

Exhibit 76

[Sign In](#)[Sign Out](#)[Mailing Lists](#)[Unsubscribe or Change Settings](#)[Help](#)

steveo's Home Server

Message Index for 200704, sorted by... ([Author](#)) ([Date](#)) ([Subject](#)) ([Thread](#))

Previous message, by... ([Author](#)) ([Date](#)) ([Subject](#)) ([Thread](#))

Next message, by... ([Author](#)) ([Date](#)) ([Subject](#)) ([Thread](#))

From "Steven W. Orr" <steveo@syslang.net>

Subject Re: Unfounded illegal activities within SMOC

Date Sat, 14 Apr 2007 13:04:17 -0400 (EDT)

[Part 1 text/plain us-ascii (4.2 kilobytes)] ([View Text in a separate window](#))

On Saturday, Apr 14th 2007 at 08:20 -0700, quoth wes@wesritchie.com:

=>Here are a couple of comments you made in your last post: "and voted to
=>give SMOC drug dealing employees a larger environment to ply their
=>trade" and "Are your employees at least paying taxes on drugs they're
=>peddling?" I just want to say that your blanket-attacks on SMOC
=>employees -- mostly people who work their butts off not because they're
=>planning to get rich, doing jobs that in many cases are quite unsexy and
=>clearly underappreciated? - are not productive to any conversation that
=>is going on in town government. Regardless of how you feel about the
=>issues I wish that you wouldn't make these personal attacks on regular
=>workers and Steve, I wish you would moderate people like JR, HW and
=>Cynthia when they make these attacks.

=>
=>These workers contribute to our local economy, pay taxes, participate in
=>civic and cultural activities and raise their kids here... they
=>certainly don't need to be demonized to make a point. I wish that you
=>>would make constructive arguments on the merit of issues rather than
=>denigrate hard-working people just because Steve insists anonymously --
=>unverifiable to everyone else -- that there are a few bad apples.

It looks like we have a number of points here that are IMNSHO
either fundamental tools of divisiveness or deliberate attempts at
miscommunication. I've had to deal with this long enough to be able to
spot it and respond. Let's go.

Wes starts out with a subject line which questions the veracity of my
statement about SMOC employees dealing drugs into Massachusetts prisons.
Why does he do that? Am I someone who would simply make up such a story?
Before going off and declaring my report of an ongoing investigation as
unfounded, anyone else should feel free to contact the DPH Licensing
Division like I mentioned. Should all SMOC employees feel "demonized"?
Certainly the ones who knew about the drug operation should.

<http://steveo.syslang.net/cgi-bin/>

10/16/2007

The next step is how his quote on Cynthia can in any way be construed as an attack on all SMOC employees. If I had meant to say that this investigation concerned all employees of SMOC, or even all employees of SAGE house (did I mention that the investigation is ongoing?), I would have said so. The idea though is to throw filth and see how much of it sticks, in this case, to take Cynthia's comments and hope that others will believe that either she or I were making such a blanket statement.

Yes, we have a few bad apples. They work for SMOC. And in particular, these work for SAGE house on Clinton St. And to make it even more interesting, SAGE house is the program that SMOC is trying to relocate into 517 Winter St. The way I see it, we have a program for drug addicts from out of town with a 60+% recidivism rate, with their children being placed into our overextended school system at \$13K per, with a substantial percentage of the employees who are "former" substance abusers being run by a company that is not willing to do an excellent job of running the operation, in a neighborhood that is terrified of loss of property value, on a lot that could allow more programs to be built, being run partly by former drug addicts who went so far and to actually deal drugs.

One of the biggest weapons that the Framingham social service apologists wield is to complain about how some people (The party of no?) are trying to shut social service programs down and eject them from the town. This is the exact same tactic, since the real message is that we're trying to gain some semblance of control over the rate of expansion. Think derivatives Wes.

He talks about the good and hard working people who work for SMOC and pay their taxes. I should hope they do. But among those who are Framingham residents, and among those who are former clients, and among those who were residents prior to being clients, who's left? I'd like to see more people come out with signs around their necks saying "I'm for Framingham" instead of the signs they carry under their shirts which say "I'm for more social services. Let's do more of it here in Framingham".

--

steveo at syslang dot net TMMP1 <http://frambors.syslang.net/>

Do you have neighbors who are not frambors? Steven W. Orr

Message Index for 200704, sorted by... ([Author](#)) ([Date](#)) ([Subject](#)) ([Thread](#))

Previous message, by... ([Author](#)) ([Date](#)) ([Subject](#)) ([Thread](#))

Next message, by... ([Author](#)) ([Date](#)) ([Subject](#)) ([Thread](#))

For assistance, please contact [the.syslang.net administrators](mailto:the.syslang.net.administrators).

[Sign In](#)

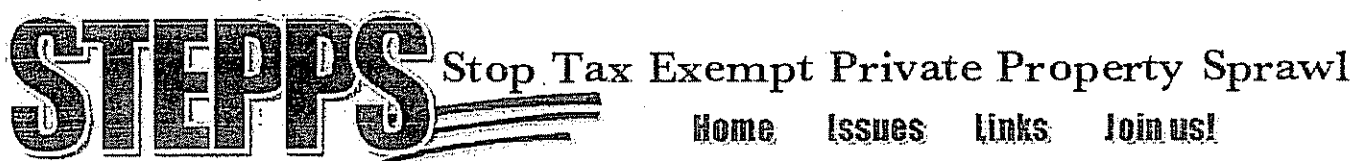
[Sign Out](#)

[Mailing Lists](#)

[Unsubscribe or Change Settings](#)

[Help](#)

Exhibit 77



State slams SMOC in Sage House drug running investigation

July 9, 2007

Yes, you read that right -- drug running!

The South Middlesex Opportunity Council (SMOC) was forced to dismiss two employees after it was revealed that they had run a drug running operation out of the Sage House at 61 Clinton Street, smuggling drugs into state prisons. This is the latest in a series of black eyes for SMOC that calls into question their entire business model of hiring former clients, keeping worker salaries as low as possible, not paying attention to quality, and cutting costs to allow management to receive huge raises.

It also calls into question the state Executive Office of Health and Human Services' business model of encouraging growth at the expense of quality, handing out contracts to favored companies almost like a "good old boy" network, and then completely neglecting their responsibility to provide close oversight.

Related Material

Report by the [Bureau of Substance Abuse Services into drug running charges](#) against Sage House employees (676 KB Adobe Acrobat file)

What happened?

STEPPS obtained and released a report by the [Bureau of Substance Abuse Services into drug running charges](#) against Sage House employees that culminated in SMOC being forced to fire three employees after they were recorded discussing importing drugs into prisons run by the Massachusetts Department of Corrections. The report was done by the Department of Public Health's Bureau of Substance Abuse Services after Framingham police notified the Department of Social Services (DSS) that children at the Sage House were in danger. This was the first DPH had heard of the case, as SMOC had failed to notify them of the DOC investigation. Although angered that SMOC had not notified them, the DPH placed no sanctions on SMOC, and it is not clear what action, if any, they will take.

