section 16A. No person doing business with the commonwealth shall for that reason, be under obligation to contribute to any political fund or to render any political service, and shall not be otherwise prejudiced for refusing to do so.

Violations of any provisions of this section shall be punished by a fine of not less than \$100 nor more than \$1,000.

Section 16B. No person employed for compensation shall be under any obligation to contribute to any candidate or political committee, or to render any political service on account of, or as a consequence of, his employment and such person shall not be removed or otherwise prejudiced for refusing to do so. This section shall not apply to a person employed by a candidate or political committee or other organization organized for the purpose of rendering political service. A violation of this section shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than six months or both such fine and imprisonment. Each such violation shall constitute a separate offense.

Section 17. No officer or employee of the commonwealth or of any county, city or town shall discharge, promote, or degrade an officer or employee, or change his official rank or compensation, or promise or threaten so to do, for giving, withholding or neglecting to make a contribution of money or other valuable thing for a political purpose.

Violation of any provision of this section shall be punished by a fine of not less than \$100 nor more than \$1,000.

Campaign Finance Guides available from OCPF:

Statewide, County and Other "Depository" Candidates
Candidates for The General Court
Candidates for Municipal Office
State Ballot Question Committees
Municipal Ballot Question Committees
Political Action Committees and People's Committees
Local Political Party Committees
Public Employees, Public Resources and Political Activity

**Office of Campaign and Political Finance
One Ashburton Place, Room 411
Boston, MA 02108
(617) 727-8352
(800) 462-OCPF
E-mail: OCPF@cpf.state.ma.us
OCPF Online: www.mass.gov/ocpf**

Mashpee Inclusion and Diversity Committee

I. BACKGROUND

This policy is intended to replace the Affirmative Action Committee and No Place for Hate Committee in their entirety. Any existing member(s) of either Committee are transferred over to the Mashpee Inclusion and Diversity Committee.

II. PURPOSE

The Select Board shall appoint a Mashpee Inclusion and Diversity Committee to:

1. Promote, embrace and support the cultural enrichment of Mashpee's diverse population as an important element of a healthy and vibrant community.
2. Provide a welcoming environment by encouraging cooperation and respect among and by all persons who come in contact with the town including residents, visitors and persons passing through.
3. Strive for a community characterized by the values of inclusion. Inclusion is defined as actively pursuing goals of including, integrating, engaging, and welcoming all persons regardless of their race, color, ethnicity, gender, sexual orientation, gender identity, disability, age, religion, creed, ancestry, national origin, military or veteran status, marital status, family status, or receipt of public benefits.
4. Foster civic engagement of all residents with mutual respect for the contributions that every individual or group makes toward community goals.
5. Support or suggest programs or activities that promote a culture of respect and belonging for all persons.

III. MEMBERSHIP

The Select Board shall appoint the Mashpee Inclusion and Diversity Committee consisting of nine voting members for two (2) year terms. One (1) member shall represent the Mashpee Public Schools (designated by a vote of the School Committee), one (1) member shall represent the Wampanoag Tribe (designated by the Mashpee Wampanoag Tribe), and the remaining seven (7) at-large members shall be appointed by vote of the Select Board to represent the interests in the purpose statement. There shall be three (3) non-voting members as follows: a liaison from the Select Board (designated annually by the Chair of the Select Board), a high school student currently in their junior or senior year to allow for such student to serve for two (2) years (designated by a vote of the School Committee to a term of two (2) years) and the Human Resources Department Compliance Officer respectively.

IV. VACANCIES

Whenever a vacancy shall occur in the membership of the committee by reason of death, resignation, inability to act, absence from three consecutive meetings, or for any other reason, the vacancy shall be filled by appointment by the Select Board for the remainder of the term. In order to have representation from the various listed interests in the purpose statement, the Committee will recruit, meet with prospective members and forward nominations to the Select Board for their consideration and approval consistent with Policy 001.

V. ORGANIZATION

The Committee, at its first annual meeting and thereafter annually in July of each year shall elect from its membership a Chairperson and Vice-Chairperson. Each officer shall hold office until the next annual election. In the event of a vacancy in either office, the committee shall hold a special meeting for the purpose of electing one (1) member to fill the vacancy.

VI. ANNUAL REPORT

The committee shall prepare an annual report of its activities to the Select Board.

