

AGENDA ITEM #4
SEPTEMBER 13, 2022

**UPDATE ON MBTA COMMUNITIES PROGRAM AND STATE
AFFORDABLE HOUSING REQUIREMENTS**

Marc Resnick will be present to discuss this with the Board.



Commonwealth of Massachusetts
**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Jennifer D. Maddox, Undersecretary

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Compliance Guidelines for Multi-family Zoning Districts
Under Section 3A of the Zoning Act

1. Overview of Section 3A of the Zoning Act

Section 3A of the Zoning Act provides: *An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.*

The purpose of Section 3A is to encourage the production of multi-family housing by requiring MBTA communities to adopt zoning districts where multi-family housing is allowed as of right, and that meet other requirements set forth in the statute.

The Department of Housing and Community Development, in consultation with the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, is required to promulgate guidelines to determine if an MBTA community is in compliance with Section 3A. DHCD promulgated preliminary guidance on January 29, 2021. DHCD updated that preliminary guidance on December 15, 2021, and on that same date issued draft guidelines for public comment. These final guidelines supersede all prior guidance and set forth how MBTA communities may achieve compliance with Section 3A.

2. Definitions

“Adjacent community” means an MBTA community that (i) has within its boundaries less than 100 acres of developable station area, and (ii) is not an adjacent small town.

“Adjacent small town” means an MBTA community that (i) has within its boundaries less than 100 acres of developable station area, and (ii) either has a population density of less than 500 persons per square mile, or a population of not more than 7,000 year-round residents as determined in the most recently published United States Decennial Census of Population and Housing.

“Affordable unit” means a multi-family housing unit that is subject to an affordable housing restriction with a term of no less than 30 years and eligible for inclusion on DHCD’s Subsidized Housing Inventory.

“Age-restricted housing” means any housing unit encumbered by a title restriction requiring a minimum age for some or all occupants.

“As of right” means development that may proceed under a zoning ordinance or by-law without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.

“Bus station” means a location with a passenger platform and other fixed infrastructure serving as a point of embarkation for the MBTA Silver Line. Upon the request of an MBTA community, DHCD, in consultation with the MBTA, may determine that other locations qualify as a bus station if (i) such location has a sheltered platform or other fixed infrastructure serving a point of embarkation for a high-capacity MBTA bus line, and (ii) the area around such fixed infrastructure is highly suitable for multi-family housing.

“Commuter rail community” means an MBTA community that (i) does not meet the criteria for a rapid transit community, and (ii) has within its borders at least 100 acres of developable station area associated with one or more commuter rail stations.

“Commuter rail station” means any MBTA commuter rail station with year-round, rather than intermittent, seasonal, or event-based, service, including stations under construction and scheduled to being service before the end of 2023, but not including existing stations at which service will be terminated, or reduced below regular year-round service, before the end of 2023.

“Compliance model” means the model created by DHCD to determine compliance with Section 3A’s reasonable size, gross density, and location requirements. The compliance model is described in further detail in Appendix 2.

“Determination of compliance” means a determination made by DHCD as to whether an MBTA community has a multi-family zoning district that complies with the requirements of Section 3A. A determination of compliance may be determination of interim compliance or a determination of district compliance, as described in section 9.

“Developable land” means land on which multi-family housing can be permitted and constructed. For purposes of these guidelines, developable land consists of: (i) all privately-owned land except lots or portions of lots that meet the definition of excluded land, and (ii) developable public land.

“Developable public land” means any publicly-owned land that (i) is used by a local housing authority; (ii) has been identified as a site for housing development in a housing production plan approved by DHCD; or (iii) has been designated by the public owner for disposition and redevelopment. Other publicly-owned land may qualify as developable public land if DHCD determines, at the request of an MBTA community and after consultation with the public owner, that such land is the location of obsolete structures or uses, or otherwise is suitable for conversion to

multi-family housing, and will be converted to or made available for multi-family housing within a reasonable period of time.

“Developable station area” means developable land that is within 0.5 miles of a transit station.

“DHCD” means the Department of Housing and Community Development.

“EOHED” means the Executive Office of Housing and Economic Development.

“Excluded land” means land areas on which it is not possible or practical to construct multi-family housing. For purposes of these guidelines, excluded land is defined by reference to the ownership, use codes, use restrictions, and hydrological characteristics in MassGIS and consists of the following:

- (i) All publicly-owned land, except for lots or portions of lots determined to be developable public land.
- (ii) All rivers, streams, lakes, ponds and other surface waterbodies.
- (iii) All wetland resource areas, together with a buffer zone around wetlands and waterbodies equivalent to the minimum setback required by title 5 of the state environmental code.
- (iv) Protected open space and recreational land that is legally protected in perpetuity (for example, land owned by a local land trust or subject to a conservation restriction), or that is likely to remain undeveloped due to functional or traditional use (for example, cemeteries).
- (v) All public rights-of-way and private rights-of-way.
- (vi) Privately-owned land on which development is prohibited to protect private or public water supplies, including, but not limited to, Zone I wellhead protection areas and Zone A surface water supply protection areas.
- (vii) Privately-owned land used for educational or institutional uses such as a hospital, prison, electric, water, wastewater or other utility, museum, or private school, college or university.

“Ferry terminal” means the location where passengers embark and disembark from regular, year-round MBTA ferry service.

“Gross density” means a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial, and other nonresidential uses.

“Housing suitable for families” means housing comprised of residential dwelling units that are not age-restricted housing, and for which there are no zoning restriction on the number of bedrooms, the size of bedrooms, or the number of occupants.

“Listed funding sources” means (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2EEEE of chapter 29; and (iii) the MassWorks infrastructure program established in section 63 of chapter 23A.

“Lot” means an area of land with definite boundaries that is used or available for use as the site of a building or buildings.

“MassGIS data” means the comprehensive, statewide database of geospatial information and mapping functions maintained by the Commonwealth's Bureau of Geographic Information, within the Executive Office of Technology Services and Security, including the lot boundaries and use codes provided by municipalities.

“MBTA” means the Massachusetts Bay Transportation Authority.

“MBTA community” means a city or town that is: (i) one of the 51 cities and towns as defined in section 1 of chapter 161A; (ii) one of the 14 cities and towns as defined in said section 1 of said chapter 161A; (iii) other served communities as defined in said section 1 of said chapter 161A; or (iv) a municipality that has been added to the Massachusetts Bay Transportation Authority under section 6 of chapter 161A or in accordance with any special law relative to the area constituting the authority.

“Multi-family housing” means a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building.

“Multi-family unit capacity” means an estimate of the total number of multi-family housing units that can be developed as of right within a multi-family zoning district, made in accordance with the requirements of section 5.b below.

“Multi-family zoning district” means a zoning district, including a base district or an overlay district, in which multi-family housing is allowed as of right; provided that the district shall be in a fixed location or locations, and shown on a map that is part of the zoning ordinance or by-law.

“One Stop Application” means the single application portal for the Community One Stop for Growth through which (i) the Executive Office of Housing and Economic Development considers requests for funding from the MassWorks infrastructure program; (ii) DHCD considers requests for funding from the Housing Choice Initiative, (iii) EOHED, DHCD and other state agencies consider requests for funding from other discretionary grant programs.

“Private rights-of-way” means land area within which private streets, roads and other ways have been laid out and maintained, to the extent such land areas can be reasonably identified by examination of available tax parcel data.

“Publicly-owned land” means (i) any land owned by the United States or a federal agency or authority; (ii) any land owned by the Commonwealth of Massachusetts or a state agency or authority; and (iii) any land owned by a municipality or municipal board or authority.

“Public rights-of-way” means land area within which public streets, roads and other ways have been laid out and maintained, to the extent such land areas can be reasonably identified by examination of available tax parcel data.

“Rapid transit community” means an MBTA community that has within its borders at least 100 acres of developable station area associated with one or more subway stations, or MBTA Silver Line bus rapid transit stations.

“Residential dwelling unit” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

“Section 3A” means section 3A of the Zoning Act.

“Sensitive land” means developable land that, due to its soils, slope, hydrology, or other physical characteristics, has significant conservation values that could be impaired, or vulnerabilities that could be exacerbated, by the development of multi-family housing. It also includes locations where multi-family housing would be at increased risk of damage caused by flooding. Sensitive land includes, but is not limited to, wetland buffer zones extending beyond the title 5 setback area; land subject to flooding that is not a wetland resource area; priority habitat for rare or threatened species; DEP-approved wellhead protection areas in which development may be restricted, but is not prohibited (Zone II and interim wellhead protection areas); and land areas with prime agricultural soils that are in active agricultural use.

“Site plan review” means a process established by local ordinance or by-law by which a local board reviews, and potentially imposes conditions on, the appearance and layout of a specific project prior to the issuance of a building permit.

“Subway station” means any of the stops along the MBTA Red Line, Green Line, Orange Line, or Blue Line, including any extensions to such lines now under construction and scheduled to begin service before the end of 2023.

“Transit station” means an MBTA subway station, commuter rail station, ferry terminal or bus station.

“Transit station area” means the land area within 0.5 miles of a transit station.

“Zoning Act” means chapter 40A of the Massachusetts General Laws.

3. General Principles of Compliance

These compliance guidelines describe how an MBTA community can comply with the requirements of Section 3A. The guidelines specifically address:

- What it means to allow multi-family housing “as of right.”
- The metrics that determine if a multi-family zoning district is “of reasonable size.”
- How to determine if a multi-family zoning district has a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code.

- The meaning of Section 3A's mandate that "such multi-family housing shall be without age restrictions and shall be suitable for families with children."
- The extent to which MBTA communities have flexibility to choose the location of a multi-family zoning district.

The following general principles have informed the more specific compliance criteria that follow:

- MBTA communities with subway stations, commuter rail stations and other transit stations benefit from having these assets located within their boundaries and should provide opportunity for multi-family housing development around these assets. MBTA communities with no transit stations within their boundaries benefit from proximity to transit stations in nearby communities.
- The multi-family zoning districts required by Section 3A should encourage the development of multi-family housing projects of a scale, density and aesthetic that are compatible with existing surrounding uses, and minimize impacts to sensitive land.
- "Reasonable size" is a relative rather than an absolute determination. Because of the diversity of MBTA communities, a multi-family zoning district that is "reasonable" in one city or town may not be reasonable in another city or town.
- When possible, multi-family zoning districts should be in areas that have safe, accessible, and convenient access to transit stations for pedestrians and bicyclists.

4. Allowing Multi-Family Housing "As of Right"

To comply with Section 3A, a multi-family zoning district must allow multi-family housing "as of right," meaning that the construction and occupancy of multi-family housing is allowed in that district without the need for a special permit, variance, zoning amendment, waiver, or other discretionary approval. DHCD will determine whether zoning provisions allow for multi-family housing as of right consistent with the following guidelines.

a. Site plan review

The Zoning Act does not establish nor recognize site plan review as an independent method of regulating land use. However, the Massachusetts courts have recognized site plan review as a permissible regulatory tool, including for uses that are permitted as of right. The court decisions establish that when site plan review is required for a use permitted as of right, site plan review involves the regulation of a use and not its outright prohibition. The scope of review is therefore limited to imposing reasonable terms and conditions on the proposed use, consistent with applicable case law.¹ These guidelines similarly recognize that site plan review may be required for multi-

¹ See, e.g., *Y.D. Dugout, Inc. v. Board of Appeals of Canton*, 357 Mass. 25 (1970); *Prudential Insurance Co. of America v. Board of Appeals of Westwood*, 23 Mass. App. Ct. 278 (1986); *Osberg v. Planning Bd. of Sturbridge*, 44 Mass. App. Ct. 56, 59 (1997) (Planning Board "may impose reasonable terms and conditions on the proposed use, but it does not have discretionary power to deny the use").

family housing projects that are allowed as of right, within the parameters established by the applicable case law. Site plan approval may regulate matters such as vehicular access and circulation on a site, architectural design of a building, and screening of adjacent properties. Site plan review should not unreasonably delay a project nor impose conditions that make it infeasible or impractical to proceed with a project that is allowed as of right and complies with applicable dimensional regulations.

b. Affordability requirements

Section 3A does not include any express requirement or authorization for an MBTA community to require affordable units in a multi-family housing project that is allowed as of right. It is a common practice in many cities and towns to require affordable units in a multi-family project that requires a special permit, or as a condition for building at greater densities than the zoning otherwise would allow. These inclusionary zoning requirements serve the policy goal of increasing affordable housing production. If affordability requirements are excessive, however, they can make it economically infeasible to construct new multi-family housing.

For purposes of making compliance determinations with Section 3A, DHCD will consider an affordability requirement to be consistent with as of right zoning as long as: (i) any affordable units required by the zoning are eligible to be listed on DHCD's Subsidized Housing Inventory; (ii) the zoning requires not more than 10 percent of the units in a project to be affordable units; and (iii) the cap on the income of families or individuals who are eligible to occupy the affordable units is not less than 80 percent of area median income. Notwithstanding the foregoing, the percentage of units required to be affordable units may be up to, but not more than, 20 percent of the units in a project, only if (i) the affordability requirement applicable in the multi-family zoning district pre-dates the enactment of Section 3A and the MBTA community demonstrates to DHCD that the affordability requirement has not made and will not make multi-family housing production infeasible, or (ii) the multi-family zoning district requires DHCD review and approval as a smart growth district under chapter 40R, or under another zoning incentive program administered by DHCD.

c. Other requirements that do not apply uniformly in the multi-family zoning district

Zoning will not be deemed compliant with Section 3A's requirement that multi-family housing be allowed as of right if the zoning imposes requirements on multi-family housing that are not generally applicable to other uses. The following are examples of requirements that would be deemed to be inconsistent with "as of right" use: (i) a requirement that multi-family housing meet higher energy efficiency standards than other uses; (ii) a requirement that a multi-family use achieve a third party certification that is not required for other uses in the district; and (iii) a requirement that multi-family use must be combined with commercial or other uses on the same lot or as part of a single project. Mixed use projects may be allowed as of right in a multi-family zoning district, as long as multi-family housing is separately allowed as of right.

5. Determining "Reasonable Size"

In making determinations of "reasonable size," DHCD will take into consideration both the land area of the multi-family zoning district, and the multi-family zoning district's multi-family unit capacity.

a. *Minimum land area*

A zoning district is a specifically delineated land area with uniform regulations and requirements governing the use of land and the placement, spacing, and size of buildings. For purposes of compliance with Section 3A, a multi-family zoning district should be a neighborhood-scale district, not a single development site on which the municipality is willing to permit a particular multi-family project. DHCD will certify compliance with Section 3A only if an MBTA community's multi-family zoning district meets the minimum land area applicable to that MBTA community, if any, as set forth in Appendix 1. The minimum land area for each MBTA community has been determined as follows:

- (i) In rapid transit communities, commuter rail communities, and adjacent communities, the minimum land area of the multi-family zoning district is 50 acres, or 1.5% of the developable land in an MBTA community, whichever is *less*. In certain cases, noted in Appendix 1, a smaller minimum land area applies.
- (ii) In adjacent small towns, there is no minimum land area. In these communities, the multi-family zoning district may comprise as many or as few acres as the community determines is appropriate, as long as the district meets the applicable minimum multi-family unit capacity and the minimum gross density requirements.

In all cases, at least half of the multi-family zoning district land areas must comprise contiguous lots of land. No portion of the district that is less than 5 contiguous acres land will count toward the minimum size requirement. If the multi-family unit capacity and gross density requirements can be achieved in a district of fewer than 5 acres, then the district must consist entirely of contiguous lots.

b. *Minimum multi-family unit capacity*

A reasonably sized multi-family zoning district must also be able to accommodate a reasonable number of multi-family housing units as of right. For purposes of determinations of compliance with Section 3A, DHCD will consider a reasonable multi-family unit capacity for each MBTA community to be a specified percentage of the total number of housing units within the community, with the applicable percentage based on the type of transit service in the community, as shown on Table 1:

Table 1.

<u>Category</u>	<u>Percentage of total housing units</u>
Rapid transit community	25%
Commuter rail community	15%
Adjacent community	10%
Adjacent small town	5%

To be deemed in compliance with Section 3A, each MBTA community must have a multi-family zoning district with a multi-family unit capacity equal to or greater than the minimum unit capacity shown for it in Appendix 1. The minimum multi-family unit capacity for each MBTA community has been determined as follows:

- (i) First, by multiplying the number of housing units in that community by 0.25, 0.15, 0.10, or .05 depending on the MBTA community category. For example, a rapid transit community with 7,500 housing units is required to have a multi-family zoning district with a multi-family unit capacity of $7,500 \times 0.25 = 1,875$ multi-family units. For purposes of these guidelines, the number of total housing units in each MBTA community has been established by reference to the most recently published United States Decennial Census of Population and Housing.
- (ii) Second, when there is a minimum land area applicable to an MBTA community, by multiplying that minimum land area (up to 50 acres) by Section 3A's minimum gross density requirement of 15 units per acre. The product of that multiplication creates a floor on multi-family unit capacity. For example, an MBTA community with a minimum land area of 40 acres must have a district with a multi-family unit capacity of at least 600 (40×15) units.
- (iii) The minimum unit capacity applicable to each MBTA community is *the greater of* the numbers resulting from steps (i) and (ii) above, but subject to the following limitation: In no case does the minimum multi-family unit capacity exceed 25% of the total housing units in that MBTA community.

Example: The minimum multi-family unit capacity for an adjacent community with 1,000 housing units and a minimum land area of 50 acres is determined as follows: (i) first, by multiplying $1,000 \times .1 = 100$ units; (ii) second, by multiplying $50 \times 15 = 750$ units; (iii) by taking the larger number, but adjusting that number down, if necessary, so that unit capacity is no more than 25% of $1,000 = 250$ units. In this case, the adjustment in step (iii) results in a minimum unit capacity of 250 units.

c. *Methodology for determining a multi-family zoning district's multi-family unit capacity*

MBTA communities seeking a determination of compliance must use the DHCD compliance model to provide an estimate of the number of multi-family housing units that can be developed as of right within the multi-family zoning district. The multi-family unit capacity of an existing or proposed district shall be calculated using the unit capacity worksheet described in Appendix 2. This worksheet produces an estimate of a district's multi-family unit capacity using inputs such as the amount of developable land in the district, the dimensional requirements applicable to lots and buildings (including, for example, height limitations, lot coverage limitations, and maximum floor area ratio), and the parking space requirements applicable to multi-family uses.

Minimum unit capacity is a measure of whether a multi-family zoning district is of a reasonable size, not a requirement to produce housing units. Nothing in Section 3A or these guidelines should be interpreted as a mandate to construct a specified number of housing units, nor as a housing production target. Demonstrating compliance with the minimum multi-family unit capacity requires only that an MBTA community show that the zoning allows multi-family housing as of right and that a sufficient number of multi-family housing units could be added to or replace existing uses and structures over time—even though such additions or replacements may be unlikely to occur soon.

If an MBTA community has two or more zoning districts in which multi-family housing is allowed as of right, then two or more districts may be considered cumulatively to meet the minimum land area and minimum multi-family unit capacity requirements, as long as each district independently complies with Section 3A's other requirements.

d. *Water and wastewater infrastructure within the multi-family zoning district*

MBTA communities are encouraged to consider the availability of water and wastewater infrastructure when selecting the location of a new multi-family zoning district. But compliance with Section 3A does not require a municipality to install new water or wastewater infrastructure, or add to the capacity of existing infrastructure, to accommodate future multi-family housing production within the multi-family zoning district. In most cases, multi-family housing can be created using private septic and wastewater treatment systems that meet state environmental standards. Where public systems currently exist, but capacity is limited, private developers may be able to support the cost of necessary water and sewer extensions. While the zoning must allow for gross average density of at least 15 units per acre, there may be other legal or practical limitations, including lack of infrastructure or infrastructure capacity, that result in actual housing production at lower density than the zoning allows.

The multi-family unit capacity analysis does not need to take into consideration limitations on development resulting from existing water or wastewater infrastructure within the multi-family zoning district, or, in areas not served by public sewer, any applicable limitations under title 5 of the state environmental code. For purposes of the unit capacity analysis, it is assumed that housing developers will design projects that work within existing water and wastewater constraints, and that developers, the municipality, or the Commonwealth will provide funding for infrastructure upgrades as needed for individual projects.