What is clear from reading the report is that SMOC interfered with any potential criminal charges against their employees in this case.

The report states DOC informed Cuddy about the drug running on 02-14-07. He suspended 2 Sage House employees during the next 2 days and fired them a couple of weeks later. **Although SMOC was required to notify DPH of the incident, SMOC executive director Jim Cuddy decided not to do so.**

DSS were actually the ones who notified DPH of this case, not SMOC or DOC and this was 6 weeks later presumably after DSS found out!

DPH was told by Cuddy that his reason for not notifying DPH was to not jeopardize DOC's criminal investigation. Who is Cuddy to make that determination? And what idiot would believe that one state agency would interfere with another?

DPH learned SMOC conducted their own investigation on this matter, DPH called SMOC's investigation insufficient. DPH conducted their own investigation and found out that SMOC told other Sage House employees about the DOC investigation the day after Cuddy found out. How would he know if these other employees were involved or not? Based on DPH's report, at least 1 additional employee was fired. The question remains, how many more were involved but were informed of the investigation by Cuddy? When investigating any crime, especially a drug conspiracy, **the last thing you do is wander around telling people who might be involved that they are being investigated!**

Cuddy clearly compromised this matter himself by suspending/terminating these employees under the cover of darkness and by informing Sage House staff about it yet not informing DPH, their funding source for the Sage House. The fact that he told DPH they weren't notified because he didn't want to jeopardize the DOC case is crystal clear to me he is being less than truthful and I would suggest he didn't want to lose his license and contract for the Sage House (and jeopardizing a large percentage of their other programs) with DPH by alerting them to this.

Many in Framingham who are familiar with SMOC's *integrity* track record are not surprised by Cuddy's actions. Just look at when Cuddy tried to defend the educational components of his Dover protected wet shelter at 105 Irving St. The town investigated and found "not much going on" (to quote the Building Commissioner) as far as educational activities. The shelter was quickly closed by the town and rightfully so. There are many other examples, such as the time SMOC refused to attend the Selectmen's "Social Services Summit," claiming everyone was on vacation, yet during that time SMOC attended

meetings in Worcester and Millbury. Or when SMOC complained to the newspaper about misinformation when someone reported that there was asbestos at 517 Winter, and then it turned out that SMOC had removed asbestos from 517 Winter.

SMOC knows most of its supporters are naive to their business tactics, so they play on the idealistic sentiments using misty eyed pronouncements about how everyone deserves a chance, they want to rebuild society, etc., when in fact their main goal is chasing government taxpayer dollars. If the Dover Amendment went away, they'd probably reincorporate as a for-profit, talk about how they're a growing \$50 million powerhouse, and go public with a splashy IPO.

Problems within SMOC

I know that after paying gobs of money to their directors and managers, social service non-profits have very little left with which to hire actual hands-on personnel. I guess you get what you pay for.

Some of the more egregious violations by SMOC:

- SMOC ignored its responsibility to do CORI checks on employees, and 25% of all Sage House employees were in violation of state regulations. SMOC chose not to inform DPH of these violators.
- SMOC was in violation of numerous DPH safety rules and regulations at the Sage House.
- Sage House residents reported to DPH that Sage House employees would have visitors who meet them outside and drop off or pick up packages.
- Some Sage House employees were working 15-17 hour shifts, which are, for obvious reasons, against DPH recommendations.
- SMOC's own internal investigation prior to DPH being made aware of the matter was insufficient and made no attempt to determine whether drugs had been introduced into the Sage House.
- SMOC failed to investigate the familial relationship of the third employee/suspect even though they were aware that this employee/suspect was related to one of the terminated employee/suspect.

Corrective Action

The report and corrective action plan are alarming. The report shows a recovery house run largely without real supervision and accountability, placing residents as well as neighbors at risk. It makes us wonder exactly how the director earns his money.

The corrective action plan does little more than encourage SMOC to obey the law and follow the rules -- something that outsiders would take for granted. However, in this specialized and protected "service" industry, it seems that the few laws that do apply, or that the industry is not excused from following, are more like guidelines, to be followed when convenient and ignored at will. And as always, anyone who would dare demand compliance will be branded a bigot or a hater.

When we suggested to DPH that they terminate their contract with SMOC for the Sage House, their answer was, essentially, "we can't, we would have no place to put the residents."

But the question is not whether these residents are better off on the street, it is whether they should be in a facility that is better run and adequately supervised.

Who's watching the watchers?

Unfortunately, town officials, while likely as outraged as the rest of us over SMOC allowing a drug running operation to flourish right under their noses in a supposed drug rehab shelter, have very little power to do anything. Thanks to exceptionally poor decision making by the state legislature, all the power sits in the boardrooms of SMOC, Wayside, etc., and the state Executive Office of Health and Human Services, and since all of them profit from the status quo, none of them wants to rock the boat. SMOC is supposed to be watching over its employees but isn't, and Health and Human Services is supposed to be watching over SMOC, but isn't.

So who's watching the watchers? **No one, it would seem.**

Perhaps the most shocking aspect of this case, and the Department of Public Health investigation, is just how low everyone's standards are. SMOC failed to report the hiring of employees with criminal records as required by DPH. (Amazingly, SMOC's Director of Human Resources claimed to be unaware of this requirement.) SMOC then allowed a drug operation to flourish right under their noses, and when they were told about it, tried to hide it from the DPH. When DPH found out and investigated, they found that SMOC's Sage House, the program they want to double in size and move into a residential neighborhood, had numerous safety and health violations including poor food handling procedures and use of prohibited heating equipment. So it's not just heroin addicts we need to worry about, but drug smugglers on staff, rats, and fire danger!

So what was the outcome of the investigation? A verbal warning from DPH.

Anyone think if an ordinary citizen did what SMOC did, we'd get off with just a verbal warning? No, I don't think so either.

This drug smuggling operation inside SMOC is just as shocking, and just as dangerous, as those horrific lapses by DSS involving the death or abuse of a child in their care. The difference is that when DSS fails, the media is

watching and changes are made. In this case, the media has paid virtually no attention to the scandal.

The state needs to hear from all of us. If you think this is outrageous, please call the people who actually have some power to fix it. The Executive Office of Health and Human Services pays SMOC and provides little meaningful oversight. They answer to the governor. The legislature, if it does its job, can change the law in meaningful ways to prevent further abuses by SMOC and other massive government contractors. We can't count on the media -- we have to do it ourselves.

Governor Deval Patrick & Lt. Gov. Tim Murray (617) 725-4005
Health and Human Services Sec. JudyAnn Bigby (617) 573-1600
Sen. Karen Spilka (617) 722-1640
Rep. Tom Sannicandro (617) 722-2210
Rep. Pam Richardson (617) 722-2582

Please call and demand accountability and oversight for both SMOC **and** the Office of Health and Human Services.