VII. POWERS AND DUTIES

The Committee will serve as a resource to the Town of Mashpee, Select Board and the public. The committee may conduct ongoing campaigns, may host or may participate in free public events each year to facilitate public education on diversity, discrimination and community building as relevant to Mashpee. The committee shall not operate as an adjudicatory body.

***Adopted by the
Mashpee Select Board
September 11, 2018
Revised May 15, 2023***


MASHPEE INCLUSION AND DIVERSITY COMMITTEE
AGENDA
SPECIAL MEETING
MONDAY, OCTOBER 16, 2023 - 4:00 P.M
ZOOM ID (TO BE PROVIDED)

NEW BUSINESS: APPROVE STATEMENT OF SUPPORT FROM MIDC FOR ARTICLE 12
AT TOWN MEETING

ADJOURNMENT

MASHPEE TOWN CLERK
OCT 11 '23 4:48

A TRUE COPY, ATTEST


TOWN CLERK OF MASHPEE, MA

MASHPEE INCLUSION AND DIVERSITY COMMITTEE
AGENDA
SPECIAL MEETING
MONDAY, OCTOBER 16, 2023 4:00 P.M
ZOOM ID (TO BE PROVIDED)

NEW BUSINESS: APPROVE STATEMENT OF SUPPORT FROM MIDC FOR ARTICLE
12 AT TOWN MEETING

ADJOURNMENT 4:15 P.M

**Town of Mashpee
Board of Selectmen**

Policy No: 054

**Ethical Conduct
Boards/Committees/Commissions**

The Mashpee Board of Selectmen, charged with the appointment of various boards/committees/commissions, hereby adopts a code of professional conduct for members in conducting official Town business.

To uphold and advance the honor, dignity, and reputation of the Town of Mashpee in keeping with these standards of ethical conduct, we agree to:

- Conduct ourselves with honesty, integrity and fairness.
- Promote an atmosphere of congeniality with colleagues, with mutual respect.
- Respect the residents' right to communicate, inquire, and participate in discussions regarding the work of the board/committee/commission.
- Use knowledge and skill to increase the competency and prestige of the Town of Mashpee, by providing exemplary professional and personal conduct at all times.
- Have due regard and respect for all regulations, laws, policies, and contractual standards under which the Town of Mashpee is guided.
- Communicate appropriate professional support by practicing non-judgmental behavior.
- Act in professional matters related to Town of Mashpee business as a faithful agent for each resident.
- Endeavor to aid the professional development and advancement of Town of Mashpee employees and management staff.

***Adopted by the
Mashpee Board of Selectmen
June 4, 2007***

**Town of Mashpee
Board of Selectmen**

Policy No: 016

Professional Conduct Policy

Town of Mashpee employees are expected to act honestly, conscientiously, reasonably, and in good faith at all times having regard to their responsibilities, the interests of the Town, and the welfare of its residents.

Employees have an obligation to be present at work as required and to be absent from the workplace only with proper authorization; to carry out their duties in an efficient and competent manner, and to maintain specified standards of performance; to comply with reasonable employer instructions and policies, and to work as directed; to respect the privacy of individuals and use confidential information only for the purposes for which it was intended; to neither use, nor allow the use of Town property, resources, or funds for other than authorized purposes; to incur no liability on the part of the Town without proper authorization; and to maintain all qualifications necessary for the performance of their duties legally and efficiently.

The intent of this policy is to ensure that:

- Employees meet the Town's legitimate expectations in the areas of performance and behavior.
- Employees whose performance or behaviors are deficient are provided with the necessary assistance and motivation to meet the Town's expectations.
- Disciplinary action initiated against an employee is fair and appropriate.

Failure to behave in a manner consistent with the standards of conduct and policies included herein may result in disciplinary action being initiated against the offending employee. The Town shall utilize a fair and equitable process in reviewing an employee's alleged violation of these standards and policies, and shall discipline the employee, if called for, in a manner appropriate given the alleged violation.

This policy applies to all paid, appointive employees in Town Service, other than those positions under the supervision and control of the School Committee. Employees subject to collective bargaining agreements are subject only to those provisions in this order which are not specifically regulated by collective bargaining agreements.