6. **Minimum Gross Density**

Section 3A expressly requires that a multi-family zoning district—not just the individual lots of land within the district—must have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A. The Zoning Act defines “gross density” as “a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses.”

a. *District-wide gross density*

To meet the district-wide gross density requirement, the dimensional restrictions and parking requirements for the multi-family zoning district must allow for a gross density of 15 units per acre of land within the district. By way of example, to meet that requirement for a 40-acre multi-family zoning district, the zoning must allow for at least 15 multi-family units per acre, or a total of at least 600 multi-family units.

For purposes of determining compliance with Section 3A's gross density requirement, the DHCD compliance model will not count in the denominator any excluded land located within the multi-family zoning district, except public rights-of-way, private rights-of-way, and publicly-owned land used for recreational, civic, commercial, and other nonresidential uses. This method of

calculating minimum gross density respects the Zoning Act's definition of gross density—"a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses"—while making it unnecessary to draw patchwork multi-family zoning districts that carve out wetlands and other types of excluded land that are not developed or developable.

b. *Achieving district-wide gross density by sub-districts*

Zoning ordinances and by-laws typically limit the unit density on individual lots. To comply with Section 3A's gross density requirement, an MBTA community may establish reasonable sub-districts within a multi-family zoning district, with different density limits for each sub-district, provided that the gross density for the district as a whole meets the statutory requirement of not less than 15 multi-family units per acre. DHCD will review sub-districts to ensure that the density allowed as of right in each sub-district is reasonable and not intended to frustrate the purpose of Section 3A by allowing projects of a such high density that they are not likely to be constructed.

c. *Wetland and septic considerations relating to density*

Section 3A provides that a district of reasonable size shall have a minimum gross density of 15 units per acre, "subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A." This directive means that even though the zoning district must permit 15 units per acre as of right, any multi-family housing produced within the district is subject to, and must comply with, the state wetlands protection act and title 5 of the state environmental code—even if such compliance means a proposed project will be less dense than 15 units per acre.

7. **Determining Suitability for Families with Children**

Section 3A states that a compliant multi-family zoning district must allow multi-family housing as of right, and that "such multi-family housing shall be without age restrictions and shall be suitable for families with children." DHCD will deem a multi-family zoning district to comply with these requirements as long as the zoning does not require multi-family uses to include units with age restrictions, and does not limit or restrict the size of the units, cap the number of bedrooms, the size of bedrooms, or the number of occupants, or impose a minimum age of occupants. Limits, if any, on the size of units or number of bedrooms established by state law or regulation are not relevant to Section 3A or to determinations of compliance made pursuant to these guidelines.

8. **Location of Districts**

a. *General rule for determining the applicability of Section 3A's location requirement*

Section 3A states that a compliant multi-family zoning district shall "be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable." When an MBTA community has only a small amount of transit station area within its boundaries, it may not be possible or practical to locate all of the multi-family zoning district within 0.5 miles of a transit station. Transit station area may not be a practical location for a multi-family zoning district if it does not include developable land where multi-family housing can actually be

constructed. Therefore, for purposes of determining compliance with Section 3A, DHCD will consider the statute's location requirement to be "applicable" to a particular MBTA community only if that community has within its borders at least 100 acres of developable station area. DHCD will require more or less of the multi-family zoning district to be located within transit station areas depending on how much total developable station area is in that community, as shown on Table 2:

Table 2.

<u>Total developable station area within the MBTA community (acres)</u>	<u>Portion of the multi-family zoning district that must be within a transit station area</u>
0-100	0%
101-250	20%
251-400	40%
401-600	50%
601-800	75%
801+	90%

The percentages specified in this table apply to both the minimum land area and the minimum multi-family unit capacity. For example, in an MBTA community that has a total of 500 acres of transit station area within its boundaries, a multi-family zoning district will comply with Section 3A's location requirement if at least 50 percent of the district's minimum land area is located within the transit station area, *and* at least 50 percent of the district's minimum multi-family unit capacity is located within the transit station area.

A community with transit station areas associated with more than one transit station may locate the multi-family zoning district in any of the transit station areas. For example, a rapid transit community with transit station area around a subway station in one part of town, and transit station area around a commuter rail station in another part of town, may locate its multi-family zoning district in either or both transit station areas.

b. MBTA communities with limited or no transit station area

When an MBTA community has less than 100 acres of developable station area within its boundaries, the MBTA community may locate the multi-family zoning district anywhere within its boundaries. To encourage transit-oriented multi-family housing consistent with the general intent of Section 3A, MBTA communities are encouraged to consider locating the multi-family zoning district in an area with reasonable access to a transit station based on existing street patterns, pedestrian connections, and bicycle lanes, or in an area that qualifies as an "eligible location" as defined in Chapter 40A—for example, near an existing downtown or village center, near a regional transit authority bus stop or line, or in a location with existing under-utilized facilities that can be redeveloped into new multi-family housing.

c. General guidance on district location applicable to all MBTA communities

When choosing the location of a new multi-family zoning district, every MBTA community should consider how much of a proposed district is sensitive land on which permitting requirements and other considerations could make it challenging or inadvisable to construct multi-family housing. For example, an MBTA community may want to avoid including in a multi-family zoning district

areas that are subject to flooding, or are known habitat for rare or threatened species, or have prime agricultural soils in active agricultural use.

9. Determinations of Compliance

Section 3A provides that any MBTA community that fails to comply with Section 3A's requirements will be ineligible for funding from any of the listed funding sources. DHCD will make determinations of compliance with Section 3A in accordance with these guidelines to inform state agency decisions on which MBTA communities are eligible to receive funding from the listed funding sources. Determinations of compliance also may inform funding decisions by EOHED, DHCD, the MBTA and other state agencies which consider local housing policies when evaluating applications for discretionary grant programs, or making other discretionary funding decisions.

DHCD interprets Section 3A as allowing every MBTA community a reasonable opportunity to enact zoning amendments as needed to come into compliance. Accordingly, DHCD will recognize both *interim* compliance, which means an MBTA community is taking active steps to enact a multi-family zoning district that complies with Section 3A, and *district* compliance, which is achieved when DHCD determines that an MBTA community has a multi-family zoning district that complies with Section 3A. The requirements for interim and district compliance are described in more detail below.

Table 3.

Transit Category (# of municipalities)	Deadline to Submit Action Plan	Deadline to Submit District Compliance Application
Rapid transit community (12)	January 31, 2023	December 31, 2023
Commuter rail community (71)	January 31, 2023	December 31, 2024
Adjacent community (58)	January 31, 2023	December 31, 2024
Adjacent small town (34)	January 31, 2023	December 31, 2025

a. Process to achieve interim compliance

Many MBTA communities do not currently have a multi-family zoning district of reasonable size that complies with the requirements of Section 3A. Prior to achieving district compliance (but no later than the deadlines set forth in Table 3), these MBTA communities can achieve interim compliance by taking the following affirmative steps towards the creation of a compliant multi-family zoning district.

- i. *Creation and submission of an action plan.* An MBTA community seeking to achieve interim compliance must first submit an action plan on a form to be provided by DHCD. An MBTA community action plan must provide information about current zoning, past planning for multi-family housing, if any, and potential locations for a multi-family zoning district. The action plan also will require the MBTA community to establish a timeline for various actions needed to create a compliant multi-family zoning district.
- ii. *DHCD approval of an action plan.* DHCD will review each submitted action plan for consistency with these guidelines, including but not limited to the timelines in

Table 3. If DHCD determines that the MBTA community's action plan is reasonable and will lead to district compliance in a timely manner, DHCD will issue a determination of interim compliance. DHCD may require modifications to a proposed action plan prior to approval.

- iii. *Implementation of the action plan.* After DHCD approves an action plan and issues a determination of interim compliance, an MBTA community must diligently implement the action plan. DHCD may revoke a determination of interim compliance if an MBTA community has not made sufficient progress in implementing an approved action plan. DHCD and EOHED will review an MBTA community's progress in implementing its action plan prior to making an award of funds under the Housing Choice Initiative and Massworks infrastructure program.
 - iv. *Deadlines for submitting action plans.* To achieve interim compliance for grants made through the 2023 One Stop Application, action plans must be submitted by no later than January 31, 2023. An MBTA community that does not submit an action plan by that date may not receive a DHCD determination of interim compliance in time to receive an award of funds from the listed funding sources in 2023. An MBTA community that does not achieve interim compliance in time for the 2023 One Stop Application may submit an action plan to become eligible for a subsequent round of the One Stop Application, provided that an action plan must be submitted by no later than January 31 of the year in which the MBTA community seeks to establish grant eligibility; and provided further that no action plan may be submitted or approved after the applicable district compliance application deadline set forth in Table 3.
- b. *Assistance for communities implementing an action plan.*

MBTA communities are encouraged to communicate as needed with DHCD staff throughout the process of implementing an action plan. DHCD will endeavor to respond to inquiries about whether a proposed multi-family zoning district complies with Section 3A prior to a vote by the municipal legislative body to create or modify such a district. Such requests shall be made on a form to be provided by DHCD and should be submitted at least 90 days prior to the vote of the legislative body.

c. *Requests for determination of district compliance*

When an MBTA community believes it has a multi-family zoning district that complies with Section 3A, it may request a determination of district compliance from DHCD. Such a request may be made for a multi-family zoning district that was in existence on the date that Section 3A became law, or for a multi-family zoning district that was created or amended after the enactment of Section 3A. In either case, such request shall be made on an application form required by DHCD and shall include, at a minimum, the following information. Municipalities will need to submit:

- (i) A certified copy of the municipal zoning ordinance or by-law and zoning map, including all provisions that relate to uses and structures in the multi-family zoning district.
- (ii) An estimate of multi-family unit capacity using the compliance model.

- (iii) GIS shapefile for the multi-family zoning district.
- (iv) In the case of a by-law enacted by a town, evidence that the clerk has submitted a copy of the adopted multi-family zoning district to the office of the Attorney General for approval as required by state law, or evidence of the Attorney General's approval.

After receipt of a request for determination of district compliance, DHCD will notify the requesting MBTA community within 30 days if additional information is required to process the request. Upon reviewing a complete application, DHCD will provide the MBTA community a written determination either stating that the existing multi-family zoning district complies with Section 3A, or identifying the reasons why the multi-family zoning district fails to comply with Section 3A and the steps that must be taken to achieve compliance. An MBTA community that has achieved interim compliance prior to requesting a determination of district compliance shall remain in interim compliance for the period during which a request for determination of district compliance, with all required information, is pending at DHCD.

10. Ongoing Obligations; Rescission of a Determination of Compliance

After receiving a determination of compliance, an MBTA community must notify DHCD in writing of any zoning amendment or proposed zoning amendment that affects the compliant multi-family zoning district, or any other by-law, ordinance, rule or regulation that limits the development of multi-family housing in the multi-family zoning district. DHCD may rescind a determination of district compliance, or require changes to a multi-family zoning district to remain in compliance, if DHCD determines that:

- (i) The MBTA community submitted inaccurate information in its application for a determination of compliance;
- (ii) The MBTA community failed to notify DHCD of a zoning amendment that affects the multi-family zoning district;
- (iii) The MBTA community enacts or amends any by-law or ordinance, or other rule or regulation, that materially alters the minimum land area and/or the multi-family unit capacity in the multi-family zoning district;
- (iv) A board, authority or official in the MBTA community does not issue permits, or otherwise acts or fails to act, to allow construction of a multi-family housing project that is allowed as of right in the multi-family zoning district;
- (v) The MBTA community takes other action that causes the multi-family zoning district to no longer comply with Section 3A; or
- (vi) An MBTA community with an approved multi-family zoning district has changed transit category as a result of a newly opened or decommissioned transit station, or the establishment of permanent, regular service at a transit station where there was formerly intermittent or event-based service.

11. Changes to MBTA Service

Section 3A applies to the 175 MBTA communities identified in section 1A of the Zoning Act and section 1 of chapter 161A of the General Laws. When MBTA service changes, the list of MBTA communities and/or the transit category assignments of those MBTA communities in Appendix 1 may change as well.

The transit category assignments identified in Appendix 1 of these guidelines reflect certain MBTA service changes that will result from new infrastructure now under construction in connection with the South Coast Rail and Green Line Extension projects. These service changes include the opening of new Green Line stations and commuter rail stations, as well as the elimination of regular commuter rail service at the Lakeville station. These changes are scheduled to take effect in all cases a year or more before any municipal district compliance deadline. Affected MBTA communities are noted in Appendix 1.

Municipalities that are not now identified as MBTA communities and may be identified as such in the future are not addressed in these guidelines or included in Appendix 1. New MBTA communities will be addressed with revisions to Appendix 1, and separate compliance timelines, in the future.

Future changes to Silver Line routes or stations may change district location requirements when expanded high-capacity service combined with new facilities creates a bus station where there was not one before. Changes to other bus routes, including the addition or elimination of bus stops or reductions or expansions of bus service levels, do not affect the transit categories assigned to MBTA communities and will not affect location requirements for multi-family zoning districts. Any future changes to MBTA transit service, transit routes and transit service levels are determined by the MBTA Board of Directors consistent with the MBTA's Service Delivery Policy.

List of Appendices:

Appendix 1: MBTA Community Categories and Requirements

Appendix 2: Compliance Methodology/Model

Appendix 1:
MBTA Community Categories and Requirements

Community	Community category	2020 Housing Units	Minimum multi-family unit capacity*	Minimum land area**	Developable station area***	% of district to be located in station area
Abington	Commuter Rail	6,811	1,022	50	307	40%
Acton	Commuter Rail	9,219	1,383	50	246	20%
Amesbury	Adjacent Community	7,889	789	50	-	0%
Andover	Commuter Rail	13,541	2,031	50	587	50%
Arlington	Adjacent Community	20,461	2,046	32	58	0%
Ashburnham	Adjacent Small Town	2,730	137	-	-	0%
Ashby	Adjacent Small Town	1,243	62	-	-	0%
Ashland	Commuter Rail	7,495	1,124	50	272	40%
Attleboro	Commuter Rail	19,097	2,865	50	467	50%
Auburn	Adjacent Community	6,999	750	50	-	0%
Ayer	Commuter Rail	3,807	750	50	284	40%
Bedford	Adjacent Community	5,444	750	50	-	0%
Bellingham	Adjacent Community	6,749	750	50	-	0%
Belmont	Commuter Rail	10,882	1,632	27	502	50%
Berkley	Adjacent Small Town	2,360	118	-	79	0%
Beverly	Commuter Rail	17,887	2,683	50	1,435	90%
Billerica	Commuter Rail	15,485	2,323	50	308	40%
Bourne	Adjacent Small Town	11,140	557	-	-	0%
Boxborough	Adjacent Small Town	2,362	118	-	-	0%
Boxford	Adjacent Small Town	2,818	141	-	-	0%
Braintree	Rapid Transit	15,077	3,769	50	485	50%
Bridgewater	Commuter Rail	9,342	1,401	50	181	20%
Brockton	Commuter Rail	37,304	5,596	50	995	90%
Brookline	Rapid Transit	27,961	6,990	41	1,349	90%

Community	Community category	2020 Housing Units	Minimum multi-family unit capacity*	Minimum land area**	Developable station area***	% of district to be located in station area
Burlington	Adjacent Community	10,431	1,043	50	-	0%
Cambridge	Rapid Transit	53,907	13,477	32	1,392	90%
Canton	Commuter Rail	9,930	1,490	50	451	50%
Carlisle	Adjacent Small Town	1,897	95	-	-	0%
Carver	Adjacent Small Town	4,701	235	-	-	0%
Chelmsford	Adjacent Community	14,769	1,477	50	-	0%
Chelsea	Rapid Transit	14,554	3,639	14	608	75%
Cohasset	Commuter Rail	3,341	638	43	241	20%
Concord	Commuter Rail	7,295	1,094	50	519	50%
Danvers	Adjacent Community	11,763	1,176	50	-	0%
Dedham	Commuter Rail	10,459	1,569	49	507	50%
Dover	Adjacent Small Town	2,046	102	-	-	0%
Dracut	Adjacent Community	12,325	1,233	50	-	0%
Duxbury	Adjacent Community	6,274	750	50	-	0%
East Bridgewater	Adjacent Community	5,211	750	50	-	0%
Easton	Adjacent Community	9,132	913	50	-	0%
Essex	Adjacent Small Town	1,662	83	-	-	0%
Everett	Rapid Transit	18,208	4,552	22	200	20%
Fitchburg	Commuter Rail	17,452	2,618	50	601	75%
Foxborough	Adjacent Community	7,682	768	50	-	0%
Framingham	Commuter Rail	29,033	4,355	50	270	40%
Franklin	Commuter Rail	12,551	1,883	50	643	75%
Freetown	Commuter Rail	3,485	750	50	346	40%
Georgetown	Adjacent Community	3,159	750	50	-	0%
Gloucester	Commuter Rail	15,133	2,270	50	430	50%
Grafton	Adjacent Community	7,760	776	50	82	0%
Groton	Adjacent Small Town	4,153	208	-	-	0%

Community	Community category	2020 Housing Units	Minimum multi-family unit capacity*	Minimum land area**	Developable station area***	% of district to be located in station area
Groveland	Adjacent Small Town	2,596	130	-	-	0%
Halifax	Commuter Rail	3,107	750	50	300	40%
Hamilton	Commuter Rail	2,925	731	49	184	20%
Hanover	Adjacent Community	5,268	750	50	-	0%
Hanson	Commuter Rail	3,960	750	50	218	20%
Harvard	Adjacent Small Town	2,251	113	-	-	0%
Haverhill	Commuter Rail	27,927	4,189	50	415	50%
Hingham	Commuter Rail	9,930	1,490	50	757	75%
Holbrook	Commuter Rail	4,414	662	41	170	20%
Holden	Adjacent Community	7,439	750	50	-	0%
Holliston	Adjacent Community	5,562	750	50	-	0%
Hopkinton	Adjacent Community	6,645	750	50	79	0%
Hull	Adjacent Community	5,856	586	7	34	0%
Ipswich	Commuter Rail	6,476	971	50	327	40%
Kingston	Commuter Rail	5,364	805	50	345	40%
Lakeville	Adjacent Small Town	4,624	231	-	30	0%
Lancaster	Adjacent Small Town	2,788	139	-	-	0%
Lawrence	Commuter Rail	30,008	4,501	39	271	40%
Leicester	Adjacent Small Town	4,371	219	-	-	0%
Leominster	Commuter Rail	18,732	2,810	50	340	40%
Lexington	Adjacent Community	12,310	1,231	50	-	0%
Lincoln	Commuter Rail	2,771	635	42	130	20%
Littleton	Commuter Rail	3,889	750	50	244	20%
Lowell	Commuter Rail	43,482	6,522	50	274	40%
Lunenburg	Adjacent Small Town	4,805	240	-	-	0%
Lynn	Commuter Rail	36,782	5,517	50	637	75%
Lynnfield	Adjacent Community	4,773	607	40	-	0%

Community	Community category	2020 Housing Units	Minimum multi-family unit capacity*	Minimum land area**	Developable station area***	% of district to be located in station area
Malden	Rapid Transit	27,721	6,930	31	484	50%
Manchester	Commuter Rail	2,433	559	37	305	40%
Mansfield	Commuter Rail	9,282	1,392	50	327	40%
Marblehead	Adjacent Community	8,965	897	27	-	0%
Marlborough	Adjacent Community	17,547	1,755	50	-	0%
Marshfield	Adjacent Community	11,575	1,158	50	-	0%
Maynard	Adjacent Community	4,741	474	21	-	0%
Medfield	Adjacent Community	4,450	750	50	-	0%
Medford	Rapid Transit	25,770	6,443	35	714	75%
Medway	Adjacent Community	4,826	750	50	-	0%
Melrose	Commuter Rail	12,614	1,892	25	774	75%
Merrimac	Adjacent Small Town	2,761	138	-	-	0%
Methuen	Adjacent Community	20,194	2,019	50	-	0%
Middleborough	Commuter Rail	9,808	1,471	50	260	40%
Middleton	Adjacent Community	3,359	750	50	-	0%
Millbury	Adjacent Community	5,987	750	50	-	0%
Millis	Adjacent Community	3,412	750	50	-	0%
Milton	Rapid Transit	9,844	2,461	50	404	50%
Nahant	Adjacent Small Town	1,680	84	-	-	0%
Natick	Commuter Rail	15,680	2,352	50	680	75%
Needham	Commuter Rail	11,891	1,784	50	1,223	90%
Newbury	Adjacent Small Town	3,072	154	-	69	0%
Newburyport	Commuter Rail	8,615	1,292	35	213	20%
Newton	Rapid Transit	33,320	8,330	50	2,833	90%
Norfolk	Commuter Rail	3,601	750	50	333	40%
North Andover	Adjacent Community	11,914	1,191	50	5	0%
North Attleborough	Adjacent Community	12,551	1,255	50	-	0%