Have a comment, correction, or suggestion? [Write to the webmaster!](#)

Exhibit 78

[Sign In](#)[Sign Out](#)[Mailing Lists](#)[Unsubscribe or Change Settings](#)[Help](#)

steveo's Home Server

Message Index for 200706, sorted by ... ([Author](#)) ([Date](#)) ([Subject](#)) ([Thread](#))

Previous message, by ... ([Author](#)) ([Date](#)) ([Subject](#)) ([Thread](#))

Next message, by... ([Author](#)) ([Date](#)) ([Subject](#)) ([Thread](#))

From "Steven W. Orr" <steveo@syslang.net>

Subject Re: SMOC client accused of invading home on Winter Street

Date Sun, 17 Jun 2007 09:15:01 -0400 (EDT)

[Part 1 text/plain us-ascii (2.7 kilobytes)] ([View Text in a separate window](#))

On Saturday, Jun 16th 2007 at 10:46 -0400, quoth Peter C.S. Adams:

=>A frightening article in this morning's MetroWest Daily News:

=>

=>"A Framingham man with a rap sheet that includes more than 200 entries was

=>arrested yesterday, accused of breaking into a Winter Street home Thursday

=>while two teenage girls slept."

=>

=><http://www.metrowestdailynews.com/news/x806703166>

=>

=>The article continues:

=>

=>"James Corcoran, 46, was caught because the girls' older sister had come

=>home at about 10 a.m. and saw him run from the house and get into a truck.

=>She got the license plate, police spokesman Lt. Paul Shastany said. [...]

=>Police matched the license plate to Corcoran and tracked him to 73 Hollis

=>St., a rooming house run by the South Middlesex Opportunity Council "

It's been quite a day; a B&E on Winter St in a neighborhood that is expecting to see a whole lot more of this kind of thing in the very near future. By all accounts, Alcoholics Anonymous is one of the most successful programs around (if booze is your cup of tea), and they enjoy a recidivism rate of (drum roll please) over 98%. What SMOC is trying to do to the Winter St neighborhood is to make money off of substance abusers, which is a polite word for heroin, crack, methamphetamines, crank, etc. You might have a drink and take a fair amount of time to work your way up to being an alcoholic in a timeframe that is measured in years. Things like some of the aforementioned drugs will make you a hopeless addict after at most just a few experiences.

The recidivism rates for these drugs are much worse, but let's be realistic. What SMOC is looking at acquiring as clientele are the so-called "recovering substance abusers" who are running at a whopping 66% recidivism rate. These people have histories of violent crime, prostitution, burglary, but no matter how you look at it, unless they have

<http://frambors.syslang.net/cgi-bin/>

10/23/2007

a nice trust fund, the drugs cost money and whatever it takes to get that money is how the drugs get paid for. (Hopefully, the staff people of Sage House at 517 Winter won't be involved in actually supplying drugs like the staff at Sage house on Clinton St did to the Shirley Prison.)

So where does that leave us? At this stage, I think it would be useful for an update on the procedural roadmap. Hopefully, someone can explain it more definitively, but at the point where SMOC files for an occupancy permit, *after* spending substantial funds at rehabbing, the whole shootin' match falls into the hands of the Building Commissioner. If his decision is to approve the permit, then it goes to the Zoning Board of Appeals.

--

steveo at syslang dot net TMMP1 <http://frambors.syslang.net/>

Do you have neighbors who are not frambors? Steven W. Orr

Message Index for 200706, sorted by ... ([Author](#)) ([Date](#)) ([Subject](#)) ([Thread](#))

Previous message, by ... ([Author](#)) ([Date](#)) ([Subject](#)) ([Thread](#))

Next message, by ... ([Author](#)) ([Date](#)) ([Subject](#)) ([Thread](#))

[Mail this message](#)

For assistance, please contact [the syslang.net administrators](#).

[Sign In](#)

[Sign Out](#)

[Mailing Lists](#)

[Unsubscribe or Change Settings](#)

[Help](#)

Exhibit 79

[Sign In](#)[Sign Out](#)[Mailing Lists](#)[Unsubscribe or Change Settings](#)[Help](#)

steveo's Home Server

Message Index for 200707, sorted by... ([Author](#)) ([Date](#)) ([Subject](#)) ([Thread](#))

Previous message, by... ([Author](#)) ([Date](#)) ([Subject](#)) ([Thread](#))

Next message, by .. ([Author](#)) ([Date](#)) ([Subject](#)) ([Thread](#))

From "Steven W. Orr" <steveo@syslang.net>

Subject Resolution? on the drug runners out of Sage House.

Date Wed, 11 Jul 2007 18:04:45 -0400 (EDT)

[Part 1 text/plain us-ascii (4.7 kilobytes)] ([View Text in a separate window](#))

Resolution? I think not. Despite the story here on frambors about drug running going on out of SMOC's Sage House, the local paper really didn't feel there was any need to do any follow-up. The following document was acquired by Framingham residents via the Freedom of Information Act.

http://frambors.syslang.net/DPH_Sage_House_Investigation.pdf
(486K)

Read it. Pass it to your neighbors. Complain like hell.

Legend:

DPH == Dept of Public Health

DOC == Dept of Corrections

DSS == Dept of Social Services

CORI == Criminal Offender Record Checks

In particular, the notion is that Sage House is supposed to be a place for (recovering?) substance abusing women *and their children* in an environment where not only are the drug dealers working but the children are available to get worked into the system through their "Early Indoctrination System".

One more comment before the notes section below: The description of Sage House as SMOC is planning for 517 Winter St is in flux. It started as a place for recovering substance abusing women and their children, the same as on (shudder) Clinton St. Then it was described as to also include their unmarried boyfriends. (Can someone *please* tell me when the blissful couples are supposed to engage in sexual intercourse without the children being around? I only mention this because these are *not* apartments.) The most recent description calls for it to be a residence for recovering substance abusing men. The women and the children are being written out of the new facility. Who would you rather have living next door to you?

NOTES:

03-23-2007 DSS notifies DPH of Sage House

<http://frambors.syslang.net/cgi-bin>

10/23/2007

03-28-07 DPH learns from SMOC that Jim Cuddy was notified via telephone from DOC that Cuddy was told on 02-14-07. Cuddy convenes meeting with administrators and their attorney. Cuddy suspends an employee of Sage House on 02-15-07 and another on 02-16-07 and subsequently terminates both on 02-26-07 after receiving and reviewing transcripts from DOC.

SMOC tells DPH on 03-28-07 that they didn't want to interfere with DOC or compromise their investigation as the reason they didn't notify DPH. Yet they suspended and fired at least 2 employees involved in the drug dealing a month earlier. If this were true, then SMOC would not have suspended or fired them. Right? This is lying at its finest!

SMOCs CORI responsibilities, as outlined by DPH General Counsel to all vendors, were ignored and 25% of all Sage House employees were in violation of state regulations. SMOC chose not to inform DPH of these violators.

SMOC safety violations at the Sage House were strictly against DPH safety rules and regulations.

Some Sage House employees were working 15-17 hour shifts that are against recommendations of DPH.

According to the DPH investigation, SMOCs own internal investigation prior to DPH being made aware of the matter was insufficient and made NO attempt to determine whether drugs had been introduced into the Sage House as outlined in the DOC report (that SMOC employees had drugs delivered to the Sage House etc as outlined in Item 1 in the introduction).