***Adopted by the
Mashpee Board of Selectmen
(Incorporated into Policy Manual 4/19/02)
Amended January 5, 2009***

Fw: Zoom Link for Special Meeting Monday at 4 pm

Gail Wilson <gwilson@mashpeema.gov>

Thu 11/16/2023 9:18 AM

To: Terrie Cook <tmcook@mashpeema.gov>

Gail

Gail Wilson, M.Ed, LMHC | Human Services Director

Mashpee Human Services

Town of Mashpee

16 Great Neck Road North

Mashpee, MA. 02649

Office: 508.539.1411 | Fax: 508.477.0497

www.itsnevertotooearly.com



"Collaboration is the key to excellence"

From: Dan Kupferman

Sent: Wednesday, October 11, 2023 7:21 PM

To: Gail Wilson <gwilson@mashpeema.gov>; dankupferman

<dankupferman@mashpeema.gov>; aimen iqbal <aimen.iqbal@mpspk12.org>; mohamad Fahd

<mohamadf@hotmail.com>; Kimberly Landry <klandry@mashpeema.gov>; richard klein

<rklein@mashpeema.gov>; ayesha shafi <ayasha.shafi@mpspk12.org>; Patricia DeBoer

<pdeboer@mpspk12.org>; rbrandt

<rbrandt@mashpeema.gov>; Katie Hennessey

<KHennessey@mashpeema.gov>; Winnie Johnson-Graham <egraham@mwtribe.com>;

david.weeden@mwtribe-nsn.gov <david.weeden@mwtribe-nsn.gov>; Christine MacDonald

<CMacDonald@mashpeema.gov>; rowela

>; J.Marie

Stevenson

Subject: Zoom Link for Special Meeting Monday at 4 pm

Attention!: : Links contained herein may not be what they appear to be. Please verify the link before clicking! Ask IT if you're not sure.

Here's the Zoom link - I'll send my column about the Tribe's petition articles for Town Meeting on Friday. - Dan

Topic: MIDC Special Meeting

Time: Oct 16, 2023 04:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/81844703769?pwd=aL7EHnc1y7DU1BgtbofHvjQMaY7AXt.1>

Meeting ID: 818 4470 3769

Passcode: 695944

One tap mobile

+13126266799,,81844703769#,,,,*695944# US (Chicago)

+16469313860,,81844703769#,,,,*695944# US

Dial by your location

- +1 312 626 6799 US (Chicago)
- +1 646 931 3860 US
- +1 929 205 6099 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)
- +1 689 278 1000 US
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US

Meeting ID: 818 4470 3769

Passcode: 695944

Find your local number: <https://us06web.zoom.us/j/81844703769>

Re: SPECIAL MEETING OCTOBER 16 AT 4 VIA ZOOM

Gail Wilson <gwilson@mashpeeema.gov>

Fri 10/13/2023 1:39 PM

To: Rodney C. Collins <rccollins@mashpeeema.gov>

Thank You,

Gail

Gail Wilson, M.Ed, LMHC | Human Services Director

Mashpee Human Services

Town of Mashpee

16 Great Neck Road North

Mashpee, MA. 02649

Office: 508.539.1411 | Fax: 508.477.0497

www.itsnevertotooearly.com



"Collaboration is the key to excellence"

From: Rodney C. Collins <rccollins@mashpeeema.gov>

Sent: Friday, October 13, 2023 1:34 PM

To: Gail Wilson <gwilson@mashpeeema.gov>

Subject: Re: SPECIAL MEETING OCTOBER 16 AT 4 VIA ZOOM

Director,

I see two issues. One, the Open Meeting Law may have been violated. Secondly, no town facility can be used for political activities, which includes advocacy of a warrant article.

I will forward this to Town Counsel.

Rodney C. Collins | Town Manager

Town of Mashpee

16 Great Neck Road North, Mashpee, MA 02649

Office: 508.539.1401 | Fax: 508.539.1142



"Preserving public trust and providing professional services."

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From: Gail Wilson <gwilson@mashpeema.gov>
Sent: Wednesday, October 11, 2023 4:02 PM
To: Rodney C. Collins <rccollins@mashpeema.gov>
Cc: Terrie Cook <tmcook@mashpeema.gov>; Wayne E. Taylor <wtaylor@mashpeema.gov>
Subject: Fw: SPECIAL MEETING OCTOBER 16 AT 4 VIA ZOOM

Town Manager Collins,

Please see email below, I think this conflicts with my role as a town employee, what are your thoughts?