Community	Community category	2020 Housing Units	Minimum multi-family unit capacity*	Minimum land area**	Developable station area***	% of district to be located in station area
North Reading	Adjacent Community	5,875	750	50	-	0%
Northborough	Adjacent Community	5,897	750	50	-	0%
Northbridge	Adjacent Community	6,691	750	50	-	0%
Norton	Adjacent Community	6,971	750	50	-	0%
Norwell	Adjacent Community	3,805	750	50	-	0%
Norwood	Commuter Rail	13,634	2,045	50	861	90%
Paxton	Adjacent Small Town	1,689	84	-	-	0%
Peabody	Adjacent Community	23,191	2,319	50	-	0%
Pembroke	Adjacent Community	7,007	750	50	-	0%
Plymouth	Adjacent Community	28,074	2,807	50	-	0%
Plympton	Adjacent Small Town	1,068	53	-	-	0%
Princeton	Adjacent Small Town	1,383	69	-	-	0%
Quincy	Rapid Transit	47,009	11,752	50	1,222	90%
Randolph	Commuter Rail	12,901	1,935	48	182	20%
Raynham	Adjacent Community	5,749	750	50	-	0%
Reading	Commuter Rail	9,952	1,493	43	343	40%
Rehoboth	Adjacent Small Town	4,611	231	-	-	0%
Revere	Rapid Transit	24,539	6,135	27	457	50%
Rochester	Adjacent Small Town	2,105	105	-	-	0%
Rockland	Adjacent Community	7,263	726	47	-	0%
Rockport	Commuter Rail	4,380	657	32	252	40%
Rowley	Commuter Rail	2,405	601	40	149	20%
Salem	Commuter Rail	20,349	3,052	41	266	40%
Salisbury	Adjacent Community	5,305	750	50	-	0%
Saugus	Adjacent Community	11,303	1,130	50	11	0%
Scituate	Commuter Rail	8,260	1,239	50	373	40%
Seekonk	Adjacent Community	6,057	750	50	-	0%

Community	Community category	2020 Housing Units	Minimum multi-family unit capacity*	Minimum land area**	Developable station area***	% of district to be located in station area
Sharon	Commuter Rail	6,581	987	50	261	40%
Sherborn	Adjacent Small Town	1,562	78	-	-	0%
Shirley	Commuter Rail	2,599	650	43	338	40%
Shrewsbury	Adjacent Community	14,966	1,497	50	52	0%
Somerville	Rapid Transit	36,269	9,067	24	1,314	90%
Southborough	Commuter Rail	3,763	750	50	167	20%
Sterling	Adjacent Small Town	3,117	156	-	-	0%
Stoneham	Adjacent Community	10,159	1,016	27	12	0%
Stoughton	Commuter Rail	11,739	1,761	50	317	40%
Stow	Adjacent Small Town	2,770	139	-	-	0%
Sudbury	Adjacent Community	6,556	750	50	-	0%
Sutton	Adjacent Small Town	3,612	181	-	-	0%
Swampscott	Commuter Rail	6,362	954	20	236	20%
Taunton	Commuter Rail	24,965	3,745	50	269	40%
Tewksbury	Adjacent Community	12,139	1,214	50	-	0%
Topsfield	Adjacent Small Town	2,358	118	-	-	0%
Townsend	Adjacent Small Town	3,566	178	-	-	0%
Tyngsborough	Adjacent Community	4,669	750	50	-	0%
Upton	Adjacent Small Town	2,995	150	-	-	0%
Wakefield	Commuter Rail	11,305	1,696	36	630	75%
Walpole	Commuter Rail	10,042	1,506	50	638	75%
Waltham	Commuter Rail	26,545	3,982	50	470	50%
Wareham	Adjacent Community	12,967	1,297	50	-	0%
Watertown	Adjacent Community	17,010	1,701	24	27	0%
Wayland	Adjacent Community	5,296	750	50	-	0%
Wellesley	Commuter Rail	9,282	1,392	50	921	90%
Wenham	Commuter Rail	1,460	365	24	111	20%

Community	Community category	2020 Housing Units	Minimum multi-family unit capacity*	Minimum land area**	Developable station area***	% of district to be located in station area
West Boylston	Adjacent Community	3,052	587	39	-	0%
West Bridgewater	Adjacent Small Town	2,898	145	-	-	0%
West Newbury	Adjacent Small Town	1,740	87	-	-	0%
Westborough	Commuter Rail	8,334	1,250	50	194	20%
Westford	Adjacent Community	9,237	924	50	-	0%
Westminster	Adjacent Small Town	3,301	165	-	30	0%
Weston	Commuter Rail	4,043	750	50	702	75%
Westwood	Commuter Rail	5,801	870	50	470	50%
Weymouth	Commuter Rail	25,419	3,813	50	713	75%
Whitman	Commuter Rail	5,984	898	37	242	20%
Wilmington	Commuter Rail	8,320	1,248	50	538	50%
Winchester	Commuter Rail	8,135	1,220	37	446	50%
Winthrop	Adjacent Community	8,821	882	12	14	0%
Woburn	Commuter Rail	17,540	2,631	50	702	75%
Worcester	Commuter Rail	84,281	12,642	50	290	40%
Wrentham	Adjacent Community	4,620	750	50	-	0%

* Minimum multi-family unit capacity for most communities will be based on the 2020 housing stock and the applicable percentage for that municipality's community type. In some cases, the minimum unit capacity is derived from an extrapolation of the required minimum land area multiplied by the statutory minimum gross density of 15 dwelling units per acre. In cases where the required unit capacity from these two methods would exceed 25% of the community's housing stock, the required unit capacity has instead been capped at that 25% level.

** Minimum land area is 50 acres for all communities in the rapid transit, commuter rail and adjacent community types. There is no minimum land area requirement for adjacent small towns. Where 50 acres exceeds 1.5% of the developable land area in a town, a cap has been instituted that sets minimum land area to 1.5% of developable land area in the town.

*** Developable station area is derived by taking the area of a half-mile circle around an MBTA commuter rail station, rapid transit station, or ferry terminal and removing any areas comprised of excluded land.


Appendix 2

Compliance Model Overview

The purpose of the compliance model is to ensure a consistent approach to measuring and evaluating multi-family zoning districts for compliance with Section 3A. The compliance model is intended to create a reasonable estimate of multi-family unit capacity of each multi-family zoning district. It is not intended to provide a precise determination of how many units may be developed on any individual lot or combination of lots.

The model uses geospatial tax parcel data from local assessors, compiled and hosted by MassGIS, to define lot boundaries and dimensions in each multi-family zoning district. The model also captures key dimensional and regulatory elements of the multi-family zoning district that impact multi-family unit capacity. The product of the compliance model is a Microsoft Excel workbook that must be submitted as part of a compliance application to DHCD. Consultant support is available at no cost to assist MBTA communities in meeting all the technical requirements of compliance.

The Compliance Modeling Process at a Glance:

- 
- 1 Step One**
Download the compliance model (an Excel workbook), instructions, and Land Database GIS file from DHCD's mass.gov website
 - 2 Step Two**
Each municipality will answer questions in a "Checklist" format answering questions and using information from the proposed zoning district (such as height, lot coverage, and other dimensional metrics).
 - 3 Step Three**
Using a GIS map provided by DHCD, the community will draw zoning district boundaries so that individual lot level data can be exported into the workbook.
 - 4 Step Four**
The compliance model's formulas then generate an estimate of: unit capacity on each lot in the district(s); unit capacity for the district(s) as a whole; total land area for the district(s) and resulting gross density. Municipalities then review the resulting lot data for accuracy.
 - 5 Step Five**
Finally, the workbook results are compared to the requirements for the applying municipality as part of the district compliance determination process. The municipality submits the completed workbook as part of its application to DHCD when the results show a district and zoning is compliant with the requirements in Appendix 1.

Components of the Compliance Model

Land database

The compliance model includes geospatial parcel data for each MBTA community that identifies how much land area on each lot within a multi-family zoning district is developable land. Applicants will prepare this parcel data for the model's calculations by creating a shapefile for each district, measuring each district's land area, and exporting all lot records within the district's boundaries into an Excel or .csv file. These exported tables can then be pasted into the zoning review checklist and unit capacity estimator, described below.

Zoning review checklist and unit capacity estimator

To capture the data needed to estimate a district's multi-family unit capacity, municipalities will be required to complete a zoning review checklist. The checklist is of a series of questions and responses about allowed residential uses, parking requirements, dimensional restrictions (such as maximum building height and minimum open space), and other regulatory elements applicable in the district.

The unit capacity estimator uses the GIS exported lot information from the land database and the information entered into the zoning review checklist to calculate an estimate of the maximum number of multi-family residential units that could be constructed on each lot in each district as of right. It then aggregates the unit capacity estimates for each lot into an estimate of total unit capacity for each district. It also derives an estimate of the gross density for each district.

Case-Specific Refinements to the Compliance Model Inputs and Outputs

To ensure the integrity and reasonableness of each unit capacity estimate, DHCD may adjust the compliance model inputs and outputs as necessary to account for physical conditions or zoning restrictions not adequately captured by the compliance model. For example, DHCD may override the GIS data and change one or more lots from excluded land to developable land where a municipality demonstrates those lots meet the definition of developable land. DHCD may also adjust the unit capacity estimator's algorithm when it does not adequately account for an atypical zoning requirement or other local development restriction that will clearly impact unit capacity.

**AGENDA ITEM #5
SEPTEMBER 13, 2022**

**DISCUSS PROCESS FOR CONSIDERATION OF TAUNTON WATER
CONNECTION APPLICATIONS**

Attached is the new application that Taunton has developed for people who are looking to connect to Taunton water

City of Taunton Water Connection Application



Department of Public Works
90 Ingell St
Taunton, MA 02780
Phone: 508-821-1045
Fax: 508-821-1059

Application Date

Owner's Name

Mailing Address

City/Town

Phone Number

Property Address for Connection

Applicants Name & Address
(if different from owner)

Assessor's Map

Lot

Plot

Received Taunton Water
Department Specifications?

Street Opening Permit

State Road

Intended Use of Water?

Residential

Max Gallons Per Day Peak Demand Size of Service

Commercial

Max Gallons Per Day Peak Demand Size of Service

Fire Service

Max Gallons Per Day Type of System Backflow Device

Irrigation System

Estimated GPM/Zone # of Zones Backflow Device

The undersigned owner/applicant acknowledges and agrees to the following information stated above. If usage is in access of that approved. The City of Taunton Water Department reserves the right to terminate the water connection.

Applicant Name:	<input type="text"/>	Signature:	<input type="text"/>
Owners Name:	<input type="text"/>	Signature:	<input type="text"/>
Taunton Water Department Supervisor: Mike Arruda		Signature:	<input type="text"/>
Lakeville Board of Selectman (If Applicable)	<input type="text"/>	Signature:	<input type="text"/>

**AGENDA ITEM #6
SEPTEMBER 13, 2022**

UPDATE ON SPECIAL TOWN MEETING ARTICLES

Ari will give an update on the Special Town Meeting Articles

Fall 2022 Special Town Meeting
Draft Articles

Financial Articles

ARTICLE: To see if the Town will vote to transfer the sum of \$11,022.60 from Free Cash and \$297.35 from Park Retained Earnings to pay for the following unpaid bills from the prior fiscal year; or take any other action in relation thereto.

Unpaid Bill No.	Department	Vendor	Amount	Purpose
1	Assessors	Real Estate Research Consultants, Inc.	\$9,200.00	Personal Property listing & valuations
2	Town Offices	Ricoh	82.02	Copier Maintenance
3	Police	Amazon Business	22.58	Boat trailer lights
4	General Insurance	J.K. Olivieri Insurance, Inc.	1,718.00	Year-end auto
5	Park Enterprise	New England Ice Cream	297.35	Clear Pond concession
	Total		\$11,319.95	

ARTICLE: To see if the Town will vote to raise and appropriate from taxation the sum of \$75,000 to supplement the appropriations stated below that were previously voted in Article 1 of the May 9, 2022, Annual Town Meeting for the Fiscal Year beginning July 1, 2022, for various Town Departments; or take any other action in relation thereto.

Line No.	Department	Budget Line Item	Amount	Purpose
28	Facilities	Salaries	\$50,000	Facilities Manager
new	Municipal Committees	Expenses	5,000	Community Preservation startup
35	Fire	Expenses	20,000	Protective Clothing
		Totals	\$75,000	

ARTICLE: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money for capital improvements and equipment and all costs incidental or related thereto, and to authorize Town Officials to take such action and execute all documents as may be necessary to effectuate the purposes of this vote, or take any action relative thereto.

Line	Department	Item	Amount	Funding Source
1	Police	Firearms replacement	30,000	Free Cash
2	Fire Station	Schematic Design	220,000	Free Cash
3	Town Hall	Schematic Design	205,000	Free Cash
		TOTAL	\$430,000	

ARTICLE: To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the town of Lakeville, for Windows and Exterior Door Replacement project for Assawompset Elementary School located at 232 Main Road, Lakeville, Massachusetts 02347, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty-three point fifty-three percent (53.53%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA.

Town Clerk Requested Article

ARTICLE : To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation, as set forth below, to change to position of Town Clerk from an elected position to a position appointed by the Select Board; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition; or take any other action relative thereto.

The petition for special legislation shall take the following form:

AN ACT RELATIVE TO THE POSITION OF TOWN CLERK IN THE TOWN OF LAKEVILLE

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding section 1 of chapter 41 of the General Laws or any other general or special law, rule or regulation to the contrary, there shall be a town clerk for the town of Lakeville. The town clerk shall have all the powers, perform the duties and be subject to the liabilities and penalties now or hereafter conferred and imposed by law on town clerks. The town clerk shall be appointed and may be removed, after the opportunity for a hearing, by the select board of the town. The select board may establish an employment contract, subject to annual appropriation, with the town clerk for salary, fringe benefits and other conditions of employment, including, but not limited to, severance pay, reimbursement for expenses incurred in the performance of the duties of office, liability insurance and conditions of discipline, termination, dismissal, reappointment, performance standards and leave.

SECTION 2. Upon the effective date of this act, the elected office of town clerk shall be abolished and the term of the incumbent of such office terminated. Notwithstanding the foregoing, the elected incumbent holding the office of town clerk on the effective date of this act shall continue to hold such office and perform the duties of that office until the

expiration of the term for which the town clerk was elected, unless he or she sooner vacates such office or until a new town clerk is appointed by the select board in accordance with section 1 of this act.

SECTION 3. No contracts or liabilities in force on the effective date of this act shall be affected by the abolition of the elected office of town clerk or the creation of the appointed office and the appointed town clerk shall, in all respects, be the lawful successor of the office so abolished. All records, property and equipment of the offices of the elected town clerk shall be assigned to the office of the appointed town clerk.

SECTION 4. This act shall take effect upon its passage.

Community Preservation Committee

ARTICLE: To see if the Town will vote to amend the Town's Community Preservation Committee Bylaw, to delete references to the Housing Authority, as shown below, or take any other action relative thereto:

1. Delete the sixth paragraph of Section 1 in its entirety, which currently reads "One member of the Housing Authority as designated by the Authority for an initial term of two (2) years and thereafter for a term of three (3) years."
2. Amend the eighth paragraph of Section as shown here, with additions in **bold** and deletions in ~~strikethrough~~:

~~Three~~ **Four** members to be appointed by the Select Board, one member to be appointed for a term of one (1) year and thereafter for a term of three years and ~~two~~ **three** members to be appointed for a term of two (2) years and thereafter for a term of three (3) years, **provided that one of the two-year appointments shall be an individual with experience in the areas of clearance of substandard, decadent or blighted open areas or the provision of housing for families or elderly persons of low income or engaging in a land assembly and redevelopment projects, including the preservation, restoration or relocation of historical buildings.**

3. Amend the second sentence of Section 2(1) as shown here, with additions in **bold** and deletions in ~~strikethrough~~:

The Committee shall consult with existing municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board, **and** the Park Commission ~~and the Housing Authority~~, or persons acting in those capacities or performing like duties, in conducting such studies.

Annual Budget Calendar

ARTICLE: To see if the Town will vote to amend Section 13 of Chapter III of the Town's General Bylaws relative to the Select Board, Section 16 of Chapter II of the Town's General Bylaws relative to the Finance Committee and Section 25(e) of Chapter III of the Town's General Bylaws relative to the Capital Improvements Committee, all for the purpose of making the timeline

for establishing the annual town budget more consistent with the Town Administrator Bylaw and the timeline used in recent years, as shown below with additions shown in **bold** and deletions shown in ~~strikethrough~~, or take any other action relative thereto.

Part I – Select Board

Section 13. **(a) Each year** the Select Board **shall establish a budget calendar for the ensuing fiscal year.** All boards, committees, heads of departments or other officers of the town authorized by law to expend money, shall furnish ~~directly to the Select Board to the Town Administrator and Finance Committee~~ by January 31st of each year **by a date established by the Select Board,** detailed estimates of the amounts necessary for **salaries, and expenses necessary** for the proper maintenance of the departments under their jurisdiction for the ensuing **fiscal** year with explanatory statements as to any changes from the amounts appropriated for the same purposes in the ~~preceding~~ **then current fiscal** year, ~~and an estimate of amounts necessary for outlays or permanent improvements.~~ They shall also prepare estimates of any income likely to be received by the town during the ensuing **fiscal** year in connection with the town's business or property entrusted to their care. ~~The Select Board shall include in their estimate the salaries and expenses connected with their own office, and the salaries of all other town officers shall be included in the estimate for the office, department or branch of the public service of which they are in charge. The Treasurer shall, in addition to his~~ **the** estimate of the amount required for the maintenance of ~~his own~~ **their** office, prepare a separate statement indicating the amounts required for the payment of interest on the town debt and for the payment of such portions of the town debt as may become due during the ~~succeeding~~ **ensuing fiscal** year. (Adopted May 13, 1974; approved by Attorney General June 6, 1974)

(b) Upon receipt of the budget submissions from the various departments, the Town Administrator shall assemble, prepare and present to the Select Board, by a date established by the Select Board, a proposed annual operating budget for each department for the ensuing fiscal year. The Town Administrator's proposed budget shall also include the annual report of the Capital Expenditures Committee. The Select Board shall review the annual proposed budget submitted by the Town Administrator and make recommendations with respect thereto as they deem advisable. The Town Administrator shall present the budget, incorporating the recommendations of the Select Board and the Capital Expenditures Committee to the Finance Committee by a date established by the Select Board.

(c) If the Select Board shall fail to establish an annual budget calendar by January 1, the calendar used to establish the budget for the then current fiscal year will be used to establish the budget for the ensuing fiscal year.

Part II – Finance Committee

Section 16. All articles in any warrant for a town meeting shall be referred to the

finance committee for its consideration. The ~~Select Board~~ **Town Administrator** shall transmit **by a date established by the Select Board**, immediately a copy thereof to said committee; after due consideration of the subject matter of such articles, by the committee, they shall report thereon to the town meeting, in writing, such recommendations as it deems best for the interest of the town and its citizens. Said committee shall investigate the financial needs of the town, and its departments, and shall prepare and submit in writing at the annual town meeting, a budget and recommendations of the committee thereon.

Part III – Capital Improvements Committee

Section 25(e)(1) For the purposes of this Section, a capital improvement is defined as a physical betterment, including but not limited to the construction of new buildings or facilities and the alteration of buildings or facilities now or hereafter existing, the purchase of land, or items of equipment, provided that any such physical betterment having a cost of less than \$10,000, and which in the judgment of the committee is not of an unusual or non-recurring nature, shall not be considered a capital improvement.

(2) It shall be the duty of the committee to ascertain annually what expenditures for capital improvements, as herein defined, will be required by the Town during the ensuing five years, and in making its determination shall confer with the Finance Committee and the Town Accountant, any Town boards, commissions, committees, officers, employees, and other agencies and departments of the Town involved in making expenditures for capital improvements in the Town, all of which shall co-operate with the committee. All such agencies and departments or other authorities of the Town authorized by law to make such expenditures shall furnish detailed estimates of the expenditures necessary for capital improvements under their jurisdiction for the ensuing five years in conjunction with their annual budget requests **presented to the Town Administrator**.