SMOC also failed to investigate the familial relationship of the terminated 3rd employee/suspect even though they were aware this employee/suspect was related to one of the terminated employee/suspect.

April 9th evaluation:

Some (NOT ALL) adults felt Sage House was better than other programs and only SOME, not ALL adults felt the children were thriving.

The residents reported to DPH that Sage House employees would have visitors who meet them outside and drop off or pick up packages from them in quick visits.

DPH states that some residents even outlined the exact reasons why the terminated employees were fired. That is recognition that they knew drugs were involved. Drug users are not stupid and can recognize wrong doing involving drugs even though the DPH report claims otherwise.

In general, the Sage House and SMOC are deficient in policies that clearly define protocol and regulations for their employees. SMOC maintains an "I didn't know" attitude when it comes to well defined criteria from DPH General Counsel to them and a general disregard to DPH contractor policy and procedures. SMOC turned a blind eye to their funding source and even lied to them in their attempts to keep DPH out of the loop on the Sage

House drug smuggling.

SMOCs Sage House licensing WAS held in abeyance by DPH, however, it should be revoked for their obvious attempts to hide this smuggling operation from DPH, their major funding source of contracts

--

steveo at syslang dot net TMMP1 <http://frambors.syslang.net/>

Do you have neighbors who are not frambors? Steven W. Orr

Message Index for 200707, sorted by ... ([Author](#)) ([Date](#)) ([Subject](#)) ([Thread](#))

Previous message, by ... ([Author](#)) ([Date](#)) ([Subject](#)) ([Thread](#))

Next message, by ... ([Author](#)) ([Date](#)) ([Subject](#)) ([Thread](#))

!

For assistance, please contact [the syslang.net administrators](#).

[Sign In](#)

[Sign Out](#)

[Mailing Lists](#)

[Unsubscribe or Change Settings](#)

[Help](#)

Exhibit 80

[Search](#) [Steno](#) [Mailing Lists](#) [Unsubscribe or Change Settings](#) [Help](#)

steveo's Home Server

Message Index for 200707, sorted by... ([Author](#)) ([Date](#)) ([Subject](#)) ([Thread](#))

Previous message, by... ([Author](#)) ([Date](#)) ([Subject](#)) ([Thread](#))

Next message, by... ([Author](#)) ([Date](#)) ([Subject](#)) ([Thread](#))

From "Peter C.S. Adams" <peter.adams@umb.edu>

Subject Re: Resolution? on the drug runners out of Sage House.

Date Sun, 15 Jul 2007 22:06:40 -0400

[Part 1 text/plain US-ASCII (3.4 kilobytes)] ([View Text in a separate window](#))

Thus spake Nicola Cataldo <ncataldo@newfs.org>, circa 7/13/2007 6:10 PM:
> Yes, we definitely need to hear from someone at Town Hall on this. We also
> need to hear from a selectman or two. [...] Furthermore I urge kudos for the
> investigators of the Sage House incident and prison time for all those who
> foisted off on the people of this town this ill-conceived disgrace of a
> program.

Unfortunately, town officials, while likely as outraged as the rest of us
over SMOC allowing a drug running operation to flourish right under their
noses in a supposed drug rehab shelter, have very little power to do
anything. Thanks to exceptionally poor decision making by the state
legislature, all the power sits in the boardrooms of SMOC, Wayside, etc.,
and the state Executive Office of Health and Human Services, and since all
of them profit from the status quo, none of them wants to rock the boat.
SMOC is supposed to be watching over its employees but isn't, and Health and
Human Services is supposed to be watching over SMOC, but isn't.

So who's watching the watchers? No one, it would seem.

Perhaps the most shocking aspect of this case, and the Department of Public
Health investigation, is just how low everyone's standards are. SMOC failed
to report the hiring of employees with criminal records as required by DPH.
(Amazingly, SMOC's Director of Human Resources claimed to be unaware of this
requirement.) SMOC then allowed a drug operation to flourish right under
their noses, and when they were told about it, tried to hide it from the
DPH. When DPH found out and investigated, they found that SMOC's Sage House,
the program they want to double in size and move into a residential
neighborhood, had numerous safety and health violations including spoiled
food on the counters and use of prohibited heating equipment. So it's not
just heroin addicts we need to worry about, but drug smugglers on staff,
rats, and fire danger!

So what was the outcome of the investigation? A verbal warning from DPH.

Anyone think if you or I did what SMOC did, we'd get off with just a verbal
warning? No, I don't think so either.

This drug smuggling operation inside SMOC is just as shocking, and just as dangerous, as those horrific lapses by DSS involving the death or abuse of a child in their care. The difference is that when DSS fails, the media is watching and changes are made. In this case, the media has paid virtually no attention to the scandal.

The state needs to hear from all of us. If you think this is outrageous, please call the people who actually have some power to fix it. The Executive Office of Health and Human Services pays SMOC and provides little meaningful oversight. They answer to the governor. The legislature, if it does its job, can change the law in meaningful ways to prevent further abuses by SMOC and other massive government contractors. We can't count on the media -- we have to do it ourselves.

Governor Deval Patrick & Lt. Gov. Tim Murray (617) 725-4005
Health and Human Services Sec. JudyAnn Bigby (617) 573-1600
Sen. Karen Spilka (617) 722-1640
Rep. Tom Sannicandro (617) 722-2210
Rep. Pam Richardson (617) 722-2582

Please call and demand accountability and oversight for both SMOC *and* Health and Human Services.

--

Peter C.S. Adams
Communications Director
STEPPS (Stop Tax Exempt Private Property Sprawl)
<http://www.steps.info>
"Enough is enough"

Message Index for 200707, sorted by... ([Author](#)) ([Date](#)) ([Subject](#)) ([Thread](#))

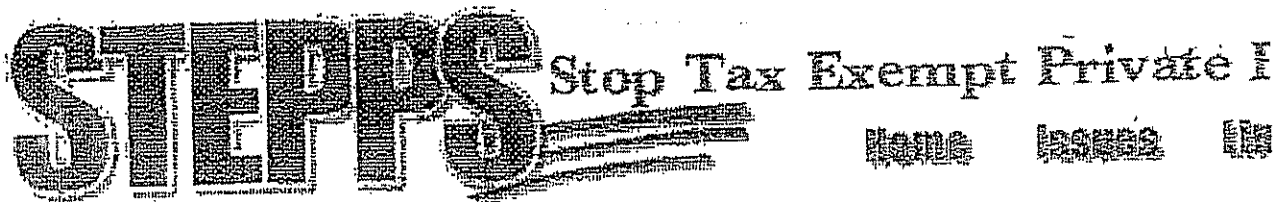
Previous message, by... ([Author](#)) ([Date](#)) ([Subject](#)) ([Thread](#))

Next message, by... ([Author](#)) ([Date](#)) ([Subject](#)) ([Thread](#))

For assistance, please contact [the syslang.net administrators](#).