Thank you,

Gail

Gail Wilson, M.Ed, LMHC | Human Services Director
Mashpee Human Services
Town of Mashpee
16 Great Neck Road North
Mashpee, MA. 02649
Office: 508.539.1411 | Fax: 508.477.0497
www.itsnevertotooearly.com



"Collaboration is the key to excellence"

From: Mohamad Fahd <mohamadf@hotmail.com>
Sent: Wednesday, October 11, 2023 3:41 PM
To: J.Marie Stevenson <jmarie.stevenson@townofmashpee.com>; Gail Wilson <gwilson@mashpeema.gov>; dankupferman <dankupferman@gmail.com>; aimen iqbal <aimen.iqbal@mpspk12.org>; Kimberly Landry <klandry@mashpeema.gov>; richard klein <richard.klein@townofmashpee.com>; ayesha shafi <ayesha.shafi@mpspk12.org>; Patricia DeBoer <pdeboer@mpspk12.org>; rbrandt <rbrandt@townofmashpee.com>; Katie Hennessey <KHennessey@mashpeema.gov>; Winnie Johnson-Graham <egraham@mwtribe.com>; david.weeden@mwtribe-nsn.gov <david.weeden@mwtribe-nsn.gov>; Christine MacDonald <CMacDonald@mashpeema.gov>; rowela <rowela@townofmashpee.com>
Subject: Re: SPECIAL MEETING OCTOBER 16 AT 4 VIA ZOOM

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Yes - I will attend.

Thank you.

From: J.Marie Stevenson <steinjrs@aol.com>

Sent: Wednesday, October 11, 2023 3:27 PM

To: Gail Wilson <gwilson@mashpeema.gov>; dankupfermar ; aimen iqbal <aimen.iqbal@mpspk12.org>; mohamad Fahd <mohamadf@hotmail.com>; Kimberly Landry <klandry@mashpeema.gov>; richard klein ; ayesha shafi <ayesha.shafi@mpspk12.org>; Patricia DeBoer <pdeboer@mpspk12.org>; rbrandt ; khennessey@mashpeepd.com <khennessey@mashpeepd.com>; Winnie Johmson-Graham <egraham@mwtribe.com>; David Weeden <david.weeden@mwtribe-nsn.gov>; cmacdonald@mashpeema.gov <cmacdonald@mashpeema.gov>; rowela.

Subject: SPECIAL MEETING OCTOBER 16 AT 4 VIA ZOOM

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RE: SPECIAL MEETING OCTOBER 16 AT 4 VIA ZOOM

Patrick Costello

Fri 10/13/2023 3:48 PM

To: Rodney C. Collins <rccollins@mashpeeema.gov>

Cc: Terrie Cook <tmcook@mashpeeema.gov>

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Rod:

Upon detailed review of this issue, I **do** believe that the proposed meeting of the Mashpee Inclusion and Diversity Committee (MIDC) "to approve a statement of support for passage of Articles at Town Meeting" would be a clear violation of the Conflict of Interest statute, G.L. c. 268A. For purposes of this analysis I consider MIDC members to be appointed non-policy making public employees.

Section 23(b)(2)(ii) of Chapter 268A restricts the extent to which public employees may engage in political activity in their public roles, or use public resources in connection with such political activity. The ethics law covers two types of political activity: "Election-related political activity," is activity directed at influencing people to vote for or against candidates and/or ballot initiatives; "Non-election-related political activity," is activity directed at influencing governmental decision-makers which does not involve an election, including non-ballot related Town Meeting articles. Non-election-related political activities have been determined by the Ethics Commission to include **supporting or opposing town meeting warrant articles**, municipal bylaw changes, user fees for public services or school activities, etc. A public employee **may not** engage in political activity, whether election-related or non-election related, on his public work time; while acting in his official capacity or while in his official uniform; in a public building (except where equal access for such political activity is allowed to all similarly situated persons); or with the use of other public resources, such as staff time, public office space and facilities, public office equipment such as computers, copiers, and communications equipment, public websites and links to public websites, or public office supplies such as official stationery.