(3) **Upon receipt of the capital expenditure submissions from the various departments, the Town Administrator shall assemble, prepare and present to the committee, by a date established by the Select Board, a proposed capital budget for each department for the ensuing five years.** The committee shall **use the Town Administrator's report** to prepare annually a program of expenditures for capital improvements, including recommendations for the scheduling of such expenditures and the financing thereof and the probable impact of such improvements on the tax rate of the Town and shall furnish such report and recommendations to the ~~Finance Committee and Select Board~~ **Town Administrator** on or before the ~~second Monday in April annually~~ **a date established by the Select Board** for use in preparing ~~it's the annual budget recommendations to the Town~~ **for the ensuing fiscal year**. Copies of such report and recommendation shall be deposited with the Town Accountant and with the Town Clerk and copies shall be made available by the Town Clerk upon request. The capital program for the following five years, shall be published with the Capital Expenditures Committee report and included in the Annual Town Report. Such capital program shall be presented to the annual town meeting for acceptance in principle, subject to final action at subsequent town meeting(s).

Historic Preservation Restriction for Old Town Hall

ARTICLE: To see if the Town will vote to authorize the Select Board to grant to the Massachusetts Historical Commission or any other qualified entity a historic preservation restriction on the Town-owned property located at 2 Precinct Street, Lakeville, and the Old Town Hall building thereon, on such terms and conditions and for such duration, which may be in excess of thirty years, as the Select Board deems in the best interests of the Town, and, further, to authorize the Select Board to apply for, accept and expend any and all gifts, grants and/or reimbursement of funds from federal, state, and local sources, without limitation, any grants and/or reimbursements under the Commonwealth's Preservation Projects Fund, for the preservation of the Old Town Hall and costs incidental or related thereto, and to execute any and all agreements, restrictions and other documents necessary or convenient to accomplish the foregoing; or take any action in relation thereto.

Problem Properties Package

Regulating Residential Use of Exterior Space

ARTICLE: To see if the Town will vote to amend the Lakeville Zoning By-Laws by adding to Section 2.0 definitions: Reusable Materials or Equipment: Used yard maintenance equipment, tools, car parts, wood, metal, bicycles, toys, furniture, (excluding farm equipment).

On residential property outdoor storage of Reusable Materials or Equipment shall be kept in one area and shall not exceed 500 sq. ft. The storage area shall be screened from view from the street and abutting properties. No Reusable Materials or Equipment shall be stored in any front yard, whether screened or not.

Or take any other action thereto.

ARTICLE: This article adds the business use of "Licensed Junk Dealers (pursuant to the Town of Lakeville General Bylaws)" to the zoning use chart. This new use would only be allowed in the Business Zone. This would restrict the issuance of new licenses to those properties located in the Business Zone.

To see if the Town will vote to amend the Lakeville Zoning By-Laws, Section 4.0 Use Regulations by:

Adding to Section 4.1.2 Business Uses

	R	B	I	I-B
Licensed junk dealers (Pursuant to the Town of Lakeville General Bylaws)	N	Y	N	N

Or take any other action thereto

ARTICLE: An article amending the current general by-law for Junk, Old Metals or Second Hand Articles to include language mandating junk dealers show commercial activity annually as a requirement for license renewal.

Section 5. A holder of a license is required to prove that the license is being utilized for an active business. The required ledger book shall indicate that multiple sales of “junk” kept on the premises, are conducted in six months of every twelve-month licensing period. The Book shall be presented to the Select Board prior to the issuance of a new license.

Addressing Problem Properties

ARTICLE: To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 40, Section 58, to authorize the Town to assess a municipal charges lien on any real property in the Town for the following types of municipal fees and charges that have not been paid by their due date; or take any other action relative thereto.

Charges, penalties, fines or fees, including interest and all costs to record said lien(s) in the Plymouth County Registry of Deeds, assessed in accordance with the following provisions and not paid by their due date shall constitute a lien on the real property of the person assessed:

1. Any provision in Section V of the Town’s General Bylaws;
2. Any provision in the Town’s Zoning Bylaws;
3. Any bylaw, statute or regulation enforced or administered by the Board of Health;
4. Any bylaw, statute or regulation enforced or administered by the Conservation Commission;
5. Any bylaw, statute or regulation enforced or administered by the Building Inspector;
6. Any bylaw, statute or regulation enforced or administered by the Fire Department;
7. Any bylaw, statute or regulation enforced or administered by the Department of Public Works
8. Any bylaw, statute or regulation enforced or administered by the Zoning Board of Appeals; and
9. Any bylaw, statute or regulation enforced or administered by the Planning Board

A municipal charges lien authorized under this section shall take effect upon the recording of a list of unpaid municipal charges and fees by parcel of land and by the name of the person assessed for the charge or fee in the registry of deeds of the county or district where the land subject to the lien lies.

If a charge or fee which is secured by a municipal charges lien remains unpaid when the assessors are preparing a real estate tax list and warrant to be committed under section fifty-three of chapter fifty-nine, the board or officer in charge of the collection of the municipal charge or fee, or the town collector of taxes, if applicable under section thirty-eight A of chapter forty-one, shall certify such charge or fee to the assessors, who shall forthwith add such charge or fee to the tax on the property to which it relates and commit it with their warrant to the collector of taxes as part of such tax.

If the property to which such charge or fee relates is tax exempt, such charge or fee shall be committed as the tax. A lien under this section may be discharged by filing a certificate from the tax collector that all municipal charges or fees constituting the lien, together with any interest and costs thereon, have been paid or legally abated. All costs of recording or discharging a lien under this section shall be borne by the owner of the property.

ARTICLE: To see if the Town will vote to transfer the care, custody and control of the parcels of land identified below, acquired by the Town by tax title foreclosure, from the Treasurer/Collector for the purpose of sale at public auction to the Select Board for the purpose of conveyance and for general municipal purposes, and to authorize the Select Board to convey such parcels on such terms and conditions as the Board may deem appropriate, said parcels being described as follows, or take any other action relative thereto.

<u>Property Address</u>	<u>Assessors Map, Lot</u>
Meadow Lane/Clark Street	042-004-008
Grove Street/Clark Street	042-004-007
9 Violet Street	042-014-005
10 Helen Street	042-018-011
Evergreen Road	042-004-003

Identifying and regulating Rooming/Lodging Houses

ARTICLE: To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 148, Section 26H to require that every lodging house or boarding house shall be protected throughout with an adequate system of automatic sprinklers in accordance with the provisions of the state building code; and to also accept the provisions of Massachusetts General Laws, Chapter 148, Section 26I to require that any building hereafter constructed or hereafter substantially rehabilitated so as to constitute the equivalent of new construction and occupied in whole or in part for residential purposes and containing not less than four dwelling units including, but not limited to, lodging houses, boarding houses, fraternity houses, dormitories, apartments, townhouses, condominiums, hotels, motels and group residences, shall be equipped with an approved system of automatic sprinklers in accordance with the provisions of the state building code; For purposes of these statutes, a boarding / lodging house is defined as a building with six or more persons living together not within the second degree of kindred. "Second degree of kindred" means a father, mother, brother, sister, son, daughter, spouse, grandparent, grandchild, brother- or sister-in-law, son- or daughter-in-law, father- or mother-in-law, stepfather, stepmother, stepsister, stepbrother, stepson, or stepdaughter." or take any other action relative thereto.

Planning Board Requested Articles

Articles in Italics are scheduled for consideration at the September 8 Planning Board meeting.

Mullin Rule – Inquiry sent to other boards.

Modified Setbacks & Lot Coverage in Business/Industrial Zone

Modify Section 5 to remove one principal structure, modify lot coverage and remove density bonus

Industrial District zoning

Off Premise Sign Clarification

Associate Planning Board Member

Ledgewood Drive Road Acceptance Petition.

ARTICLE: To see if the Town will vote to remove in its entirety Section 7.9 Development Opportunities (DO) District from the Town of Lakeville Zoning By-Law or take any other action thereto.

Citizens' Petitions:

Recall of an Elected Official

ARTICLE: To see if the town will vote to authorize the Select Board to petition the General Court for special legislation to provide for recall of officials elected solely by the voters of Lakeville, and, further, to authorize the General Court to make changes of form only to such legislation unless approved by Select Board prior to enactment, and, further to authorize the Board to approve such changes as are within the public purposes of this petition or take any other action relative thereto. Subject to the above-stated rights of the General Court and the Select Board to make certain changes, the proposed special legislation shall include the following provisions relative to the recall of elected Town officials:

Recall of an Elected Official

A. RECALL DESCRIPTION

1. Any holder of an elected office in the Town of Lakeville may be recalled therefrom by registered voters of the Town as hereinafter provided.
2. The recall of an elected official will consist of a 3-step process.
3. An initial recall affidavit shall not be filed against an officer within 3 months after the officer takes office or within the last 3 months of the term.

B. INITIATION OF THE RECALL AFFADAVIT - (Step one) The Affidavit

1. Any 100 registered voters of the Town of Lakeville may initiate a recall petition by filing an affidavit with the Town Clerk.
2. The Select Board may appoint a Temporary/ Interim Town Clerk to handle the recall process and Election should the Town Clerk be the Elected official subjected to the recall.

C. THE PETITION - (Step two) The Petition

1. If the affidavit process has been completed in compliance with the requirements of Section B of this Chapter, the Town Clerk shall provide a sufficient number of copies of petition blanks

demanding such recall (printed forms of which shall be kept on hand) to the voters who made the affidavit. The blanks shall be issued by the Town Clerk and bear the Clerk's signature and Official Seal; they shall be dated and addressed to the Select Board and shall contain the names of all persons to whom issued, the number of blanks so issued, the name of the person sought to be recalled, and shall demand the election of a successor to such office.

2. Such blanks must be provided within five Town hall business days during regular business hours.
3. Said recall petition shall be returned and filed with the Town Clerk on the 28th day after the requesting voter receives the blank petitions from the Town Clerk.
4. In the event that the Town hall is not open on the 28th day, the petition may be filed during normal business hours on the next Town hall business day.
5. The petition, before being returned and filed, shall be signed by 200 qualified voters of the Town. Every signature must be accompanied by the signer's place of residence, giving the street and number.
6. Within 5 working days of receipt of the recall petition sheets, the town clerk shall submit the recall petition sheets to the board of registrars of voters and the board of registrars of voters shall verify the number of signatures which are names of registered voters of the town.

D. THE RECALL ELECTION - (Step three) The Recall Election

1. If the petition shall be found and certified by the Registrars of Voters to be sufficient, the Town Clerk shall forthwith submit it with the certificate to the Select Board. The Select Board shall forthwith give written notice to said official of the receipt of said certificate and, if the official sought to be removed does not resign within seven calendar days, shall order an election to be held on a day fixed by them not less than 45 days nor more than 60 days after the date of the Town Clerk's certificate that a sufficient petition is filed. However, if any other Town election is to occur within 90 days after the date of said certificate the Select Board may, at their discretion, postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been so ordered, the election shall nevertheless proceed as in this section provided.
2. The nomination of other candidates, the publication of the warrant for the recall election and the conduct of the nomination and publication, shall all be in accordance with the law relating to elections, unless otherwise provided in this act.
3. Ballots used in a recall election shall contain the following propositions:

FOR THE RECALL OF THE
[NAME OF OFFICER] ()
AGAINST THE RECALL OF THE
[NAME OF OFFICER] ()

Adjacent to each proposition, there shall be a place to mark a vote. Following the propositions shall appear the word "Candidates" with directions to voters as required by section 42 of chapter 54 of the General Laws. Beneath the word "Candidates" shall appear the names of candidates nominated as provided in this act. Adjacent to the name of each candidate shall be a place to mark a vote.

E. DUTIES OF THE INCUMBENT

1. The incumbent shall continue to perform the duties of his/her office until the recall election.
2. If the official is not recalled, he/she shall continue in the office for the remainder of his/her unexpired term, subject to recall as before, as provided in this act.

F. VOTING RESULTS

1. If a majority of the votes cast upon the question of recall are in favor of recall, the officer shall be recalled and the votes for the candidates shall be counted.
2. In that instance, the candidate receiving the highest number of votes shall be declared elected for the open office.
3. If less than a majority of the votes cast are in favor of recall, the votes for candidates shall not be counted.
4. If the official is recalled in the recall election, he/she shall be deemed removed upon the election of his/her successor, who shall hold office during the unexpired term.
5. If the successor fails to take office within five days after receiving notification of his/her election, the incumbent shall thereupon be deemed removed and the office vacant.

G. CANDIDATES TO SUCCEED THE ELECTED OFFICIAL

1. Any elected official sought to be recalled may not be a candidate to succeed himself/herself.
2. The nomination of candidates, the publication of the warrant for the recall election, and the conduct of the same shall all be in accordance with the provisions of law relating to elections unless otherwise provided by this act.

H. APPOINTMENT OF RECALLED OR RESIGNED OFFICIAL

1. Any person who has been removed from an office or who has resigned from office while recall proceedings were pending against him/her shall not be appointed to any Town office within 4 years after such removal or such resignation.
2. In the case of an officer subjected to a recall election and not recalled, a new recall affidavit shall not be filed against that officer until at least 3 months have elapsed after the election at which the previous recall was submitted to the voters of the town.

I. EFFECTIVE DATE

This act shall take effect upon its passage.

Expansion of the Select Board to Five (5) Members

ARTICLE: To see if the Town will vote to petition the General Court for Special Legislation. Notwithstanding Chapter 43B section 13 of the General Laws or any General or Special Law to the contrary.

SECTION 1. Notwithstanding any general or special law to the contrary, the number of members on the Lakeville Select Board shall be increased from three (3) to five (5). The Select Board shall annually elect a chairperson from among its members.

SECTION 2. At the first Ballot Election to occur following the effective date of this act, three (3) Select Board members shall be elected. The candidate receiving the highest number of votes in that election shall serve a three (3) year term. The candidate receiving the second highest number of votes shall serve a two (2) year term. The candidate receiving the third highest number of votes shall serve a one (1) year term. Thereafter, as the terms of Select Board members expire, successors shall be elected for terms of three (3) years.

SECTION 3. This act shall take effect upon its passage.

**AGENDA ITEM #7
SEPTEMBER 13, 2022**

**DICUSS AND POSSIBLE VOTE ON PUBLIC WAY USE
APPLICATION FROM CHARLES RIVER WHEELMEN TO USE
LAKEVILLE ROADS ON SEPTEMBER 18, 2022 FOR BIKE RIDE**

Attached please find the Public Way License Application for the Charles River Wheelmen Cranberry Century Bike Ride on September 18, 2022. The application has been signed off by the applicable Departments.

The Wheelmen have reached out to the Conservation Commission to use Tamarack Park as a water and rest stop. They have approved the request, per Select Board approval (see memo).



Town of Lakeville
Conservation Commission

346 Bedford St.

Lakeville, MA 02347

Phone: (508) 946-8823 FAX: (508) 946-0112

To: Board of Selectmen

From: Conservation Commission

Date: August 24, 2022

Subject: Tamarack Park

RECEIVED
AUG 26 2022
SELECTMEN'S OFFICE

The Conservation Commission agrees to allow the Charles River Wheelers to use Tamarack Park for their event. This is contingent on Select Board approval, portable restrooms are provided, and everything is cleaned up after the event.

Sincerely,

Robert Bouchard
Conservation Agent



Town of Lakeville
346 Bedford Street
Lakeville, MA 02347

Revised: Sept 20, 2021

Public Way License Application


Must be Submitted No Less Than 60 Days Before Event

This license application is for parties who wish to use public ways for private events. All license applications shall be subject to review and approval by the Board of Selectmen in its sole discretion.

Public Way License Fee: \$500. Fee is reduced to \$250 for nonprofit organizations providing proof of legal status.

Additional charges for Police details and EMS coverage may apply. All requesting organizations must provide a map of the impacted streets and evidence of insurance.

Section 1 - Request Summary/Contact Info.

Organization/Applicant CRW.org		Event/Project Name Cranberry Century		Event/Project Location Tamarak Park
Primary Contact Larry Kernan		Phone # 339-234-0404	Email Larry.kernan@gmail.com	
Application Date 8/1/2022	Date(s) of Event 9/18/2022	Time(s) of Event 8AM	Applicant Signature 	

Section 2 - Description of Request

Please use this space to describe your request. Include an overview of anticipated activities and specific requirements (EMS coverage, Police detail, road maintenance, etc.) Attach additional pages and information as needed.

Use Tamarak park for water stop on CRW cranberry harvest century route. 8AM-12AM September 18th. CRW will have 2 tables with water jugs for approx 300 riders to refresh water bottles on bicycles. Riders will be coming to Tamarak in intervals, stopping for approx 5 mins and continuing on route. (see route details) There will be no vehicles parked for water stop.

Section 3 - Reviews (Date of Approval)

1. Public Works FM 8/19	2. Inspectional Svcs ND 8/22	3. Police MP 8/26	4. Fire MO 8/30	5. Town Admin	6. Board of Selectmen	7. DOT Approval Required <input checked="" type="checkbox"/>
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Section 4 - Process/Comments

Evidence of Insurance (Date) 8/23/2022	Payment Received (Amount/Date)	Additional Comments Conservation Commission approved use of Tamarack Park At 8/23/22 meeting.
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Section 5 - Fee Estimates

Base License Fee:	\$250
Police Detail:	\$0
Fire/EMS Coverage:	\$0
Other (Describe):	\$0
Total Estimate:	\$250

Other Fees Description:

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Town of Lakeville

Public Way License Instructions

General: The Public Way License application provides an orderly process for the consideration and approval of the use of public rights of way for special events within the Town of Lakeville. Such events often require coordination between several departments and involve the utilization of municipal resources. This process is designed to ensure transparency regarding the scope of the event and the Town resources required to ensure it occurs in a successful manner. A license shall be granted upon review and approval by the Board of Selectmen allowing for the specified limited use of the public right of way for the indicated event.

Applicants must submit a complete application to the Department of Public Works no less than 60 days prior to the planned event.

Sections 1 & 2:

Applicants are encouraged to provide as much as information as possible regarding the date(s), timing and anticipated support requirements for the event. Descriptive information, flyers and any additional background which helps to describe the scale of the event is welcome. Applications should also include a map of the impacted streets for reference.

Section 3:

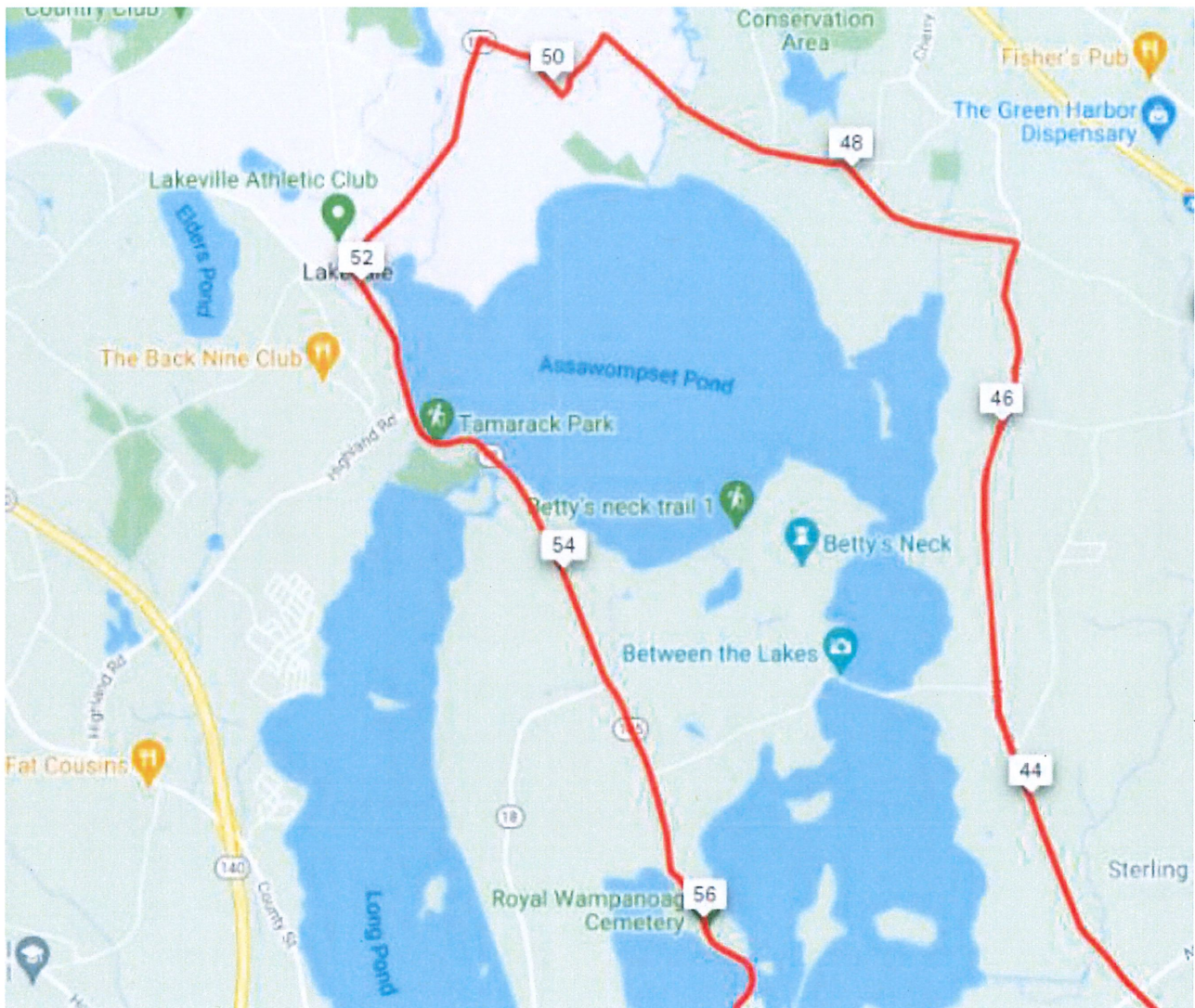
The application review process ensures that all departments are aware of the event and prepared to provide the necessary support. Final Town approval will be provided by the Board of Selectmen during a business meeting. Events impacting State roads will also require approval by the Massachusetts Department of Transportation (MassDOT). The applicant shall be required to obtain and provide evidence for such approval prior to the issuance of a license by the Town.