[Sign In](#)[Sign Out](#)[Mailing Lists](#)[Unsubscribe or Change Settings](#)[Help](#)

Exhibit 81



STEPPS News & Updates

August 2007

August 21: Framingham Building Commissioner Michael Foley issues a temporary occupancy permit to SMOC for their Sage House program at 517 Winter Street despite at least two errors on the application. STEPPS will certainly appeal this incorrect decision to the ZBA.

August 21: The Framingham Board of Selectmen heard a report from Human Services Coordinator Alexis Silver on the impact of social services in the town. Silver said that "the social service process here in Framingham lacks accountability, communication and transparency" and "social services have grown in such a way that Framingham is now paying a significant price." You can view the presentation via streaming video on the town web site (requires Real Player; go to 1:57:40) or you can read the presentation as a PDF.

August 16: STEPPS joins the rest of Framingham in mourning the passing of Jerry Desilets, former Town Moderator and SMOC's director of policy and planning.

August 2: The Framingham Planning Board approved a temporary occupancy permit for SMOC's proposed Sage House at 517 Winter Street. This was expected and does not represent any major development. A permanent occupancy permit, with accompanying change of use by the Building Commissioner, would be a major development and would probably be illegal.

August 1: STEPPS filed a complaint with the town regarding SMOC's work at 517 Winter Street, urging the town to take a very strict stance regarding issuance of permits.

July 2007

July 20: Several members of STEPPS met with representatives of the Massachusetts Executive Office of Health and Human Services to discuss reforming siting procedures (which have led to a massive overconcentration of facilities in Framingham) and language in contracts issues to social service contractors.

July 17: The MetroWest Daily News ran a followup article explaining why no charges were filed in the Sage House drug running investigation. Despite having recorded telephone calls from the prison to the Sage House in Framingham, the Department of Corrections failed to notify the Framingham Police Department until weeks later, and the Middlesex District Attorney declined to file charges. However, the DOC insisted that charges were still pending.

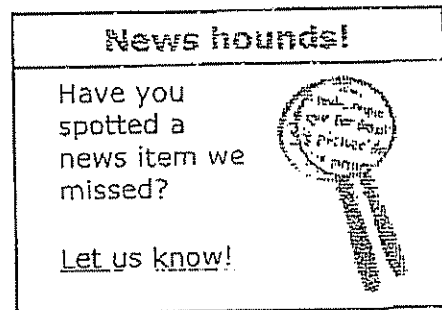


Exhibit 82



TOWN OF FRAMINGHAM
Massachusetts
Office of the
TOWN COUNSEL
Christopher J. Petrini

Town Office:
Office of the Town Counsel
Memorial Building
150 Concord Street; Room 127
Framingham, MA 01702
(508) 620-4802
Facsimile (508) 620-5910
E-mail: cpetrini@framinghamma.org

Framingham Office:
Petrini & Associates, P.C.
The Meadows
161 Worcester Road, Suite 304
Framingham, MA 01701
(508) 665-4310
Facsimile (508) 665-4313
E-mail: cpetrini@petrinilaw.com

MEMORANDUM

To: Board of Selectmen
Social Service PILOT and Comparative Impact Study PILOT Committee

From: Christopher J. Petrini
Town Counsel

cc: Mark Purple, Interim Town Manager (w/enclosures)
Edward Noonan, Town Moderator (w/enclosures)
Glenna J. Sheveland, Esq., Petrini & Associates, P.C. (w/o enclosures)

Date: December 12, 2005

Re: Evaluation of Legal Issues Posed by Activities of Social Service PILOT and Comparative Impact Study PILOT Committee, Including Voluntary Questionnaire Issued to Various Non-Profit Social Service Organizations in the Town of Framingham

INTRODUCTION

This memorandum is in response to a request made by the Board of Selectmen and the Social Service PILOT and Comparative Impact Study Committee's ("PILOT Committee") asking me to review whether liability may be imposed against the Town of Framingham ("Town") under various anti-discrimination laws by virtue of the various activities and inquiries of the PILOT Committee to date. In connection with this analysis, I have specifically examined whether a recent questionnaire which was sent to non-profit social service organizations constitutes a violation of the American with Disabilities Act or Fair Housing Act, or whether it violates the privacy rights of clients served by such programs. For the reasons described below, it is my opinion that the activities of the PILOT Committee to date have not violated various anti-discrimination laws, and that the questionnaire issued by the PILOT Committee does not constitute an unwarranted or substantial invasion of the privacy of the clients or residents who may be served by such programs. However, if the results or findings of the PILOT Committee

- (5) I have included in Section IV below a number of recommendations that I believe will help the PILOT Committee conduct its study within the guidelines of the Fair Housing Act, the Americans with Disabilities Act and G.L. c. 40A, § 3, and to perhaps assist the Committee in completing and conducting a comprehensive and unbiased study that fulfills the requirements of Town Meeting and the Board of Selectmen.

FACTS

The PILOT Committee was created by Town Meeting vote at the 2005 Annual Meeting to identify the social service organizations that are currently operating within the Town and within adjacent and similarly situated municipalities and to determine what impacts social services have on the Town's economy, on the neighborhoods in which they are located, and how they impact municipal services. See Exhibit 1 (Town Meeting motion made at Article 19 of Annual Town Meeting creating PILOT Review Committee). In addition, the PILOT Committee was asked by Town Meeting as part of its formative motion to consider the possible benefits of developing a Payment in Lieu of Taxes ("PILOT") Program as a means by which to voluntarily engage non-profit social service organizations in providing services or monetary contributions to the Town as a means by which to offset the cost of providing municipal services to these tax-exempt organizations. The Board of Selectmen discussed the roles of the PILOT Committee and the various appointments to the Committee by the Town Moderator and the Board at its July 26, 2005 meeting. See Exhibit 2 (Minutes of July 26, 2005 Board of Selectmen meeting). In November, the PILOT Committee sent a questionnaire to all social service organizations in the Town, which contained roughly 30 questions inquiring as to the mission of the organization, its general service area, ownership of property, payment of taxes, programs offered, general residency of individuals served by the programs, siting of facilities in the Town, the amount of fees paid to the Town and the types of services provided by the organization. See Exhibit 3 (December 9, 2005 letter from PILOT Committee along with three page questionnaire and one page of terms and definitions from the U.S. Census Bureau website).

The PILOT Committee then began receiving responses, most of which were verbal responses, from non-profit organizations indicating that they were concerned with the time it would take to answer the questions posed and with the legal implications of providing answers to some of the questions. I also have been provided with one written response, which is a copy of a letter from Attorney Samuel Nagler of Krokidas & Bluestien, written to William J. Taylor, President and CEO of Advocates, Inc. See Exhibit 4 (Samuel Nagler letter with attachments). In this letter, Mr. Nagler advised Mr. Taylor that no further information should be provided until such time as the PILOT Committee answers the question of whether it is legal to target only social service agencies for a payment in lieu of taxes (PILOT) program. Mr. Nagler then includes an analysis of various principles under applicable federal and state law, most prominently the federal Fair Housing Act ("FHA").

the equal opportunity of living within the Town. No evidence has been proffered that creating a voluntary PILOT program applicable to social service organizations would deprive the residents of these programs from the opportunity of living here in Town. Moreover, it is important to emphasize that the PILOT Committee's charge and activities to date have been limited to the collection, assembly, review and analysis of information, much of which already is publicly available. The members of the PILOT Committee have First Amendment rights to collection, analysis and report on such information. See Houchins v. KOED, Inc., 438 U.S. 1, 11 (1978), citing Branzburg v. Hayes, 408 U.S. 665, 707 (1972) ("There is an undoubted right to gather [information] from any source by means within the law. . .")