Appointed public employees who do not hold positions in the top management level of their agencies and do not make policy for their agencies, such as members of the MIDC, are barred by the conflict of interest law from engaging in non-election-related political activity in their official capacity or during their public work hours. The only exception to this is if the employee is authorized and directed by a superior elected or appointed policy-making public employee with the authority to engage in non-election-related political activities concerning matters within the purview of his agency to participate in such activities in support of the superior's own lawful political activity. It does not appear that this exception applies in this situation.

Further, I note that this proposed meeting would also be subject to Open Meeting Law requirements, including the posting requirement mandating 48 business hours' notice prior to a proposed public body meeting. Accordingly, public notice of the MIDC's meeting at 4:00pm on Monday October 16th should have been posted on or before 4:00pm on Thursday October 12, 2023.

Let me know if you have any further questions.

Pat

Patrick J. Costello
 Louison, Costello, Condon & Pfaff, LLP

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From: Rodney C. Collins <rccollins@mashpeeema.gov>

Sent: Friday, October 13, 2023 1:36 PM

To: Patrick Costello <

Subject: Fw: SPECIAL MEETING OCTOBER 16 AT 4 VIA ZOOM

Pat,

Please review and provide comment.

Rodney C. Collins | Town Manager

Town of Mashpee

16 Great Neck Road North, Mashpee, MA 02649

Office: 508.539.1401 | Fax: 508.539.1142



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Town of Mashpee

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Mashpee Human Services

Town of Mashpee

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From: Mohamad Fahd <mohamadf@hotmail.com>

Sent: Wednesday, October 11, 2023 3:41 PM

To: J.Marie Stevenson <jmarie@townofmashpee.com>; Gail Wilson <gwilson@mashpeema.gov>; dankupferman@townofmashpee.com

aimen iqbal

11/16/23, 9:35 AM

RE: SPECIAL MEETING OCTOBER 16 AT 4 VIA ZOOM - Rodney C. Collins - Outlook

<aimen.iqbal@mpspk12.org>; Kimberly Landry <klandrv@mashpeema.gov>; richard klein <rklein@bellsouth.net>; ayesha shafi <ayesha.shafi@mpspk12.org>; Patricia DeBoer <pdeboer@mpspk12.org>; rbrandt <rbrandt11@egraham@mwtribe.com>; david.weeden@mwtribe-nsn.gov <david.weeden@mwtribe-nsn.gov>; Christine MacDonald <CMacDonald@mashpeema.gov>; rowela

Subject: Re: SPECIAL MEETING OCTOBER 16 AT 4 VIA ZOOM

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Fw: SPECIAL MEETING OCTOBER 16 AT 4 VIA ZOOM

Rodney C. Collins <rccollins@mashpeeema.gov>

Fri 10/13/2023 4:15 PM

To: Gail Wilson <gwilson@mashpeeema.gov>

Cc: Kimberly Landry <klandry@mashpeeema.gov>

Director Wilson

Director Landry

Please see counsel's opinion, which I thought was the case, in regards to a meeting Ms. Stevenson has requested Monday. For the reasons listed below, you may not participate but feel free to explain to the Chair why. I further note that I am having her contacted to inform her that she will not be able to use a town facility for such purposes.

Rodney C. Collins | Town Manager

Town of Mashpee

16 Great Neck Road North, Mashpee, MA 02649

Office: 508.539.1401 | Fax: 508.539.1142



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From: Patrick Costello

Sent: Friday, October 13, 2023 3:47 PM

To: Rodney C. Collins <rccollins@mashpeeema.gov>

Cc: Terrie Cook <tmcook@mashpeeema.gov>

Subject: RE: SPECIAL MEETING OCTOBER 16 AT 4 VIA ZOOM

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Let me know if you have any further questions.

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Patrick J. Costello

Louison, Costello, Condon & Pfaff, LLP

200 State Street, Suite 1200

pcostello@lccplaw.com

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To: J. Marie Stevenson <jmarie.stevenson@nsn.gov>; Gail Wilson <gwilson@mashpeema.gov>; dankupfermar@nsn.gov; aimen iqbal <aimen.iqbal@mpspk12.org>; Kimberly Landry <klandry@mashpeema.gov>; richard klein <richard.klein@nsn.gov>; ayesha shafi <ayesha.shafi@mpspk12.org>; Patricia DeBoer <pdeboer@mpspk12.org>; rbrandt@nsn.gov; Katie Hennessey <KHennessey@mashpeema.gov>; Winnie Johnson-Graham <wjohnson@mwtribe.com>; david.weeden@mwtribe-nsn.gov <david.weeden@mwtribe-nsn.gov>; Christine MacDonald <CMacDonald@mashpeema.gov>; rowela@nsn.gov

Subject: Re: SPECIAL MEETING OCTOBER 16 AT 4 VIA ZOOM

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Fw: MONDAY MTG at 4 CANCELLED

Kimberly Landry <klandry@mashpeema.gov>

Fri 10/13/2023 4:29 PM

To: Rodney C. Collins <rccollins@mashpeema.gov>

FYI.