Section 4:

Applicants must provide evidence of insurance coverage sufficient to indemnify the applicant from potential liability.

Section 5:

The base fee for the Right of Way permit is \$500 and will be reduced to \$250 for charitable organizations providing proof of status. Additional fees could be incurred if a Police detail or onsite EMS coverage are required, as determined by the relevant departments and the Board of Selectmen. Nonprofit entities requesting a full waiver of the base fee must submit a letter to the Town Administrator. Full waivers will be considered by the Board of Selectmen on an individual basis.



CRW Cranberry Harvest Century

Sunday, September 18, 2022

Lakeville Section of Ride

The route will pass through Lakeville for 7.2 miles between miles 49.1 and 56.3 of the century route.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

08/23/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME: Megan Stanley
McKay Insurance Agency, Inc.	PHONE (A/C, No, Ext): (641) 842-2135
106 East Main Street	FAX (A/C, No): (641) 828-2013
P O Box 151	E-MAIL ADDRESS: meg@mckayinsagency.com
Knoxville IA 50138	INSURER(S) AFFORDING COVERAGE
	INSURER A : Evanston Insurance Company
	INSURER B : Gerber Life Insurance Company
	INSURER C :
	INSURER D :
	INSURER E :
	INSURER F :

COVERAGES

CERTIFICATE NUMBER: CL2211360785

REVISION NUMBER: 001

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Includes Athletic Participants GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC <input checked="" type="checkbox"/> OTHER: Event	N	N	3607AH010099-4	02/01/2022	02/01/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ Excluded PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB EXCESS LIAB DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B	Accident Insurance			15-070177-0068-21	02/01/2022	02/01/2023	Medical Expense \$25,000 Deductible \$500 AD&D \$5,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Club Coverage - Cranberry Harvest Century Ride for Members of Charles River Wheelers: September 18, 2022. "This policy is issued, pursuant to Iowa Code section 515.147, by a nonadmitted company in Iowa and as such is not covered by the Iowa Insurance Guaranty Association."

CERTIFICATE HOLDER

CANCELLATION

Town of Lakeville 346 Bedford Street Lakeville MA 02347	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
---	---

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INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: APR 27 2005

CHARLES RIVER WHEELMEN INC
C/O DONALD G BLAKE
1 GLEASON RD
BEDFORD, MA 01730

Employer Identification Number:
90-0193287
DLN:
17053004047025
Contact Person:
MICHELLE A GLUTZ ID# 31213
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
509(a)(2)
Form 990 Required:
Yes
Effective Date of Exemption:
December 31, 2004
Contribution Deductibility:
Yes
Advance Ruling Ending Date:
December 31, 2009

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. During your advance ruling period, you will be treated as a public charity. Your advance ruling period begins with the effective date of your exemption and ends with advance ruling ending date shown in the heading of the letter.

Shortly before the end of your advance ruling period, we will send you Form 8734, Support Schedule for Advance Ruling Period. You will have 90 days after the end of your advance ruling period to return the completed form. We will then notify you, in writing, about your public charity status.

Please see enclosed Information for Exempt Organizations Under Section 501(c)(3) for some helpful information about your responsibilities as an exempt organization.

If you distribute funds to other organizations, your records must show whether they are exempt under section 501(c)(3). In cases where the recipient organization is not exempt under section 501(c)(3), you must have evidence the funds will be used for section 501(c)(3) purposes.

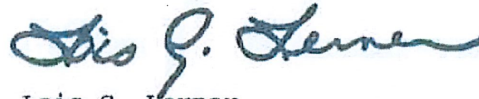
Letter 1045 (DO/CG)

CHARLES RIVER WHEELMEN INC

If you distribute funds to individuals, you should keep case histories showing the recipient's name and address; the purpose of the award; the manner of selection; and the relationship of the recipient to any of your officers, directors, trustees, members, or major contributors.

We have sent a copy of this letter to your representative as indicated in your power of attorney.

Sincerely,

A handwritten signature in dark ink, appearing to read "Lois G. Lerner". The signature is fluid and cursive, with the first name "Lois" and last name "Lerner" clearly distinguishable.

Lois G. Lerner
Director, Exempt Organizations
Rulings and Agreements

Enclosures: Information for Organizations Exempt Under Section 501(c)(3)

**AGENDA ITEM #8
SEPTEMBER 13, 2022**

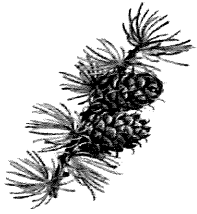
**DISCUSS AND POSSIBLE VOTE REGARDING REQUEST FROM
LAKEVILLE LIONS TO REVISE 1-DAY LIQUOR LICENSE HOURS –
SEPTEMBER 17, 2022**

The Lakeville Lions Club has requested to revise their hours on the 1 day liquor license from 12-4 PM to 12-5 PM for their festival on September 17th.

**AGENDA ITEM #9
SEPTEMBER 13, 2022**

**DISCUSS AND POSSIBLE VOTE TO ALLOCATE HCA CHARITABLE
CONTRIBUTION PROCEEDS FOR THE BETTY'S NECK 20TH
ANNIVERSARY CELEBRATION**

Attached is a memo from Nancy Yeatts, APC Manager.



Assawompset Pond Complex
346 Bedford Street
Lakeville, MA 02347
508-498-4347

TO: Richard LaCamera, Chairman
Lakeville Select Board

FROM: Nancy Yeatts, APC Manager

RE: Betty's Neck 20th anniversary celebration

DATE: September 7, 2022

I am currently working on holding an event at Betty's Neck to celebrate the 20th year of the property being owned by the Town.

Right now, plans include music from Blake Gorman and a show put on by Wingmasters, which is a bird of prey show. Picnic lunches will be offered for sale. A mini Touch a Truck for kids and adults will be held with DPW, Fire Department and Police Department participating. Other things being considered are a hay ride and other organizations being on site with kid centered activities/information.

The Select Board had previously allocated Betty's Neck \$500.00 from a bike race that came through Town. That funding will pay for the bird of prey show. As you are aware, Betty's Neck does not have a budget and there is no funding available to pay for expenses for the event.

We respectfully request from the Select Board some additional funding from the Marijuana Charitable Contribution Fund in order to pay for the rest of the event activities. The entertainment cost is \$200.00 and we will need money to purchase the picnic lunch components, as well as any miscellaneous expenses.

Therefore, we are respectfully requesting an allocation from the HCA Charitable Contribution Fund of \$800.00 to help make the event a success. Thank you for your consideration.

**AGENDA ITEM #10
SEPTEMBER 13, 2022**

NEW BUSINESS

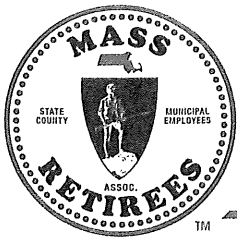
**AGENDA ITEM #11
SEPTEMBER 13, 2022**

**OLD BUSINESS
UPDATE ON ROUTE 79 PROJECT**

Ari will update on the Board on the Route 79 project.

OTHER ITEMS

1. The Voice of the Retired Public Employee newsletter
2. Inaugural Issue of Plymouth County Parking Quarterly
3. Letter from Massachusetts School Building Authority regarding Assawompset Elementary School



THE VOICE

OF THE RETIRED PUBLIC EMPLOYEE

11 BEACON STREET, BOSTON, MASSACHUSETTS 02108-3024 | (617) 723-7283 | WWW.MASSRETIREES.COM

SEPTEMBER 2022

5% COLA FOR STATE & TEACHERS

Local Option Pending In Senate

During the summer of 2021, as serious signs of inflation began to become evident, *Mass Retirees* put a plan in motion to build the case for improvements to the COLA starting in Fiscal Year 2023. These efforts paid off with the passage of a 5% COLA, signed into law by Governor Baker in late July.

Backed by historically high pension fund investment returns over the bulk of the past decade, the Association made the case for sharing the investment success with retirees in the form of better COLA benefits.

"No one wants to see high

inflation, which is a terrible circumstance for retirees living on fixed incomes. Thankfully, our pension systems have been well-run and properly funded since the late 1980s. This meant that the money is available within the pension systems to be tapped to pay for COLA improvements," explains *Mass Retirees* President Frank Valeri, who is also an elected member of the State Retirement Board. "Had inflation spiked a decade ago, I'm not sure the retirement systems would have been able to respond in the same manner. What we've been able to do is really a testament to the work

that has been done over the past few decades."

Section 154 of the FY23 State Budget grants a 5% COLA to eligible State and Teacher Retirees on a \$13,000 base for this fiscal year. To be eligible for the FY23 COLA, you must have retired prior to July 1, 2021.

Unanimously passed by the legislature, the budget also contained a provision (Section 134) granting authority to the 102 local retirement boards to also increase the local COLA up to 5% for FY23. Each

CONTINUED ON PAGE 2 ►

LOCAL COLA BASE INCREASES SET RECORD NUMBER

No question, Calendar 2022 is a "Banner Year" with the most local retirement boards ever raising their COLA (Cost-of-Living Adjustment) Base, with the approval of their legislative body. At press time, 29 of the 102 local retirement systems – over 25% of them – have reported to us that in their July pension checks, they are applying a higher COLA Base, which is the maximum amount of a retiree's pension that the COLA percentage is applied.

"This is phenomenal news,"

*Over 25% of Systems
At Higher Maximum
This Year*

says President Frank Valeri. "No other year comes even close to this record number. For months we've been urging retirement boards to share their substantial investment earnings with retirees and survivors by increasing the COLA.

"We're now seeing the fruit of

that labor. Thank you to the retirement boards and local legislative bodies that agreed with us that now is the time to share the investment success of the systems."

Listed here are the 29 systems, in alphabetical order, whose eligible retirees and survivors will see a COLA increase that will be greater than last year's. To be eligible, you must have retired before July 1, 2021.

CONTINUED ON PAGE 4 ►

SEPTEMBER
PRIMARY ELECTIONS

SEE ENDORSEMENTS

PAGES 10 - 13

5% COLA

CONTINUED FROM PAGE 1 ►

local retirement system has already adopted a 3% COLA for this fiscal year, which is the maximum percentage allowed by law. (See page 6)

Responding to pressure from the Mass Municipal Association (MMA), which characterized the local option as an unaffordable cost on municipal governments, the governor sent Section 134 back to the legislature with an amendment. In addition to majority approval from the 5-member retirement board, Baker's amendment adds the approval of the local executive authority. As of press time in early August, the House had passed an amended version of the governor's local option redraft. It is now awaiting action by the State Senate.

Mass Retirees has urged swift action in returning the local option measure to the governor for final approval. The 102 local retirement boards will then have the remainder of FY23 to act, in conjunction with the local executive authority.

"While this is certainly not an ideal or even needed extra step for approval of the additional 2% COLA, we were forced to accept the governor's amendment. With the formal legislative session ending on July 31, we did not have the needed time to push back. Had we done so, we ran the risk of the local option provision being vetoed and no local retirees receiving the additional 2% added to their COLA," said *Mass Retirees* CEO Shawn Duhamel. "We will make this new local option requirement work to the best of our ability, so that our local retirees are eligible to receive the same relief from inflation as State and Teacher retirees.

"It is unfortunate that the MMA is back to their old deceptive tricks of

putting out misleading information. Reasonable people can disagree on public policy and debate different ideas. But it is something else entirely when one side repeatedly misstates the facts and is able to get away with it."

COLA BASE GROWTH

As the companion article on the growth of the local COLA base explains, the 102 local retirement systems set their own local COLA base (with local legislative approval). For retired State employees and Teachers, the COLA base is set by state law. City of Boston teachers are members of the Boston Retirement System, thus receive the same COLA benefits as Boston retirees.

The current \$13,000 COLA base for State and Teacher retirees was last increased in 2011, when it increased by \$1,000. As is the case in all retirement systems, the COLA base is

a key component within the assumptions of the Commonwealth's pension funding schedule.

Each \$1,000 incremental increase in the base carries an annual budgetary cost of roughly \$55 million, as well as an increase in long-term unfunded liability of nearly \$500 million. The fact that Massachusetts' COLAs are cumulative is the reason for the long-term costs to the retirement system. In many other states, COLAs are treated as one-time bonus payments, often referred to as a *13th check*.

Mass Retirees proposal to increase the COLA base to \$16,000 would cost \$165 million a year, with over \$1.5 billion in new unfunded liabilities.

"Due to the high costs associated with raising the COLA base, such an improvement most often must be made in conjunction with the revaluation of the pension funding

schedule. This allows for asset gains to offset the cost of any new benefits," said Association Legislative Chairman Tom Bonarrigo. "Given the gains made during the most recent 3-year period (2019-21), our hope is that the costs associated with a higher COLA can be offset by the asset gains. As we have said, our goal remains for retirees to share in the success of their retirement system."

FY23 is the 3rd and final year of the current pension funding schedule for State and Teacher retirees. This fall, work will begin on reevaluating the systems, before establishing a new schedule for FY24-26.

Our Association has received commitments from legislative leaders and retirement officials that the State and Teacher COLA base will be closely looked at in conjunction with the revaluation, prior to setting the new funding schedule. Our hope is to make incremental improvements that bring the COLA base closer in line with the average Social Security benefit paid within Massachusetts – which for 2022 is just shy of \$20,000.

"We routinely receive questions, particularly from new retirees, asking why the COLA is not applied to the retiree's full pension instead of a limited base. The short answer is that the retirement systems were not designed nor are they funded to accommodate full COLA benefits. Very few retirement systems are set up that way. Some pay no COLA at all, while many others treat the COLA as a limited bonus payment," continued Duhamel. "At the present time, there is no easily workable way for full COLA payments to be implemented within our system. Doing so would require a large increase in pension funding, both from active public employees and the taxpayers. It's just not how the system was ever intended to operate.

"What we do think is a workable solution is to achieve incremental increases on a more routine basis.



AARON MICHEWITZ
HOUSE WAYS & MEANS CHAIRMAN

CONTINUED ON PAGE 14 ►

LIKELIHOOD OF WEP & GPO FULL REPEAL: A DEAD END!

ASSOCIATION WILL NOT ENGAGE IN POLITICAL GAMESMANSHIP

Editorial By Frank Valeri and Shawn Duhamel

Since our founding in 1968, our Association has built a strong reputation for our honest advocacy and straightforward approach. We do not grandstand nor partake in political gamesmanship. The news we report and positions we take are based on our experience and expert analysis of the facts.

That honest approach was ingrained in *Mass Retirees* by our founder, Ralph White, and will continue under our stewardship. We also believe that an honest assessment of the facts is what our dues-paying members expect of us. After all, misleading our members helps no one and accomplishes nothing.

This is especially true when it comes to the Social Security Windfall Elimination Provision (WEP) and Government Pension Offset (GPO).

Since these two federal laws were created by Congress in 1983, *Mass Retirees* has been a leader in the national effort to repeal or reform both laws. We believe that both these laws are unfair and unjust, bringing great financial harm to some 82,475 retired Massachusetts public retirees. Nationwide, nearly 2 million retirees are harmed by the

WEP alone.

In 2014, after fighting for decades for full repeal of both WEP & GPO, we concluded that full repeal is highly unlikely – at least anytime in the foreseeable future. We did not reach this conclusion overnight. It came following a series of meetings in Washington, D.C. with Congressional officials, public unions, retiree associations, and

**WEP Reform
Compromise Only
Viable Option**

retirement advocates.

We asked the same basic question in each meeting: "Is there a viable path forward to pass a full repeal of WEP and GPO?" Unfortunately, each time we received the same answer: "NO."

The hard truth is that full repeal of WEP and GPO doesn't have the national support needed to become federal law. Remember, while an important issue for Massachusetts and the other states where public employees are not covered by Social Security, most public employees across the country work in jobs

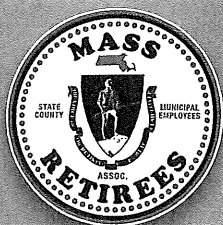
covered by Social Security – just like all private sector jobs. Regardless of the facts or merits of the argument, the National political support does not exist for full repeal.

This is particularly true when it comes to the US Senate, where 60 votes are required to pass legislation impacting Social Security. Those advocating for full repeal have yet to explain the strategy to overcome Senate opposition – if any such strategy exists?

This brings us to the latest iteration of full repeal legislation (there have been many over the past 39 years), H.R.82. While the bill now has 294 cosponsors in the US House of Representatives, enough support to place the proposal on the House's Consensus Calendar for a possible floor vote this fall, there is no viable path forward for the bill in the US Senate. It faces a dead end.

S.1302, the Senate companion to H.R.82, has just 40 cosponsors out of the 100-member US Senate. The bill is 20 votes shy of the 60 needed for passage. Of the 40 cosponsors, just 4 are Republicans. Absent from the list are the 2 Republican Senators

CONTINUED ON PAGE 7 ►



9.9.2022
Lombardo's, Randolph
11:00 AM

2022 ANNUAL IN-PERSON MEETING

FIRST ANNUAL IN-PERSON MEETING SINCE 2019

Masks will be provided

WHEN: **FRIDAY, SEPTEMBER 9, 2022, 11:00AM**
WHERE: **LOMBARDO'S - 6 BILLINGS STREET, RANDOLPH**
Exit 5A Randolph (Route 28 South). Take right at first set of lights (Scanlon Drive). Lombardo's is at the end of Scanlon Drive on right.

**PLEASE
JOIN
US!**

COLA

CONTINUED FROM PAGE 1 ►

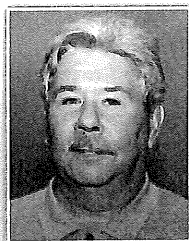
New COLA Bases for 2022

Andover	\$13k
Beverly	\$13k
Brockton	\$14k
Brookline	\$15k
Chicopee	\$16k
Clinton	\$18k
Easthampton	\$16k
Essex Cty	\$16k
Fairhaven	\$15k
Hull	\$17k
Leominster	\$13k
Lexington	\$15k
Malden	\$18k
Medford	\$18k
Melrose	\$16k
Milton	\$18k
Minuteman	\$14k
Needham	\$16k
Norwood	\$15k
Salem	\$15k
Shrewsbury	\$14k
Somerville	\$15k
Southbridge	\$14k
Stoneham	\$15k
Wakefield	\$16k
Watertown	\$14k
Weymouth	\$13k
Woburn	\$16k
Worcester	\$14k

"\$18k Club" Continues to Grow

Upon reviewing this list, you can draw an important conclusion. Namely four more retirement systems joined the "\$18k Club" – Clinton, Malden, Medford and Milton – with Clinton making the biggest jump from \$14k. They bring to twelve systems that are applying the COLA percentage to the first \$18,000 of a pension, a \$540 annual maximum COLA on 3%.