The FHA makes it unlawful to utilize zoning or land use policies to treat groups of persons with disabilities less favorably than groups of non-disabled persons. The intent of Framingham's PILOT Program is aimed at determining whether there is a need for a PILOT program. While the PILOT Committee naturally would like as many organizations as possible to respond to the questionnaire to ensure that its analysis and report is as complete as possible, no indication has been given that failure to comply with any of its voluntary requests for information will result in unfavorable treatment of these organizations.

B. The Dover Amendment

As the Board of Selectmen and the PILOT Committee are aware, G.L. c. 40A, § 3, the Dover Amendment (hereinafter, "Section 3" or the "Dover Amendment"), provides that no zoning by-law shall prohibit, regulate or restrict the use of land or structures for educational purposes on land owned or leased by a nonprofit educational corporation. In addition, Section 3 contains a further provision that states that local land use and health and safety laws, regulations, practices, ordinances, by-laws and decisions of a town shall not discriminate against a disabled person. Section 3 further expressly states that the imposition of health and safety laws or land-use requirements on congregate living arrangements among non-related persons with disabilities that are not imposed on families and groups of similar size or other unrelated persons shall constitute discrimination.

C. Americans With Disabilities Act

Section 12132 of the Americans with Disabilities Act (ADA) provides that "[n]o qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." 42 U.S.C. § 12132. Massachusetts has not resolved the question of whether zoning decisions fall within the ambit of the ADA. Granada House, Inc. v. City of Boston, 6 Mass L.Rptr. 466 (Mass. Supr. Ct. Feb 28, 1997), is the first Massachusetts case that dealt with this issue and the Superior Court found that zoning as applied to a group home for handicapped persons violated the FHA. Recent court decisions have found that the ADA does apply to prohibit acts of discrimination based on zoning decisions. See, e.g., id.; see also Innovative Health Systems v. City of White Plains, 931 F.Supp. 222 (S.D.N.Y., 1996).

social service organizations in Framingham. The letter and the attachments set forth at Exhibit 4 provides no indication of how the undertaking of a study by the Town of social service programs will result in discrimination against those covered by FHA, the ADA or Section 3.

Notwithstanding my conclusion herein that the mere collection, assembly, analysis and presentation of information does not give rise to liability under the FHA, ADA or Section 3, Mr. Nagler's comments do present an indication of how local social service agencies likely would view implementation of recommendations of the PILOT Committee that adversely impacted people with disabilities covered by the ADA or equal opportunities for living within the Town by individuals protected under the FHA.

Depending on how the Town decides to utilize the information contained in the future report of the PILOT Committee, it is possible that the Town could become embroiled in a lawsuit alleging discriminatory practices under the FHA, ADA or Section 3.³ If you will recall, Spectrum Health Systems raised claims of potential violations of the ADA and the Rehabilitation Act, 29 U.S.C. §794, based on the Town's refusal to issue a building permit for renovations to a building it intended to use as a methadone clinic. See Spectrum Health Systems v. Rogers, Misc. Case No. 240789 (Mass. Land Ct. May 21, 1999). In the Spectrum case, Spectrum argued that all forms of zoning actions, not just zoning regulations, are governed by the ADA and Rehabilitation Act. In support of their argument, Spectrum cited to several cases from other federal circuits, including Innovative Health Systems, Inc., 117 F.3d 37, 44-46 (2d Cir. 1997) (ADA and Rehabilitation Act apply to city's zoning decisions); Tsombanidis v. City of Westhaven, 129 F. Supp. 2d 136, 151 (D. Conn. 2000) ("a local government or governmental entity using zoning powers in a discriminatory manner violates . . . the ADA"); MX Group, Inc. v. City of Covenington, 106 F. Supp. 2d 914, 920 (6th Cir. 2002) (ADA applies to zoning

³ If a social service agency of group of plaintiffs successfully sue the Town, the liability could be substantial. Pursuant to 42 U.S.C. § 3610, the FHA may be enforced by an aggrieved party or the Secretary of Housing and Urban Development. If the respondent is found to have engaged or is about to engage in a discriminatory housing practice, the agency may order relief which may include actual damages and injunctive or other equitable relief. The agency may also impose a civil penalty of up to \$11,000 for a first offense or more if it is not a first offense. Parties may appeal such orders to the federal courts. The agency or the court, as the case may be, "may allow the prevailing party, other than the United States, a reasonable attorney's fee and costs." The United States Attorney General also has the right to commence a civil action in federal district court. See 42 U.S.C. § 3614(a) & (b). In a civil action brought by the Attorney General, the court may award preventive relief, such as an injunction or a restraining order, assess civil penalties not to exceed \$50,000 for the first violation and \$100,000 for the second violation, and award such other relief as the court may deem appropriate, including monetary damages and reasonable attorneys' fees and costs. An aggrieved person may commence a civil action pursuant to 42 U.S.C. § 3613, in a federal district court or in a state court, within two years after the occurrence or the termination of an alleged discriminatory housing practice or the breach of a conciliation agreement.

Similar rights to punitive damages and attorney's fees may also be available under to successful plaintiffs under the ADA. As with the FHA, the ADA provides for certain administrative enforcement as well as allowing for individual suits. A plaintiff who is the subject of unlawful intentional discrimination (as opposed to a practice that is discriminatory because of its disparate impact) may recover compensatory and, in certain cases, punitive damages. In order to receive punitive damages, the plaintiff must show that there was a discriminatory practice engaged in with malice or with reckless indifference to the rights of the aggrieved individuals. The amount that can be awarded in punitive and compensatory damages is capped, with the amounts varying from \$50,000 to \$300,000. Attorneys' fees also are awarded to successful plaintiffs under the ADA.

Committee has been reviewing and utilizing information from state and federal sources, thereby avoiding any materials that are "subjective" or "based on opinion."

A review of relevant case law does not support the conclusion that social service organizations or the clients that they serve have any greater legal right to privacy than any other citizen. Although it is true that the participants in these programs have no greater legal right to privacy than any other citizen, it also could be argued that the Town would not advance a legitimate governmental interest by publishing this information in its final report. See McKenna v. Peekskill Housing Authority, 647 F.2d 332 (2nd Cir.1981) (housing authority could not show that legitimate government concern was furthered by restricting occupants privacy rights).