Kimberly A. Landry | Human Resources Director
Human Resources Department, Town of Mashpee
16 Great Neck Road North, Mashpee, MA 02649
P: 508-539-1400 ext. 8515 | F: 508-477-0497

From: J.Marie Stevenson <steinjrs@aol.com>

Sent: Friday, October 13, 2023 4:28 PM

To: Gail Wilson <gwilson@mashpeema.gov>; dankupferman/ ; aimen
iqbal <aimen.iqbal@mpspk12.org>; mohamad Fahd <mohamadf@hotmail.com>; Kimberly Landry
<klandry@mashpeema.gov>; richard klein ; ayesha shafi <ayesha.shafi@mpspk12.org>;
Patricia DeBoer <pdeboer@mpspk12.org>; rbrand ; Katie
Hennessey <KHennessey@mashpeema.gov>; Winnie Johnson-Graham <egraham@mwtribe.com>;
david.weeden@mwtribe-nsn.gov <david.weeden@mwtribe-nsn.gov>; Christine MacDonald
<CMacDonald@mashpeema.gov>; rowela.

Subject: MONDAY MTG at 4 CANCELLED

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SORRY FOR THE CONFUSION! MONDAY SPECIAL MEETING AT 4 HAS TO BE CANCELLED ! ORDER OF TOWN MANAGER. . APPARENTLY SOMETHING IN OPEN MEETING LAW. WE CAN DISCUSS AT OUR REGULAR MEETING.

Re: CANCELLATION OF SPECIAL MEETING

Rodney C. Collins <rccollins@mashpeema.gov>

Mon 10/16/2023 11:07 AM

To: J. Marie Stevenson

Marie,

I can be at your meeting at 5 pm to explain.

Rodney C. Collins | Town Manager

Town of Mashpee

16 Great Neck Road North, Mashpee, MA 02649

Office: 508.539.1401 | Fax: 508.539.1142



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From: J. Marie Stevenson

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The MIDC special meeting has been cancelled per your order. This is a lot to ask but would you be willing to drop in at our regular Tuesday meeting the next day between 5 and 6. to explain. to the committee. If not could you provide the reference on which your order was based. Thanks much! J. Marie

Re: CANCELLATION OF SPECIAL MEETING

steinjrs

Mon 10/16/2023 11:37 AM

To: Rodney C. Collins <rccollins@mashpeema.gov>

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Thank you so much. Means a lot for you to take time from your super busy schedule. Hope town meeting goes well!! Cheers

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Rodney C. Collins" <rccollins@mashpeema.gov>

Date: 10/16/23 11:07 AM (GMT-05:00)

To: "J.Marie Stevenson"

Subject: Re: CANCELLATION OF SPECIAL MEETING

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Rodney C. Collins <rccollins@mashpeema.gov>

Mon 10/16/2023 3:37 PM

To: steinjrs ·

Cc: Wayne E. Taylor <wtaylor@mashpeema.gov>; Terrie Cook <tmcook@mashpeema.gov>

Marie,

I just checked your agenda for tomorrow. I presumed there was an agenda item for communication/correspondence or something similar or a reference to action taken, etc. Seeing none of referenced items, I will not be able to come in and speak about a subject that is not on the posted agenda. There are two choices. You can wait and schedule me for a subsequent meeting (Discussion with Town Manager regarding cancellation of Meeting October 16) or you can accept a letter and distribute it. Obviously the letter would be a public record. Let me know what you prefer.

Rodney C. Collins | Town Manager

Town of Mashpee

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To: "J.Marie Stevenson"
Subject: Re: CANCELLATION OF SPECIAL MEETING

Marie,

I can be at your meeting at 5 pm to explain.