Rick Jordan, the Medford Retirement Board Chairman and longstanding Association member, had the following observations on his city's climb to \$18k. Rick is one of three members of the five-member Medford Board



RICK JORDAN
MEDFORD

who belong to *Mass Retirees*, with Elected and Fifth Members Patrick Ripley and Jim Vieira respectively being the other two.

"The Board felt it was time to increase the COLA Base to \$18,000. We've been discussing it for a few years.

"With the returns we achieved last year, we felt it was the right time. We presented the proposal to the Mayor, and her response was, this is not at all unreasonable. We then asked her to submit it to the City Council for a vote.

"The City Council voted unanimously to approve. Thanks to Mayor Lungo-Koehn, and the Medford City Council, we were able to get it done.

"We are waiting patiently for the 5% COLA increase that the Association has been working so hard to get done. I'm sure there are some of our members that can use a little more help this year."

Well-Funded & Still AT \$12,000

At the other end of the spectrum, we saw 8 retirement systems increase their Base from the minimum \$12,000, with Melrose making the largest jump to \$16,000. This leaves 13 of the 102 systems at the minimum – less than 13% of all local systems.

"Three years ago (September 2019), we took to task 11 systems that we believe were well-funded (at least 65%) and yet had not increased their COLA Base," recalls Valeri. "While some have acted appropriately and raised their Base, five inexplicitly have not done so.

Here they are.

Well-Funded Local Systems Still At \$12,000 Base

System	Funded Ratio*
Braintree	67.7%
Framingham	72.8%
Marlborough	79.0%
Newburyport	64.9%
Winthrop	92.7%

*SOURCE: PERAC 2021 Investment Report

As Valeri sees it, "These systems don't have a compelling justification for staying at \$12K. Undoubtedly our work for better COLAs will go on."

Valeri added, "We share Rick Jordan's sentiment that some members need help. For that reason, be assured we'll continue to push for the 5% option."

VALERI SEEKING RE-ELECTION TO STATE RETIREMENT BOARD

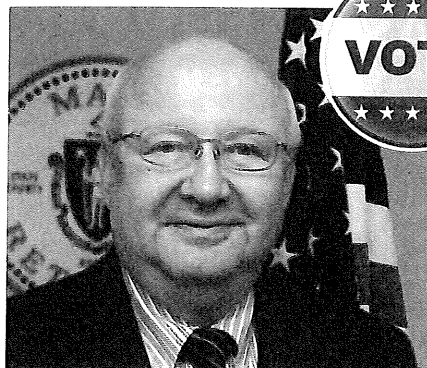
★ ★ ★ ★ *Election To Be Held In The Fall* ★ ★ ★ ★

Mass Retirees President Frank Valeri has announced his candidacy for re-election to the State Board of Retirement. A 2013 retiree, Valeri completed his 38-year career as deputy director of the Public Employee Retirement Administration Commission (PERAC).

Valeri began his public sector work as a young aide in House of Representatives. He spent the bulk of his career under the Golden Dome in senior staff roles in the House, as well as the State Senate. As such, he is well-known and well-respected in the halls of the State House.

"Given that I served as Research Director to the Public Service Committee, as well as serving a decade at PERAC, being an elected member on the State Retirement

Board has proven to be a very good fit. Understanding public retirement law, as well as the administrative process, enables me to better serve the members of our sys-



FRANK VALERI
MASS RETIREES PRESIDENT

tem," said Valeri. "A focus continues to be improving access to Board services, the buyback process, as

well as shortening the time for new retirees to receive their first pension check.

"Unless the records are incomplete or there is some unusual circumstance, no retiree should be forced to wait 3-4 months to receive their first pension check. Not only is this unfair, but it places many retirees in financial hardship. I am pleased to report that while there is still work to be done, we are in the process of implementing a guaranteed 2-month estimated first pay. I want to thank Treasurer Deb Goldberg, fellow Board members and the retirement board staff for working with me on this important issue."

Ballots are anticipated to be mailed to State Retirees on or about September 26th.

LEGISLATIVE UPDATE

Formal Sessions End

The state Legislature has ended formal sessions for the 2021-22 legislative session. The House and Senate will continue to hold informal sessions for the remainder of the calendar year, but there will be no roll call votes. Legislation can still move through the legislative process, and we will continue to advocate for bills to progress that will benefit public retirees.

"We have again had success in moving our legislative agenda

forward in our advocacy for public retiree initiatives that we filed in our legislative package," states Legislative Chairman Tom Bonarrigo. "Several of our bills were reported favorably out of the Public Service and now reside in other committees with whom we will have conversations in the early fall."

In February, the Association decided to concentrate on enhancing COLA benefits for

retirees for the FY23 budget. With recent record rates of return on pension investments and runaway inflation crippling retirees on fixed incomes, we filed a budget amendment for a COLA increase of 5.9%, in the House budget. The House approved a 5% COLA (see page 1) for State/Teacher retirees and an option for local/regional boards to increase their FY23 COLA



TOM BONARRIGO
LEGISLATIVE CHAIRMAN

CONTINUED ON PAGE 14 ►

UNANIMOUS LOCAL APPROVAL OF 3% COLA

For FY23, we're pleased to report that all 102 retirement boards have unanimously approved a 3% COLA, effective July 1. The 3% will be applied to

the Base amount that as the chart below shows, ranges from \$12,000 to \$18,000. *Mass Retirees* is seeking enactment of our proposed local option provision that would enable

local boards to add up to 2% more onto this year's 3% COLA for a total of 5%. For more about this, see lead article on page 1.

FY23 COLA BASES: ANNUAL OVERVIEW

104 MASS. RETIREMENT SYSTEMS

\$12,000 Base

Amesbury
Braintree
Chelsea
Fall River
Fitchburg
Framingham
Lawrence
Marblehead
Marlborough
New Bedford
Newburyport
Newton
Winthrop

\$13,000 Base

Andover*
Attleboro
Belmont
Beverly*
Danvers
Gardner
Hampshire County
Haverhill
Leominster*
Milford
Natick
North Adams
Northampton
Revere

Springfield
State
Teachers'
West Springfield
Westfield
Weymouth*

\$14,000 Base

Adams
Berkshire County
Brockton*
Concord
Dukes County
Everett
Falmouth
Gloucester
Greenfield
Hingham
Holyoke
MassPort
Minuteman RSD*
North Attleboro
Northbridge
Pittsfield
Plymouth
Reading
Saugus
Shrewsbury*
Southbridge*
Swampscott

Waltham
Watertown*
Winchester
Worcester*

\$15,000 Base

Arlington
Boston
Brookline*
Dedham
Fairhaven*
GLSD
Lexington*
Lynn
Maynard
MHFA
MWRA
Norwood*
Peabody
Quincy
Salem*
Somerville*
Stoneham*
Taunton

\$16,000 Base

Cambridge
Chicopee*
Easthampton*
Essex Cty*

Melrose*
Middlesex County
Needham*
Plymouth County
Wakefield*
Webster
Woburn*
Worcester County

\$17,000 Base

Franklin County
Hull*
Lowell

\$18,000 Base

Barnstable County
Blue Hills RSD
Bristol County
Clinton*
Hampden County
Malden*
Medford*
Methuen
Milton*
Montague
Norfolk County
Wellesley

**Changes since July 2021*

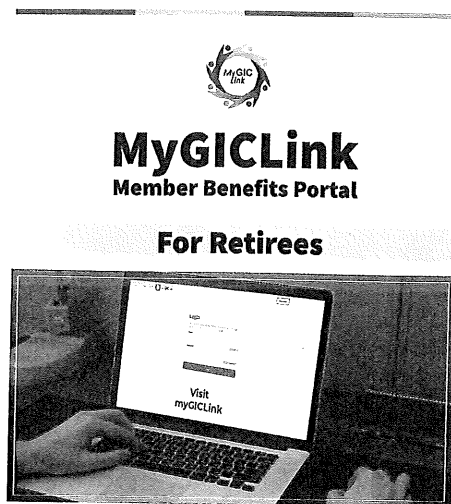
GIC OPENS

MEMBER BENEFITS PORTAL TO RETIREES

"Please Register If You Can"

The state Group Insurance Commission (GIC) has launched a new online portal for its retirees that enables them to view their GIC benefits throughout the year and update coverage during Annual Enrollment or within 60 days of a "qualifying event" (i.e., loss of health insurance). It's called MyGICLink Member Benefits Portal. For more information on the portal, including resources and tutorials, members can visit bit.ly/MyGICLink.

GIC members, with an up-to-date email address on record, have received a welcome registration email. With this email, you can then register and have access to this new self-service tool. A reminder email will be sent to retirees who haven't



registered by mid-August.

And, if you have not received a MyGICLink registration email, then GIC officials have suggested that you visit GIC Online Forms at

bit.ly/MyGICLinkOnlineForms and complete the email update form. As soon as the GIC has updated your email, you will receive an email from them to register for the MyGICLink. Please note: You can also update your GIC benefits using GIC Online Forms or GIC Print Forms.

"Many members, including myself, use online portals with their doctors and other health providers," according to Association Insurance Coordinator Cheryl Stillman. "So we all are familiar with how convenient and useful they can be."

"I'll be registering with MyGICLink and learned that my co-workers, with the GIC, will also be signing up. Please register if you can and start using the Portal."

WEP & GPO

CONTINUED FROM PAGE 3 ►

from Texas or even a single member of the Republican leadership – all of whom oppose full repeal.

What they do support is reform of the WEP. Both Texas Senators, John Cornyn and Ted Cruz, are on record supporting WEP reform. We also believe that Republican Leader Mitch McConnell, along with the Democratic majority, will support a bipartisan WEP reform bill if a deal can be made in the House.

Opponents of full repeal believe that the WEP law is flawed in that it reduces Social Security benefits by so much. They also believe that without the WEP retirees receiving pensions from work not covered by Social Security would receive an unwarranted increase in their Social Security benefit.

The compromise WEP reform bills filed by Richie Neal and Kevin

Brady seek to address this point, by revising the Social Security formula to accurately account for contributions into Social Security vs. time paid into a non-covered plan. The two bills would also rebate part of the WEP reduction back to current retirees through a monthly Social Security benefit increase ranging from \$100 to \$150 per month.

Unfortunately, a similar problem exists when it comes to the GPO – the law that reduces or even eliminates spousal Social Security benefits. Majority support does not exist in the Senate to move forward with GPO reform, never mind full repeal.

As retiree advocates, the political reality we face is real. Do we continue to chase rainbows in support of full repeal legislation that has no viable path forward to becoming law or do we choose to focus on the passage of WEP reform legislation, which does have a realistic path to

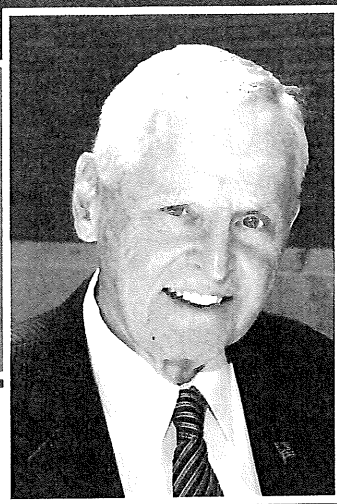
become law in 2022?

While not an easy pill to swallow, to us the choice is clear. We must focus on turning the possible into reality and bring up to \$1,800 a year in relief to the 2 million retirees now harmed by the WEP. This path would also save future retirees from the same fate.

The truth can be disappointing. In this case, the truth is that H.R.82 is nothing more than fool's gold. Sadly, this type of political gamesmanship threatens progress on what is the first legitimate effort to reform the WEP since the law's creation in 1983. Those seeking nothing but the perfect solution will have no one but themselves to blame when we come away empty handed once again.

If nothing else, we owe our members the honest truth – in addition to our every effort to bring relief to retirees. You can expect nothing less.

G I C E N R O



RALPH WHITE
FORMER MASS RETIREES PRESIDENT
INSTRUMENTAL IN PLAN'S CREATION

RETIREE DENTAL PLAN



CELEBRATES 20 YEARS

Enrollment Continues To Increase

'Mass Retirees is certainly proud of the pivotal role it played in getting this plan off the ground and contributing over the years to its phenomenal growth.'

RALPH WHITE

Launched in 2002, the state GIC Retiree Dental Plan is celebrating twenty years in the making. And, its enrollment continues to grow.

Last year we reported that the state GIC Retiree Dental Plan had topped 40,000 enrollees. Back then almost 900 retirees had signed up during open enrollment. With those newly enrolled, the GIC was able to report that more than 40,600 were enrolled in the plan.

As we viewed it, surpassing 40,000 was a major milestone. "Honestly, it's something that we would not have foreseen more than twenty years ago when *Mass Retirees* began to collaborate with the GIC and its consultant, Boston Benefit Partners (BBP), to develop the plan," recalls former *Mass Retirees* President & current Vice President Ralph White.

"When I approached then GIC Executive Director Dolores Mitchell about a retiree dental plan, I was cautiously optimistic since we had already explored creating our own plan and were fully aware of the obstacles before us. Now look where we're at – truly amazing!

"It's got to be one of the largest – if not the largest – public retiree

pay-all dental plans in the country. *Mass Retirees* is certainly proud of the pivotal role it played in getting this plan off the ground and contributing over the years to its phenomenal growth. By the way, I'm also proud to be enrolled as are many Association staff."

After this year's open enrollment, the GIC announced 1,153 members had signed up for the plan, effective July 1. This raised the plan's total enrollment to 41,817.



BILL REHREY
ASSOCIATION COUNSEL

"Like Ralph, my wife Sue and I are also enrolled in the plan," adds Association Counsel Bill Rehrey. "But, please remember the following if you're enrolled in a GIC health insurance plan and considering its dental plan."

*You can enroll only during GIC's open enrollment or if you experience a "qualifying event", for example, you're dropped from your current plan.

*Once enrolled, you must remain in the plan for one year.

*If you drop coverage, you can't re-enroll in the plan at a later date.

*You may want to check to see if your dentist participates in the MetLife Preferred Dentist Program or PDP (more than 370,000 dentists

nationwide) in order to maximize your dental benefits. MetLife is the plan's third-party administrator.

*The monthly premium (\$28.79 individual & \$69.36 family) is still less than the original premiums (\$30.21 & \$72.77) twenty years ago.

*If you're a local retiree enrolled in the GIC, please check the list below, to make certain that your city, town or district participates in the plan.

- Town of Ashland
- Town of Bedford
- Town of Brookline
- Town of Holbrook
- Town of Marblehead
- City of Melrose
- Town of Middleborough
- Town of Millis
- Town of North Andover
- Town of Randolph
- Town of Swampscott
- Town of Weston
- Town of Westwood
- Athol Royston School District
- Northeast Metropolitan Regional Vocational School District

MORE ENROLLMENT NEWS - PAGE 9 ►

L L M E N T N E W S

RELEASES ENROLLMENT DATA

UniCare's OME Most Popular

The state Group Insurance Commission (GIC) has provided FY23 enrollment data on its 16 Non-Medicare and Medicare plans offered to state retirees and those from the cities, towns, districts and other local entities that participate in the state insurance program. Total state and municipal retiree enrollment across all plans is 253,982 for

this current fiscal year.

As in previous years, the Unicare OME w/CIC remains the most popular plan among Medicare subscribers, state and municipal. For non-Medicare coverage, the Tufts Navigator plan stands out as the most popular, with enrollment at 32,030.

We note that last fiscal year, the GIC's only Medicare Advantage

plan, Tufts Medicare Preferred, had 4,571 subscribers. This fiscal year, the number of subscribers has gone up by a very small number to 4,632. Despite all the interest nationally on Medicare Advantage, it doesn't appear to have taken hold among GIC subscribers due to OME's popularity.

PLAN SUMMARY

SUBSCRIBERS BY PRODUCT (Medicare & Non-Medicare)	STATE		MUNICIPALITY		TOTAL
	Individual	Family	Individual	Family	
ALLWAYS HEALTH PARTNERS	2,723	2,330	1,301	1,594	7,948
HARVARD PILGRIM INDEPENDENCE	5,153	6,619	1,801	2,481	16,054
HARVARD PILGRIM MEDICARE ENHANCE	10,900	0	6,799	0	17,699
HARVARD PILGRIM PRIMARY CHOICE	3,157	3,121	2,065	2,411	10,754
HEALTH NEW ENGLAND	4,035	4,285	1,606	1,750	11,676
HEALTH NEW ENG MEDICARE SUPPLEMENT	2,725	0	904	0	3,629
TUFTS MEDICARE COMPLEMENT	8,666	0	3,260	0	11,926
TUFTS MEDICARE PREFERRED	3,106	0	1,526	0	4,632
TUFTS NAVIGATOR	10,056	13,575	3,505	4,894	32,030
TUFTS SPIRIT	2,125	1,212	1,193	593	5,123
UNICARE BASIC w/ CIC	7,290	4,530	1,365	741	13,926
UNICARE BASIC w/o CIC	357	282	24	11	674
UNICARE COMMUNITY CHOICE	6,239	8,381	2,486	2,486	19,592
UNICARE MEDICARE EXTENSION w/ CIC	56,501	0	19,438	0	75,939
UNICARE MEDICARE EXTENSION w/o CIC	394	0	47	0	441
UNICARE PLUS	7,129	9,304	2,433	3,073	21,939
TOTALS	130,556	53,639	49,753	20,034	253,982



CHERYL STILLMAN
ASSOCIATION
INSURANCE COORDINATOR

FALLON UPDATE *Majority Transfer to Unicare*

Last spring Fallon announced that at the end of FY22 (this past June 30, 2022) it

would no longer be offering its health insurance plans to GIC enrollees. It had been offering two non-Medicare plans, Fallon Select, a broad network HMO plan, and Fallon Direct, a limited network HMO plan.

During the GIC's open enrollment period, Fallon enrollees had to select a new insurance plan by

May 5, which was the end of the GIC's enrollment period. If they did not select a new plan, they would be automatically enrolled in Unicare Plus, a PPO-type plan.

According to the GIC, there were 1,960 former Fallon enrollees who were automatically transferred to UniCare Plus. An additional 1,734 enrollees selected a Unicare plan including Plus, for a total of 3,694 now being insured by UniCare – a majority of those transferred. With some 1,250 former Fallon enrollees,

Tufts plans came in second as the most popular plans to be selected in the transfer.

"During open enrollment, we're typically deluged with member calls," according to Association Insurance Coordinator Cheryl Stillman. "But we didn't receive any calls from members in Fallon, which tells us that the transfer went very smoothly and the GIC, as well as the plans, did a very good job in mitigating the concerns and questions among the Fallon enrollees."

2022

MASS PRIMARY ELECTION ENDORSEMENTS

MASSACHUSETTS PRIMARY ELECTION: TUESDAY, SEPT 6th

Political involvement and supporting those candidates who support public retirees has been an important part of the work of *Mass Retirees* since our founding in 1968. Over the past 54 years, the criteria used to determine which candidates for public office to support has remained unchanged.

"What we look at in terms of endorsements is whether the candidate for public office supports public retirees. For instance, do they support defined benefit pensions, COLAs, and retiree health insurance? Also, do they have a public record in terms of legislation they support and votes they have taken," explains Association President Frank Valeri. "Party registration and positions on issues that are not directly related to public retirement are not relevant to our mission or decision-making process. Our sole focus is public retirement and standing with those

candidates who stand with our members.

"Another important consideration for *Mass Retirees* is whether the candidate makes public retirees a priority or not. It is not enough to simply cast a vote in support of the COLA or another pro-retiree bill. Making our members and the issues of direct importance to public retirement a priority, that is what makes a difference."

The 2022 State Primary Election takes place on Tuesday, September 6. However, vote-by-mail and early voting begin in August. To vote-by-mail, voters must request a ballot. Postcards allowing voters to request a ballot were sent to all registered voters in July. Vote-by-mail begins on August 9. See Important Dates below.