Massachusetts has a separate statutory "right to privacy" codified at G.L. c. 214, § 1B. This section states that "[a] person shall have a right against unreasonable, substantial or serious interference with his privacy. The superior court shall have jurisdiction in equity to enforce such right and in connection therewith to award damages." "There appears to be no appellate decision as yet in Massachusetts in which the statutory right to privacy under M.G.L.A. c. 214, § 1B has been raised or applied to vindicate informational privacy interests in the personal information and data collected, maintained, and disseminated by government." 39 MAPRAC § 1252.

Most of the information requested by the PILOT Committee is available through public records. It is my understanding that the Assessor has public records available on line regarding the location and ownership of tax exempt properties within the Town, whether it is used for commercial or residential, and whether permits have been issued that might provide information regarding the total occupancy for the structure. The PILOT Committee as of this time voluntarily has agreed not to publish the residential or group home addresses as part of this study, which will further avoid any appearance of discriminatory intent or effect.

Relevant financial information can be obtained through internet sources that provide financial and service information on non-profit organizations.⁶ These internet sources provide extensive information on non-profit organizations including their mission, programs offered, leadership, goals, IRS Form 990, the organization's needs and special programs. Additionally, the Attorney General's Office has a division that deals with charitable organizations (called the Division of Public Charities). The thousands of charities that operate in Massachusetts must register and file public annual financial reports with the Division of Public Charities, and fund-raisers must register with the Division before soliciting donations in Massachusetts on behalf of charities. This reporting mechanism provides the Office of the Attorney General with information necessary to properly oversee charities and their fund-raisers. In addition, these filings also provide accountability to the public as they are available for public review.

In summary, because most of the information requested by the PILOT Committee is available through public and internet sources, it is my opinion that reviewing, analyzing and cataloguing this information in a report would not constitute an invasion of privacy of the

⁶ One such organization is Guidestar and is available at www.guidestar.org

discriminatory purpose. After meeting with Mr. Berman and Ms. Lee, they believed it would be helpful to the PILOT Committee if I offered some suggestions and recommendations for future endeavors of the PILOT Committee.

I therefore offer five recommendations for the consideration of the Board of Selectmen and the PILOT Committee. The first two recommendations are legal recommendations that I believe will help insulate the Town from a successful legal challenge, while the last three recommendations are more advisory in nature (rather than purely legal in nature) and perhaps will be of some assistance in helping the PILOT Committee fulfill its objectives, if adopted by the PILOT Committee.

My five recommendations for consideration are as follows:

- (1) The Board of Selectmen should consider providing further definition regarding the purpose and goals of the study, to allow the PILOT Committee to further focus its efforts and to hopefully eliminate any appearance that the study has been undertaken as a means by which to develop strategies for future local regulation of social service organizations. I recommend that the Board of Selectmen consider adopting a motion at tomorrow evening's meeting reaffirming its intention that the PILOT Committee study and the information included in the forthcoming report be used only for the purposes intended--namely for informational purposes and for determining whether the Town should develop and implement a voluntary PILOT Program. This motion may include a reminder that the forthcoming PILOT Committee report should not be used by the Town Meeting or any committee, board or officer within the Town in such a manner that it would effect disparate, unfair or discriminatory treatment of social service agencies or the residents and clients that they serve.
- (2.) Although it is my opinion that the PILOT Committee questionnaire does not violate state or federal law or infringe on the privacy rights of the residents serviced by social service agency programs, I do recommend that the members of the PILOT Committee should always be mindful that their actions should be free of any suggestion of "discriminatory intent." I hope that this memorandum will help provide the PILOT Committee with a more delineated purpose and goal for its study, and perhaps help it establish operating guidelines (formal or informal) by which it will operate to ensure that it does not venture into areas that could embroil the Town in a legal confrontation. I would be glad to review any documents prepared by the PILOT Committee in the future regarding the purpose⁸ and goal of the study, as well as review any guidelines (to the extent

⁸ The PILOT Committee has identified its purpose as "to study the impact of social services on all aspects of Framingham. This is inclusive of monetary, environmental, and safety." As part of this undertaking, the PILOT Committee presumably may wish to address how social services impact Framingham's economy. This analysis could be divided into "how social services benefit the Town in generating jobs and revenue and in providing services that would otherwise not be available" and "how social services cost the Town in lost tax revenue, through a decrease in neighborhood property values, and in providing uncompensated municipal services." This could allow

likely will be viewed by the courts as the actions of the Town if suit is commenced against the Town in the future.

CONCLUSION

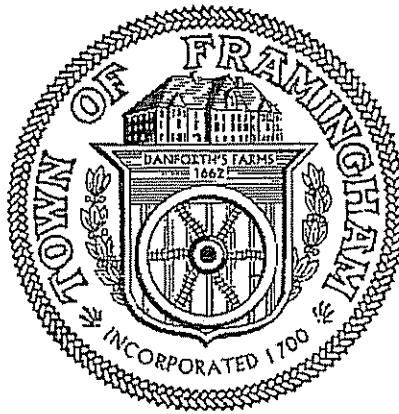
I hope this memorandum is of assistance to the Board of Selectmen and the PILOT Committee. I look forward to meeting with you tomorrow evening to further discuss this memorandum and the recommendations contained herein, and to answer any questions you may have. Thank you.

2005 12 08 Town Counsel Memo on PILOT PILOT Committee Questionnaire and FHA (600-122)

Exhibit 83

Town of Framingham
Social Service PILOT and Comparative Impact Study
Committee

Final Report
May 2006



PILOT/Impact Study Committee

Bob Berman, Chair
Yaakov Cohn, Vice Chair
Dawn Harkness
Cynthia Laurora
Laurie Lee, Clerk

Steve Orr
Jim Palmer
Wes Ritchie
Nick Sanchez
John Speranza

Vote of the Committee

On April 27, 2006 a roll call vote was taken on the motion to accept the Final Report of the PILOT/Impact Study Committee. The results of this vote are below.

Bob Berman, Chair	No	Steve Orr	Yes
Yaakov Cohn, Vice Chair	Yes	Jim Palmer	Not Present
Dawn Harkness	No	Wes Ritchie	No
Cynthia Laurora	Yes	Nick Sanchez	Yes
Laurie Lee, Clerk	Yes	John Speranza	Yes

Charge for this Report

On April 24, 2006 the PILOT/Impact Committee voted that:

The Clerk write a final report that is inclusive of the data and information of the committee and submits it to the PILOT committee for review no later than April 27, 2006 with a final vote on this report no later than May 1, 2006. Any changes and/or additions to this report will be reviewed and voted on by the committee during this time.

This motion passed by a vote of 7-1-1

While the Clerk has assembled this report as asked by the committee, the entire contents including details of the data, interpretations and recommendations were based upon contributions from committee members during the entire span of this study and submissions to her during the creation of this final report.

Committee Statement

The committee members strongly feel that every member has been a major contributor to the work of this committee.