Rodney C. Collins | Town Manager
Town of Mashpee
16 Great Neck Road North, Mashpee, MA 02649
Office: 508.539.1401 | Fax: 508.539.1142



"Preserving public trust and providing professional services."

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From: J.Marie Stevenson
Sent: Friday, October 13, 2023 4:33 PM
To: Rodney C. Collins <rccollins@mashpeema.gov>
Subject: CANCELLATION OF SPECIAL MEETING

Attention!: : Links contained herein may not be what they appear to be. Please verify the link before clicking! Ask IT if you're not sure.

The MIDC special meeting has been cancelled per your order. This is a lot to ask but would you be willing to drop in at our regular Tuesday meeting the next day between 5 and 6. to explain. to the committee. If not could you provide the reference on which your order was based. Thanks much! J.Marie

Town Manager Correspondence with regard to cancelled MIDC October 16, 2023 Meeting

Terrie Cook <tmcook@mashpeeema.gov>

Tue 10/17/2023 12:46 PM

To: J. Marie Stevenson <jmstevenson@mashpeeema.gov>; Gail Wilson <gwilson@mashpeeema.gov>; dankupferman <dankupferman@mspsk12.org>; aimen iqbal <aimen.iqbal@mpspk12.org>; mohamadf@hotmail.com <mohamadf@hotmail.com>; Kimberly Landry <klandry@mashpeeema.gov>; rnklein <rnklein@mspsk12.org>; ayesha shafi <ayesha.shafi@mpspk12.org>; Patricia DeBoer <pdeboer@mpspk12.org>; Rolf Brandt <rbrandt@mashpeeema.gov>; Katie Hennessey <KHennessey@mashpeeema.gov>; David W. Weeden <DWeeden@mashpeeema.gov>; egraham@mwtribe-nsn.gov <egraham@mwtribe-nsn.gov>; Christine MacDonald <CMacDonald@mashpeeema.gov>; rowela.j <rowela.j@mashpeeema.gov>
Cc: Rodney C. Collins <rccollins@mashpeeema.gov>

3 attachments (1 MB)

midc letter 268a.pdf; state ethics advisory 9-23.pdf; ethics 268a political activity.pdf;

Good Afternoon:

At the request of the Town Manager, attached are the following documents with regard to the cancellation of the Monday, October 16, 2023 meeting of the Mashpee Inclusion and Diversity Committee (MIDC) due to provisions in M.G.L. Chapter 268a:

- Letter from the Town Manager to MIDC Chair Stevenson
- State Ethics Commission reminder dated September 5, 2023 re: use of public resources for political purposes
- State Ethics Commission Advisory 11-1: Public employee political activity

Thank you.

Terrie M. Cook, MCPPO | Administrative Assistant to the Town Manager
Office of the Town Manager
16 Great Neck Road North, Mashpee, MA 02649
Office: 508.539.1401 | Fax: 508.539.1142
Email: tmcook@mashpeeema.gov



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Re: MIDC mtg Tues Nov. 21 at 5

steinjrs

Mon 11/13/2023 12:56 PM

To: Rodney C. Collins <rccollins@mashpeema.gov>

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Awesome Thanks

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Rodney C. Collins" <rccollins@mashpeema.gov>

Date: 11/13/23 10:44 AM (GMT-05:00)

To: "J.Marie Stevenson"

Subject: Re: MIDC mtg Tues Nov. 21 at 5

Marie,

I can attend the meeting Tuesday, November 21 at 5 pm.

Rodney C. Collins | Town Manager

Town of Mashpee

16 Great Neck Road North, Mashpee, MA 02649

Office: 508.539.1401 | Fax: 508.539.1142

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From: J.Marie Stevenson**Sent:** Friday, November 10, 2023 4:55 PM**To:** Rodney C. Collins <rccollins@mashpeema.gov>**Subject:** MIDC mtg Tues Nov. 21 at 5

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Any chance you can attend our next meeting?

Would still like to review the issue at hand but actually an opportunity to review the committee functions and any recommendations you could make. It has been a while. I think it would be valuable. Thanks so much J.Marie PS I have plans to bring in other speakers from other town committees who have expressed interest.

Thanks

J.Marie Stevenson

Tue 10/17/2023 2:09 PM

To:Rodney C. Collins <rccollins@mashpeema.gov>

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Thank you for taking the time to explain. Cheers J.Marie