Our September newsletter contains the endorsement of candidates for statewide, county, and legislative

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SENATE PRIMARIES



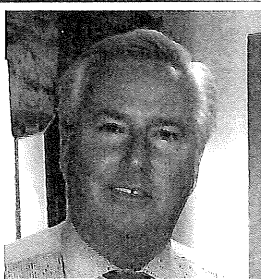
D-BROCKTON

SEN. MICHAEL BRADY



R-WEYMOUTH

SEN. PAT O'CONNOR



D-QUINCY

REP. BRUCE AYERS



D-MILTON

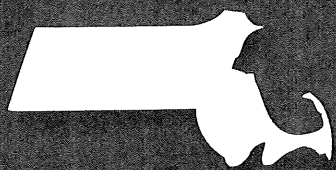
SEN. WALTER TIMILTY



D-PROVIDENCE

REP. SARAH PEAKE

STATEWIDE PRIMARIES



GOVERNOR

ATTY. GENERAL MAURA HEALEY

LT. GOVERNOR

SALEM MAYOR KIM DRISCOLL

SECRETARY OF STATE

SEC. OF STATE WILLIAM GALVIN

ATTORNEY GENERAL

COUNCILOR ANDREA CAMPBELL

STATE AUDITOR

SEN. DIANA DiZOGLIO

D-MEDFORD

REP. PAUL DONATO

D-BEDFORD

REP. KEN GORDON

D-EVERETT

REP. JOE MCGONAGLE

D-WALTHAM

REP. TOM STANLEY

D-MATTAPOISETT

REP. WILLIAM STRAUS

D-BROOKLINE

REP. TOMMY VITOLLO

Endorsements

CONTINUED FROM PAGE 11 ►

offices with contested primaries. The November edition of *The Voice* will contain endorsements for the General Election.

HEALEY FOR GOVERNOR

Early this year, our senior officers met with Attorney General Maura Healey to discuss her candidacy for Governor. Healey came to our Beacon Hill office without staff or campaign aides and spent well over an hour discussing our retirement policy priorities. She asked questions and demonstrated background knowledge, as well as a true interest in bettering the lives of our members.

"When Maura first ran for Attorney General in 2014 our Association supported her opponent, Warren Tolman. To her credit, soon after winning the Primary Election, Maura made it a point to build a relationship with *Mass Retirees* that has only strengthened over the past 8 years," recalls Valeri. "However, what impressed me the most was the phone call I received from Maura Healey in early 2018. The GIC had just announced the decision to consolidate health insurance plans, which would have harmed thousands of public retirees.

"Without solicitation, Maura Healey called me out of the blue, asking what she might be able to do to help retirees. In addition to calling on the GIC to reverse their plans (which they ultimately did), Healey used the power of her office to ensure that the proper procurement and open meeting law rules had been followed. This is the type of engagement that makes all the difference. The fact that Maura Healey makes public

★ LOCAL ENDORSEMENTS ★

The Association endorses the following candidate for local office.



★ **REP. PAUL TUCKER** (D-SALEM)
ESSEX County
District Attorney

IMPORTANT PRIMARY ELECTION DATES

IN-PERSON VOTING: **SEPTEMBER 6, 7:00 AM – 8:00 PM**

EARLY VOTING: **AUGUST 27 - SEPTEMBER 2**

VOTE BY MAIL: **AUGUST 9 – SEPTEMBER 6**
Apply for Ballot by August 29



retirees a personal priority is why we proudly support her candidacy for Governor of Massachusetts."

When *Mass Retirees* endorsed Healey early last spring, she had a Democratic Primary opponent. However, in late June, State Senator Sonia Chang-Diaz withdrew from the race, leaving Healey unopposed.

While there are two candidates for Governor squaring off in the Republican Primary, neither has the support of *Mass Retirees*. Former State Representative Geoff Diehl has a well-documented history of anti-public retiree positions and votes. His opponent, business executive Chris Doughty, has no previous public sector or elected office experience. Bad memories of past wealthy Republican governors, without any

governing experience, are enough for us to know that a Governor Doughty is an unlikely ally for public retirees.

Along with Healey, we have opted to endorse Salem Mayor Kim Driscoll for Lt. Governor. While as mayor, Driscoll has at times taken a fiscally conservative approach to spending, she is approachable and an experienced problem solver. Driscoll has also proven her commitment to making public pension funding a priority.

Regardless who you may choose to support, we urge all members to please take the time to Vote in September's Primary Election – by mail or in person.

CONTINUED ON PAGE 13 ►

OPEN SEATS

MASS RETIREES ENDORSES THE FOLLOWING

SENATE



DISTRICT:
BERKSHIRE
HAMPDEN
FRANKLIN
HAMPSHIRE

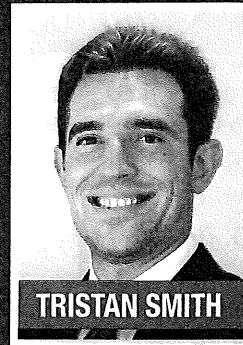
REP. PAUL MARK D-PERU

HOUSE



DISTRICT:
9TH NORFOLK

STEVE TEEHAN D-MEDFIELD



DISTRICT:
8TH ESSEX

TRISTAN SMITH D-SWAMPSCOTT

STATE BUDGET PROVIDES NEEDED RELIEF FOR CERTAIN RETIREES

While the Association's focus was primarily on the 5% COLA for FY23, we were also actively supporting a budget provision in response to a recent SJC decision that would have imposed substantial hardship on many retirees. This language was initiated by the Public Employee Retirement Administration Commission (PERAC) and supported by *Mass Retirees* as well as the State and Teachers' Retirement Boards.

It was filed to prevent the implementation of sweeping decisions by the state's Supreme Judicial Court (SJC) that could have reduced, or in some cases eliminated, the retirement benefits of certain retirees and their surviving spouses. Here's a brief summary outlining what triggered this important budget

*Protects the Pensions of
Many Retirees From Being
Reduced or Eliminated By
SJC Rulings*

provision.

It begins almost a decade ago with a relatively innocuous disability retirement case, involving the proper effective date of a member's retirement. This dispute eventually resulted in two SJC decisions.

Under both decisions, the SJC ruled that any use of supplemental pay from accrued vacation or sick time in a partial Worker's Compensation period would not be considered pensionable (Vernava I). In the second decision (Vernava II), the SJC further directed all Boards to retroactively review all existing

retiree and surviving spousal benefits and make reductions or eliminate any benefit that was calculated based on the use of such sick or vacation time.

Essentially, this successful budget provision, Section 149 of the Commonwealth's FY23 Budget, eliminated the need to conduct this review, that would have reduced or eliminated benefits of potentially tens of thousands of retirees. The costly efforts by the Worcester Regional Board, the lead plaintiff, and several other Boards – Essex, Franklin, Peabody, and Stoneham – to implement the SJC decisions retroactively have effectively been negated by this budget provision that has been approved by the House and Senate, and signed into law by Governor Baker.

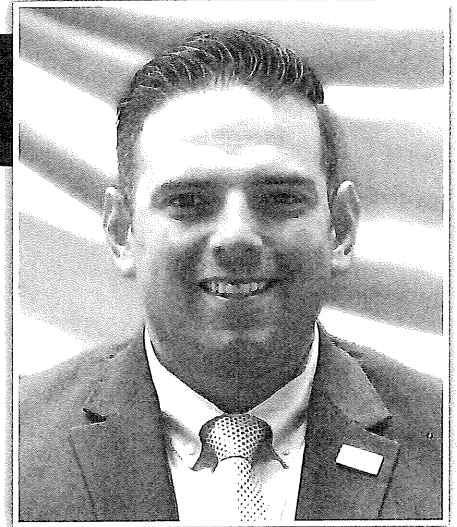
GOVERNOR APPOINTS JAMES GUIDO NEW PERAC COMMISSIONER

Chelsea Police Sergeant Replaces Longtime Commissioner Machado

Governor Baker named James "Jay" Guido to the PERAC Commission as the representative of a public safety union, replacing retired Fall River Police Officer James Machado, who had served in that role for 20 years.

Sergeant Guido has served in the Chelsea Police Department since 2008 and has also been a member on the Executive Board of the Massachusetts Police Association.

Commissioner Guido's appointment continues his family's legacy in law enforcement, with his father James having served during his career as Revere Police Chief and Massachusetts Police Association President. He will serve on the 7-member PERAC Commission, the Commonwealth's public pension oversight agency that ensures the proper operations of the 104 public retirement systems.



JAMES GUIDO
PERAC COMMISSIONER

5% COLA

CONTINUED FROM PAGE 2 ►

Ideally, this should take place every three years in conjunction with the funding schedule revaluation."

While there are many individuals and organizations to thank for

the assistance they provided our Association in passing the FY23 COLA increase, one individual stands out. House Ways and Means Chairman Aaron Michlewitz deserves our sincere gratitude for making public retirees a personal priority during this budget cycle. Representing Boston's North End, downtown and

Chinatown, Aaron has long been a friend of *Mass Retirees*. As a former Chairman of the Joint Committee on Public Service, he has a deep understanding of public retirement policy. Without Chairman Michlewitz's support, the 5% COLA would have been unlikely.

Leg. Update

CONTINUED FROM PAGE 5 ►

from 3 to 5%, which was included in the House/Senate Conference Committee report. The 5% state/teacher COLA was signed into law by Governor Baker and, although the Governor sent back the local/regional COLA language with an amendment, we are confident that will become law in the near future.

"We are thrilled that the decision makers in the House, Senate and the Governor's office listened to and acted on our request to provide

some relief to public retirees whose pocketbooks are being squeezed by across the board inflation," Bonarrigo said.

Next year we will continue our efforts to raise the COLA base from \$13,000 to \$16,000. As always, we will keep our membership promptly informed with any legislative updates as they occur.

REMINDER: Waiver of Hour & Income Restrictions for Retirees in Public Service During 2022 (Chapter 80, Acts of 2022).

For members who are in public

service during this year, the Hour and Income restrictions, imposed by state law on the resumption of this service, are waived in 2022 as long as the governor's declaration of a state of emergency remains in effect and for an additional 90 days in the event the state of emergency is lifted.

Please remember the waiver only applies to those on a superannuation (not disability) retirement.

We will alert our members if the governor lifts the state of emergency during 2022.

CONGRESSIONAL REPORT CONFIRMS WEP'S IMPACT APPROACHING 2 MILLION

Over the years, we've been tracking the number of public retirees, here and nationally, whose Social Security is reduced by the Windfall Elimination Provision (WEP). One of our major sources for official data on this has been the Congressional Research Service or CRS and its annual WEP reports. For more about the CRS, see

the box below.

According to CEO Shawn Duhamel, "We rely upon the CRS data to best gauge WEP's impact. With the law remaining unchanged, we're not surprised to see that the national number of retirees continues up, now approaching 2 million."

Earlier this year, CRS released its report for 2021. Officials have

determined that in December 2021, the national total of retirees, subject to the WEP, was 1.971 million.

As the data over the past five-year period (2017-2021) shows, the number of WEP-impacted retirees has grown by 167,000. Here are the totals for that period.

TOTAL IMPACTED BY WEP

2017: 1.804 Million

2018: 1.863 Million

2019: 1.913 Million

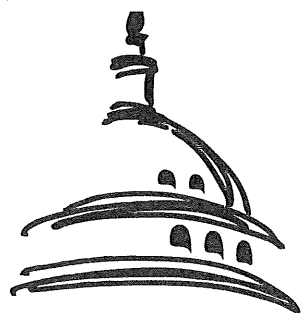
2020: 1.948 Million

2021: 1.971 Million

In Massachusetts, the number of WEP-impacted retirees stands at 82,572 for 2021, while 2,292 spouses and children are affected. And, here are the numbers for the other six states whose public retirees, like those here, are similarly impacted by WEP. As expected, the retiree number in the other six states all went up.

STATE	RETIREES	SPOUSES/CHILDREN
California	262,076	12,666
Colorado	67,665	2,143
Illinois	96,375	3,198
Louisiana	47,264	1,946
Massachusetts	82,572	2,292
Ohio	150,313	4,727
Texas	191,331	7,833

"Let's face it. There's no good news in these numbers," continues Duhamel. "Until we achieve WEP reform, more and more retirees here in Massachusetts and nationally will see their Social Security significantly reduced. Without reform, the total will unfortunately top \$2 million this year."



**Congressional
Research
Service**

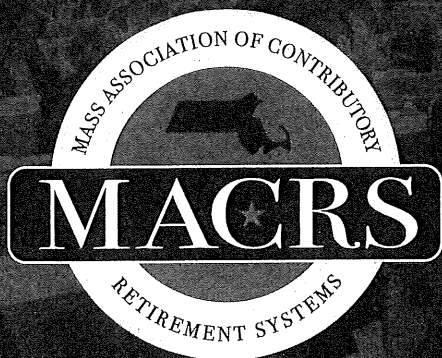
WHAT IS CRS?

Earlier we reported that we rely upon the CRS for official data. Here's why we feel confident that its statistics are accurate and reliable.

Originally created by Congress over 100 years ago as a department within the Library of Congress, the Congressional Research Service (CRS), known as Congress' think tank, is a public policy research arm

of the United States Congress. As a legislative branch agency within the Library of Congress, CRS works primarily and directly for Members of Congress, their committees and staff on a confidential nonpartisan basis.

STAY TUNED!
CRS REPORT ON GPO
NOVEMBER VOICE



MASS RETIREES OFFICIALS PARTICIPATE IN MACRS SPRING CONFERENCE

Over the decades, *Mass Retirees* has had a very solid working relationship with MACRS (Massachusetts Association of Contributory Retirement Systems) that is the official representative organization of the retirement board members across the state. When MACRS held its annual spring conference, several Association officials and staff attended, along with over 300 retirement board members and officials, who heard a number of speakers on cybersecurity issues.

Association President Frank Valeri, CEO Shawn Duhamel and Legislative Chairman Tom Bonarrigo were also invited to speak, and they readily accepted. According to CEO Shawn Duhamel, "There are always new board members who know little about the Association and its work. These conferences, especially the speaking engagements, offer an excellent opportunity to get them to know more about us."

Legislative Chairman Tom Bonarrigo participated in the Conference's Legislative Panel with MACRS Lobbyist and Legislative Chairman Mike O'Reilly and PERAC Assistant Deputy Bill Keefe. According to Bonarrigo, "I opened my remarks describing the current environment at the State House and the dynamics surrounding the Budget process and the approaching end of the formal legislative session. I also highlighted our efforts to allow boards to pay a 5% COLA in FY23."

Both President Frank Valeri and CEO Shawn Duhamel made a joint presentation about *Mass Retirees*, and its work. Not available to

personally attend the conference, Association CEO Shawn Duhamel addressed the conferees via a recorded video. He began by thanking local retirement boards for the ongoing work to raise the COLA base, before speaking to the creation of the new Mass Retirees Foundation, which will play a key role in the public retirement policy research and education.

President Valeri wrapped up their presentation. Here are some highlights from his remarks. "I thought it was important to first reintroduce myself post-pandemic and explain the Association's mission, namely that public retirees should not be treated as second-class citizens."

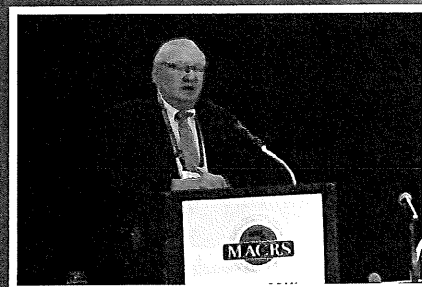
Valeri continued, "Also, I thanked the boards for responding to our message framed in *The Voice* over the past several months, recognizing the historic gains and giving some of it back to the retirees with a significant number of boards raising their COLA Base.

"And, I ended with an update on our legislative success with the increase to 1,200 hours under the Post Retirement Public Service restrictions and a brief outline of our other priorities, including the 5% COLA for FY23, Senior COLA, State and Teacher COLA Base increase and Vets Bonus increase.

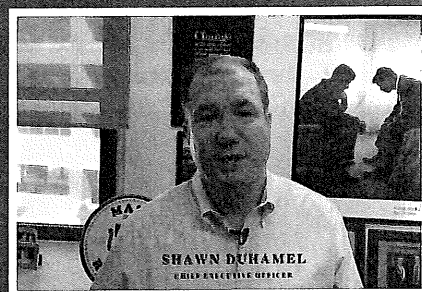
"More importantly, myself, Tom and Association Executive Secretary Tricia Igo all enjoyed the time that we spent, meeting and talking with board members during the conference. We certainly appreciated the invite."



LEG. CHAIR TOM BONARRIGO AT MICROPHONE



PRESIDENT FRANK VALERI



CEO SHAWN DUHAMEL



OVER 300 IN ATTENDANCE

Elections

CONTINUED FROM PAGE 16 ►



MATT VENO
SALEM

Group Insurance Commission's Executive Director. Also, Mayor Kim Driscoll reappointed Dominick Pangallo* as her appointment to the Board. The other three mem-

bers of the Board are Anna Freedman, retired Police Captain Robert Callahan and former Board Analyst Sarah (Sally) Hayes. The executive director for the Board is Paul Findlen.

Somerville – The Somerville Retirement Board voted to appoint the Bedford Town Accountant David Castellarin to his second term as their fifth member. Other members on the Board include Ed Bean, John Memory, Michael Mastrobuoni and Firefighter

Thomas Ross. The Board's executive director is Michael Pasquariello, CPA.

Springfield – The Springfield Retirement Board voted to declare, retired Police Lieutenant Bob Moynihan* elected to his sixth term, without opposition as one of their elected members. Bob Moynihan also serves as the Treasurer for the Mass Association of Contributory Retirement Systems, (MACRS). The other members of Springfield Retirement Board are Patrick Burns, Haskell Kennedy, Thomas Scanlon and Karl Schmaelzle, who also serves on the Mass Retirees Executive Board as the Western Mass Area Vice President. The Board's executive director is Susana Baltazar.



BOB MOYNIHAN
SPRINGFIELD

Swampscott – Retired Fire Chief Kevin Breen was re-elected to his 3rd

term on the Swampscott Retirement Board. Breen was unopposed in his re-election bid. Remaining members on the Board are Essex Superior Clerk of Court Thomas Driscoll, Jr. Esq.*, Amy Sarro, Robert Powell III and retired Police Officer John Behen, Jr. The retirement administrator is Nancy Lord.

Wakefield – The Community and Economic Development Director Erin



ERIN KOKINDA
WAKEFIELD

Kokinda was elected as the new Wakefield Retirement Board member replacing Fire Lieutenant Joseph Albert who decided not to run for re-election. Other members of the Board include Kevin Gill, Sherri Dalton, Dennis Fazio and Actuary Dan Sherman. The Board's executive director is Cathy Cheek.

*Denotes Chair

*The following members of our Association have recently passed away.
We extend our deepest sympathy to their families.*

AMES, BEATRICE A. – Billerica, MA
(Boston, Dept. Health & Hospitals)
AMES, VIRGINIA – Raynham, MA
(Bridgewater Teacher)
ARMENTO, ALMA M. – Bethlehem, NH
(Danvers D.P.W.)
BANSFIELD, CAROL A. – Middleton, MA
(State, Registry)
BARBER, ALFRED C. – Springfield, MA
(Hampden County House of Correction)
BARRETT, ROBERT F. – Reading, MA
(Wilmington Teacher)
BEATTIE, BRYCE – N. Berwick, ME
(Salem Teacher)
BLAKE, CYNTHIA A. – Leigh Acres, FL
(State, D.M.H.)
BOIKE, SAMUEL J. SR. – Medford, MA
(State Police)
BOUCHARD, JANICE E. – Middleton, MA
(Survivor, DMR Hogan)
BRADLEY, BRENDAN J. – Norwood, MA
(Boston Police)
BRAY, MARSHA M. – Barre, MA
(Quabbin Regional School District Teacher)
BROGAN, JAMES E. – Gulfport, MS
(Brookline Health Department)
BUNTING, ROY V. – Stratham, NH
(Worcester Housing Authority)
BURKE, MICHAEL – Falmouth, MA
(Fall River Teacher)
CALLAHAN, JEAN A. – Rockland, MA
(State Retirement Board)
CALLAHAN, NEIL R. – Waldwick, NJ
(Malden D.P.W.)
CARDILE, ANGELINA V. – Norwood, MA
(Town of Norwood)
CHARTIER, MARIEN E. – Grafton, MA
(State, UMMC)
COGNATO, PHYLLIS E. – Gloucester, MA
(Gloucester School Dept.)

COLBERG, SHELBY J. – Bridgewater, MA
(Brockton Housing Authority)
CONBOY, STEPHEN R. – Longmeadow, MA
(Longmeadow Police Department)
CRONIN, MERZIA – Belmont, MA
(Belmont Teacher)
CROY, HAZEL C. – Dallas, TX
(State, D.P.W.)
DALTON, JOHN W. – Mashpee, MA
(State Air National Guard)
DAWE, PHYLLIS E. – Middletown, CT
(Cambridge)
DeLEO, THELMA L. – Los Angeles, CA
(Everett Teacher)
DODDRIDGE, RITA H. – Orleans, MA
(Harwich Teacher)
DONAHUE, JAMES C. – Worcester, MA
(Mass Turnpike Authority)
DOOLEY, STEPHEN D. – Plainfield, CT
(Auburn Teacher)
DUEHAY, FRANCIS H. – Lexington, MA
(Cambridge City Council)
DUFFY, EDWARD J. – Dorchester, MA
(Boston Police Department)
DUGANIERO, MARY L. – Canton, MA
(Norfolk County)
EBBRECHT, BARBARA L. – Ft. Myers, FL
(Marlboro Teacher)
FARESE, ELIO E. – Sarasota, FL
(State, D.P.W.)
FARIA, CHARLES J. – St. Petersburg, FL
(Billerica D.P.W.)
FARLEY, BEVERLY A. – Middleboro, MA
(State, Lakeville Hospital)
FEMINO, MARY R. – Beverly, MA
(Beverly)
FIDLER, ANNA M. – Taunton, MA
(State)
FINNERTY, JOAN F. – Shrewsbury, MA
(Worcester Teacher)

FITZGERALD, WILLIAM J. – Milton, MA
(Boston School Department)
FLANNERY, MARY J. – Somerville, MA
(State, Registry of Deeds)
FORRESTER, PAULINE E. – Chestnut Hill, MA
(State Dept. of Environmental Protection)
FULLUM, JOSEPH F. – W. Springfield, MA
(Boston Public Library)
GRADY, HENRY J. – Natick, MA
(State Probation Department)
GRUETER, LOUISE M. – Winchester, MA
(Winchester School Department)
HARDING, ROY E. – W. Townsend, MA
(State, Rutland Heights Hospital)
HARVEY, MICHAEL J. – Cape Canaveral, FL
(Malden Teacher)
HAWES, THOMAS K. – Peabody, MA
(Peabody Teacher)
HEBERT, RICHARD J. – Sebastian, FL
(Middlesex County Hospital)
IRONS, ROBERT L. – Norwood, MA
(Dedham Teacher)
JEANNETTI, VINCENT P. – Westwood, MA
(Boston Housing Authority)
KAIFER, ALBERT C. – Agawam, MA
(Springfield Teacher)
KARDON, IRVING – Framingham, MA
(Waltham Teacher)
LANE, MICHAEL J. – Worcester, MA
(Avon Teacher)
LAWRENCE, GLORIA L. – Peabody, MA
(City of Peabody)
LAWSON, RAYMOND H. – Princeton, MA
(Princeton Police Department)
LECLAIRE, PAUL E. – Stoughton, MA
(Stoughton Teacher)
LUZINSKI, PHYLLIS – Salem, MA
(State, Essex County DA Office)
LYDON, JOHN J. – Braintree, MA
(Quincy Housing)



RETIRED STATE COUNTY AND MUNICIPAL EMPLOYEES
ASSOCIATION OF MASSACHUSETTS
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KARL SCHMAELZLE, *V. Pres., Western District*
ED PIETREWICZ, *V. Pres., Central District*
DENIS DEVINE, *V. Pres., Middlesex District*
BILL FLIPPIN, *V. Pres., Eastern District*
BUZZY BARTON, *V. Pres., Northern District*
STEVE RIVARD, *V. Pres., Southeastern District*
ROBERT POWILATIS, *V. Pres., Plymouth Cape/Islands*
CHERYL STILLMAN, *Executive Board*
DAN TURCO, *Executive Board*
ANNE WASS, *Executive Board*
WILLIAM G. REHREY, *Legal Counsel*



*****AUTO**5-DIGIT 02346
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346 BEDFORD ST
LAKEVILLE MA 02347-2150

VISIT OUR ASSOCIATION'S WEB SITE:
www.massretirees.com

THE VOICE

September 2022



DECEASED MEMBERS (continued)

McCARTHY, MARY LOU – Arlington, MA
(State, Social Worker)
McCARTY, THOMAS J. – Pt. Charlotte, FL
(State Police)
McCORMICK, WINIFRED – West Springfield, MA
(Springfield Teacher)
McDEVITT, JAMES F. – Plymouth, MA
(State Registry)
McNEIGHT, JACQUE T. – Lakeland, FL
(Yarmouth Fire Department)
MacFARLANE, LORRAINE A. – Boston, MA
(Holbrook Teacher)
MacKENZIE, LOIS E. – Stoneham, MA
(Survivor, Town of Stoneham)
MANZI, WILLIAM – Wilbraham, MA
(State)
MARSHALL, HENRY B. – Indian Lake, FL
(Middlesex County)
MARTEL, BARBARA L. – Leicester, MA
(Worcester State College)
MASTERS, KAROLYN S. – Bedford, MA
(Woburn Teacher)
MEAGHER, KEVIN J. – Webster, MA
(State, UMass Medical School)
MONTEIRO, KENNETH G. – Round Rock, TX
(New Bedford Police Department)
MOODY, GEORGE F. – Plymouth, MA
(Brookline Assessor's Office)
MOORE, ROBERT E. – Millis, MA
(Stoughton Teacher)
MORTENSEN, AUSTIN R. – Buzzards Bay, MA
(State, Air National Guard)
NEARY, DOROTHY – Attleboro, MA
(Survivor, M.C.I. Walpole)
NICKLAS, NANCY L. – Quincy, MA
(Quincy City Hospital)
O'BRIEN, FREDERICK B. – Effingham, IL
(Essex County)
O'CONNOR, EDWARD C. – Abington, MA
(State Dept. of Revenue)

O'DEA, RICHARD – West Roxbury, MA
(Boston Housing Authority)
O'KEEFE, CATHERINE C. – Tarpon Springs, FL
(Agawam School Department)
OWENS, EDWARD J. SR. – Andover, MA
(Somerville Police Department)
PAPASODORO, MICHAEL W. – Dedham, MA
(Somerville Fire Department)
PARSONS, LEE R. – Plymouth, MA
(State, EOHHS)
PERACCHI, DOROTHY M. – Revere, MA
(Somerville Teacher)
PITROWSKI, ELLEN K. – Amesbury, MA
(Survivor, Danvers State Hospital)
POBLOCKI, WANDA C. – Thompson, CT
(Survivor, State Welfare Dept.)
POISSON, WALLACE D. – New Bedford, MA
(State Department of Correction)
POWELL, ELIZABETH B. – Greenfield, MA
(Greenfield Teacher)
REID, ELEANOR A. – Berkeley, MA
(Raynham School Department)
REINHARD, HELEN P. – Houston, TX
(State Welfare Department)
RIGNEY, JOSEPH W. – Green Valley, AZ
(Boston Police Department)
ROBINSON, WILLIAM WG – N. Plymouth, MA
(Plymouth School Department)
ROGERS, JOHN – Rockland, MA
(Rockland School Department)
SAUNDERS, FRANCINE B. – Hull, MA
(State Dept. of Public Health)
SMIAROWSKI, ELIZABETH – Sunderland, MA
(Holyoke Community College)
SILVA, LOUIS G. – S. Easton, MA
(State, Welfare Dept.)
SMITH, MARIE R. – Westwood, MA
(Boston Teacher)
SNYER, JOHN B. – Tyngsboro, MA
(Bedford Police Department)

SOBOL, MICHAEL S. – Townsend, MA
(N. Middlesex RSD Teacher)
SOHEGAN, MARLA H. – Rehoboth, MA
(Bridgewater Raynham RSD Teacher)
SPRACKLIN, LOUISE – Peabody, MA
(Reading Teacher)
SPUIRR, BARBARA J. – Wakefield, MA
(Belmont Teacher)
SULLIVAN, ROBERT G. – Henderson, NV
(State Police)
SULLIVAN, SHIRLEY – Largo, FL
(State, Bristol County Correctional)
SUPINO, YVONNE A. – Harwich, MA
(Cambridge Registry of Deeds)
SYMES, ROBERT G. – Marshfield, MA
(Weymouth Police Department)
TAYLOR, PATRICIA C. – Westfield, MA
(Westfield School Dept.)
THOMPSON, RITA B. – Hampstead, NH
(State, Department of Mental Health)
TRAVERS, ELENA M. – Woburn, MA
(Cambridge Housing Authority)
VINTON, RICHARD F. – Shrewsbury, MA
(Worcester, Traffic Engineer)
VOUTAS, LEWIS M. – Oxford, MA
(Westboro Police Department)
WALSH, MICHAEL K. – Dorchester, MA
(Boston Fire Department)
WARE, ROBERT – Barefoot Bay, FL
(Malden Teacher)
WARNER, ALLEN G. – The Villages, FL
(State Police)
WARREN, STEPHEN A. – Deerfield, MA
(UMass Amherst)
WATTERSON, JOHN T. – Brookfield, MA
(UMass Medical Center)
WINCHESTER, CHARLES A. – Lexington, MA
(State Judicial Department)
WINGATE, WALTER C. – Chicopee, MA
(Springfield Teacher)

Plymouth County Parking Quarterly

A Newsletter for Members and Friends of the Plymouth County Parking Program

FY2023, Q1

VOL 1, No. 1

Our Inaugural Issue

By Thomas J. O'Brien
Plymouth County Treasurer

Welcome to the inaugural issue of Plymouth County Parking Quarterly, a newsletter for members and friends of the Plymouth County

Parking Program. Four times a year, we will bring you the latest news about the Parking Program, financial statistics past and present, and helpful suggestions and best practices. We will also highlight the lighter

side of parking tickets, with features on quirky or otherwise notable parking tickets in our system.

Our goal is not only to keep

TREASURER, Page 4

Fiscal Year 2022 in Review

Recovery from Pandemic-Era Low Continues

By Jeff Welch
Deputy Treasurer

The members of the Plymouth County Parking Program continued their recovery from the

low ticket volume of the previous two fiscal years that was brought on by COVID-19 closures and restrictions. FY22 saw our thirty-three members issue a total of

15,373 parking tickets with a fine value of \$699,175 - a 40% increase in volume over FY21.

While the system-wide

REVIEW, Page 4

Parking Ticket Activity by Entity - FY2022					
Entity	Tickets Issued	Fine Value	Entity	Tickets Issued	Fine Value
Provincetown	4,559	\$ 207,030.00	Lee	16	\$ 320.00
Wareham	2,283	\$ 115,910.00	Freetown	13	\$ 260.00
Bridgewater State University	2,248	\$ 103,190.00	Whitman	12	\$ 150.00
MBTA	1,986	\$ 111,065.00	Sandwich	10	\$ 505.00
Bridgewater	1,687	\$ 35,470.00	Norwell	6	\$ 175.00
Hull	1,013	\$ 67,985.00	Abington	3	\$ 300.00
Bourne	442	\$ 22,250.00	Tyringham	3	\$ 60.00
Yarmouth	304	\$ 10,365.00	East Bridgewater	2	\$ 110.00
Marion	252	\$ 3,780.00	Lakeville	2	\$ 100.00
Marshfield	211	\$ 8,100.00	Carver	2	\$ 30.00
Raynham	72	\$ 6,450.00	Massasoit Community College	2	\$ 20.00
Rockland	65	\$ 1,700.00	Millis	1	\$ 25.00
Mattapoisett	56	\$ 840.00	Rochester	1	\$ 20.00
Easton	36	\$ 1,060.00	Kingston	0	\$ -
West Stockbridge	30	\$ 750.00	Pembroke	0	\$ -
Hingham*	29	\$ 750.00	West Bridgewater	0	\$ -
Middleboro	27	\$ 405.00			
GRAND TOTALS	Tickets Issued:	15,373	Fine Value:	\$	699,175.00
*Partial year. Hingham joined in Q4 of FY2022.					

Totally Tubular Tickets!



Do your town's tickets still have fines for unregistered bicycles printed on them? Is the fine for parking in a bus stop less than \$100? Are most of your fines in the \$10 range?

If so, your town may have not updated its schedule of fines since the 1980s. Contact Plymouth County Parking today to get started on bringing your parking enforcement tools back to the future.

(The bicycle registration law was repealed in 2008, bus stop violations have carried a mandatory fine of \$100 since 2009, and the inflation-adjusted value of a \$10 fine from 1981 in 2022 dollars would be \$32.60.)

Outstanding Violations

Each issue we will highlight an old parking ticket that is noteworthy for featuring a bygone car make, defunct business, or other quirk that makes it not just unpaid, but outstanding!

VIOLATION				NORWELL			
				1625			
STATE		REDACTED					
<input checked="" type="checkbox"/> MA <input type="checkbox"/> OTHER		VEHICLE MAKE			VEHICLE COLOR		
		MERC			TAN		
PLATE TYPE	PASG.	COMM.	OTHER	PLATE COLOR	G	R	A
→	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	→	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		WRITE IN					
MONTH	DATE	YEAR	TIME				
4	1	93	5:25	P.M.			
LOCATION						METER NO.	
GROUND ROUND							
OFFICER						BADGE NO.	

Our first Outstanding Violation features a double hit. Both the vehicle make and location have been gone for over a decade. A division of Ford Motor Company, the Mercury brand was discontinued in 2011. Known for Bingo the Clown and floors strewn with peanut shells, the Ground Round was a casual dining restaurant that at its peak had over 200 locations. The corporation declared bankruptcy in 2004 and the Norwell location closed soon after.

Now vs. Then

A Look Back at Historical Data

	Tickets Issued		Fines Collected	
	FY1992	FY2022	FY1992	FY2022
Abington	198	3	\$2,380	\$240
Bourne	160	442	\$2,635	\$29,520
Bridgewater	2,185	1,687	\$48,070	\$46,695
Bridgewater State	7,140	2,248	\$103,886	\$117,090
Carver	584	2	\$8,080	\$235
East Bridgewater	213	2	\$3,645	\$355
Easton	393	36	\$6,030	\$1,170
Hull	4,879	1,013	\$85,345	\$59,730
Kingston	794	0	\$11,705	\$130
Lakeville	31	2	\$375	\$150
Marion	165	252	\$2,080	\$4,115
Marshfield	1,402	211	\$39,835	\$7,170
Massasoit	770	2	\$16,729	\$1,320
Mattapoisett	200	56	\$4,155	\$745
Middleborough	613	27	\$13,445	\$550
Norwell	127	6	\$2,790	\$445
Pembroke	204	0	\$3,255	\$0
Raynham	151	72	\$2,160	\$5,670
Rochester	45	1	\$1,145	\$20
Rockland	701	65	\$11,295	\$3,505
Sandwich	261	10	\$3,122	\$510
Wareham	975	2,283	\$22,955	\$97,215
West Bridgewater	349	0	\$7,630	\$110
Whitman	463	12	\$6,135	\$860
Yarmouth	332	304	\$7,585	\$10,413
TOTAL	23,335	8,736	\$416,467	\$387,963

Table includes data from members belonging to Plymouth County Parking in both FY92 and FY22.

TREASURER, Continued from Page 1

current members of the Plymouth County Parking Program informed about our operations, but to show prospective members how Plymouth County can help them as well. It is also our hope that as we highlight our new technology and share best practices from across our system, our current members can realize a greater return from their parking enforcement policies.

By the Numbers....

\$45.48

The average parking fine issued by our members in FY22.

I would be remiss if I did not mention that parking ticket processing is one of many services Plymouth County provides. Governmental entities from across the state can participate in our vehicle bid. Entities in Southeastern Massachusetts can participate in our multi-employer OPEB trust or the employee health insurance joint purchase group that the Treasurer's Office manages.

Lastly, I want to thank each of the members of the Plymouth County Parking Program for their support. I truly value the relationship we have with you. Plymouth County is here to serve you!

*Tom O'Brien can be reached at
tobrien@plymouthcountyma.gov
or (508) 830-9130*

Welcome Aboard!

Plymouth County Parking is pleased to announce the onboarding of three new members. The town of Hingham joined us in April 2022, while the town of Mil-
ton and the city of



Westfield started with us on July 1st. These new additions bring our total membership

to thirty-five governmental entities and counting.

We're able to take on any members of any size, so tell your colleagues about Plymouth County Parking!

REVIEW, Continued from Page 1

volume in FY22 exceeded the pre-Pandemic FY19 levels by 17.5%, that increase is largely attributable to increased enforcement in our coastal communities. Anecdotally, those communities saw an increase in traffic as beach-goers stayed closer to home due to pandemic-related travel restrictions. In contrast, more than half of our communities have yet to recover to their FY19 volume. Particularly hard-hit are our institutional members, whose total activity in FY22 was still only less

than half of their FY19 volume.

In other developments, FY22 saw the introduction of Plymouth County's own electronic ticketing system. The town of Wareham began using this system in July 2021, and issued over 1600 tickets in FY22 using our tablet/mobile printer platform. This web-based system uploads citations automatically to the cloud, reducing the amount of paperwork for town personnel and making it easier for the public to make prompt payments. Wareham continues to use the

system in FY23 and has been joined by Hull and Bridgewater State University.

Plymouth County Parking welcomed the town of Hingham into the program in April 2022. Hingham has also availed itself of our electronic ticketing system, using it with the laptops and printers already deployed in its police cruisers.

*Jeff Welch can be reached at
jwelch@plymouthcountyma.gov
or (508) 830-9131*

In our next issue....

- Electronic ticketing—how to make it work in your community.
- Where do your fines stack up? A look at parking fines.
- All the latest developments and more!

Massachusetts School Building Authority

Deborah B. Goldberg
Chairman, State Treasurer

James A. MacDonald
Chief Executive Officer

John K. McCarthy
Executive Director / Deputy CEO

August 31, 2022

Mr. Alan Strauss, Superintendent
Freetown-Lakeville Regional School District
98 Howland Road
Lakeville, MA 02347

Re: Freetown-Lakeville Regional School District, Assawompset Elementary School

Dear Superintendent Strauss:

I am pleased to report that the Board of the Massachusetts School Building Authority (the "MSBA") voted to approve the Proposed Accelerated Repair Project (the "Proposed Project") in the Freetown-Lakeville Regional School District (the "District") for a window/door replacement project at the Assawompset Elementary School.

The Board approved an Estimated Maximum Total Facilities Grant of \$2,160,168, which does not include any funds for potentially eligible Owner's or Construction Contingency Expenditures. In the event that the MSBA determines that any Owner's and/or Construction Contingency Expenditures are eligible for reimbursement, the Maximum Total Facilities Grant for the Assawompset Elementary School Project may increase to \$2,259,658. The final grant amount will be determined by the MSBA based on a review and audit of all project costs incurred by the District, in accordance with the MSBA's regulations, policies, and guidelines and the Project Funding Agreement. The final grant amount may be an amount less than \$2,160,168.

Pursuant to the terms of the MSBA's Accelerated Repair Program, the District has 90 days to acquire and certify local approval for an appropriation and all other necessary local votes or approvals showing acceptance of the cost, site, type, scope and timeline for the Assawompset Elementary School Project. Upon receipt of the certified votes demonstrating local approval, the MSBA and the District will execute a Project Funding Agreement, which will set forth the terms and conditions pursuant to which the District will receive its grant from the MSBA. Once the Project Funding Agreement has been executed by both parties, the District will be eligible to submit requests for reimbursement for Proposed Project costs to the MSBA.

We will be contacting you soon to discuss these next steps in more detail, but in the meantime, I wanted to share with you the Board's approval of the Assawompset Elementary School Project in the Freetown-Lakeville Regional School District for a window/door replacement project at the Assawompset Elementary School, and the Board's authorization to execute a Project Funding Agreement for this Proposed Project.

Page 2

August 31, 2022

Freetown-Lakeville RSD, Assawompset Elementary School ARP PFA Board Action Letter

Sincerely,



John K. McCarthy
Executive Director

Cc: Legislative Delegation
Steve Owen, Chair, Freetown-Lakeville Regional School Committee
Jean Fox, Co-Chair, Freetown-Lakeville Regional School Committee
John Haley, Owner's Project Manager, Watermark Environmental, Inc.
Richard Polvino, Designer, S/L/A/M Collaborative
File: 10.2 Letters