Summary of Findings and Recommendations

The Social Service Delivery System

1. The Commonwealth of Massachusetts is responsible to residents in need of assistance and provides services indirectly through contracts with private non-profit social service agencies. The contracting agencies are responsible for their clients, to the state, and to their organizations, and make all siting decisions within the service region. It is the responsibility of local governments to insert themselves into this system.
2. The state provides the clients to be served, as part of the contract with the agencies. On fulfillment of the contract, the agencies may offer services for a fee, to clients outside their region and even accept out of state clients¹.
3. There has been explosive growth of social service programs and sites operating in Framingham since 1990. The number of agencies has grown from 14 to 40. The number of sites under their management has grown by over 600% to 244.
4. Not all recipients of social services in Framingham originate from Framingham. A number of programs serve clients predominantly from outside of Framingham.
5. Framingham hosts a significantly greater number of social service sites, as defined in our methodology, than do any of our comparative communities. Framingham has become a regional hub of services.
6. Framingham is not compensated by the state or federal government for hosting these services. We found Framingham has underperformed in obtaining federal and state aid and grants, compared to other localities.
7. Many towns provide active oversight to regulate services offered and in some cases to limit scale of services. Framingham does not.

Direct Impact of Social Services on Framingham

1. In FY06, non-profit social services own or rent tax exempt property valued at over \$38M. The town waives a levy of \$515,751 on these tax-exempt properties.
2. The Framingham Police Department reports that the Irving Street wet shelter is a significant locus of downtown crime.
3. There are six known criminal justice programs in Framingham. The Police Department reports they feel the impacts of these. Given recidivism rates, it is reasonable to conclude this is a contribution to crime in our town.
4. The Fire Department reports that 6% of all calls come from 144 site addresses operated by social services agencies.

¹ From the State Notes document referenced in the Index of Material - Remaining Data and Information.

5. The schools report 155 homeless students. Using the base expenditure of \$10,518 per student reported by the Framingham Benchmark Study, plus the \$1,525 per student from state and federal grants this represents an expenditure of \$1.86M.
6. The deputy director of the Framingham Housing Authority reports a marked increase in the number of former shelter residents residing in Framingham Housing Authority developments. Many require significant support from the authority. Clients arriving from outside Framingham increase the needs assessment of the town for low-income housing.

Plausible Impacts on Framingham

1. The growth of property values in Framingham ranked 24th out of 25 communities considered. Our study shows that the proximity to a social service site correlates with lower long-term property value growth in Framingham.
2. Of communities studied, Framingham ranked 23rd out of 25 in Median Family and Median Household Income growth. Framingham ranked last of all communities in Middlesex county. The population in the low-moderate income category has increased by about 8,000² in 1990-2000. It is plausible that a significant fraction of this increase is due to agencies bringing clients into Framingham.

Benefits to Framingham

1. The Jail Diversion Program developed by Advocates and the Framingham Police Department has improved the level of cooperation between agencies and the police. This has helped the police, and improved services to those in crisis.
2. At least 198 social service units are counted towards our stock of affordable housing, helping us meet our obligations to the state under Chapter 40B.
3. CommunityLINKS created by Wayside Youth, the Genesis Substance Abuse Treatment Center, Voices Against Violence offered by SMOC, and the Bethany Hill School are models of successful programs.
4. As many as 400 Framingham residents are employed by agencies in Framingham.
5. Agencies make significant investments in renovations on their properties.
6. The rich spectrum of services makes it easier for people in this community to access these services.

Recommendations

1. The PILOT committee recommends that the Town create a position of Human Services Coordinator, and allocate sufficient funds to hire an experienced professional with a proven track record to fill this position. The primary role of this position is to act as an advocate fulfilling the town's interests in the state social services delivery system.

² The calculation of this value is in the Index of Material – Remaining Data and Information

2. The Town, through the Board of Selectman or through the Human Services Coordinator should take a leadership role working in conjunction with other municipalities who provide social services. We recommend the town start this process by joining the Local Officials Human Service Coordinators, LOHSC. Framingham should lead efforts to lobby for additional funding in the Cherry Sheet, as compensation for hosting social services sites.
3. The Town should call for a public conference with our state and federal representatives, to discuss the disparity in the level of funding Framingham receives from the State and federal government. The goal of this conference should be to create specific strategies and actions to be implemented immediately.
4. We recommend that the Board of Selectman and the Planning Department immediately pursue a course of action that will enable all social service sites to be counted in our affordable housing stock.
5. The Town should use its regulatory powers to strictly enforce the laws that apply to the Common Ground wet shelter, or close the shelter if it cannot be brought into compliance.
6. The Board of Selectman should develop strict licensing requirements that would apply to the establishment of any future wet shelter, regardless of the organization that sponsors such a shelter.
7. If the need is apparent for a de-tox facility serving Framingham residents, the Framingham Police Department should provide oversight to ensure that it does not become a regional program.
8. We recommend the Board of Selectmen authorize the Town Assessor to design and implement a Payment In Lieu Of Taxes (PILOT) program applying to non-profit social services operating in Framingham.

Conclusions

The Commonwealth is responsible to the residents in its care; the non-profit social services act on behalf of their clients, and their organizations. Where does Framingham fit into this system? Historically there has been little communication between town officials and agencies, leaving the town (and neighbors) without knowledge of proposed social service sites until late in the process.

Following these recommendations will bring a much-needed level of transparency. Some of the agencies are powerful financial entities with many active programs in our town; others are not. It is fair to expect the agencies to share the burden their operations bring.

Our citizens must have complete and accurate information of the entirety of these operations for our town government to effectively direct our future. This requires a professional responsible for capturing and communicating these activities to the Board of Selectmen and Town Meeting, as they evolve.

These steps will ensure that the scale of services provided in Framingham will be in line with the needs of our community.

Table of Contents

Vote of the Committee.....	3
Charge for this Report.....	3
Summary of Findings and Recommendations	4
Foreword.....	9
Introduction.....	11
The Social Service Delivery System in Massachusetts	13
Siting and Placement Policies	13
Local Input.....	14
Components of the Massachusetts Social Service Delivery System	15
Social Services in Framingham and Comparative Communities	16
Framingham Social Service Sites	16
Comparison to other Communities.....	17
Inventory of Sites in Comparative Communities.....	18
Types of Programs Available in Framingham.....	20
The Population Being Served in Framingham.....	22
Origin of the Clients Served	23
Client Origin Information from Agencies.....	23
Client Origin Information from the State.....	24
Observations from Framingham Police Chief Carl	24
Direct Impacts to the Town of Framingham.....	26
Financial Impact of Non Profits on Framingham	26
Impact on the Framingham Police Department.....	26
Impact on the Framingham Fire Department.....	30
Impact on the Framingham School System	31
Impact on Framingham's Housing Authority and Affordable Housing	31
Plausible Impacts to the Town of Framingham	33
Impact on Property Values.....	33
Importance of the Property and Income Group Study	34
Impact on Income Growth	35
Cost to the Town for the LIFT Transportation System.....	37
Direct Benefits to the Town of Framingham	38
Programs	38
Affordable Housing 40B Count	40
Voices Against Violence.....	40
Plausible Benefits to the Town of Framingham	41
Spending and Employment.....	41
Property Renovation	41
Availability of Services	42
Community Service Provided by the Town of Framingham.....	43

Payment In Lieu Of Taxes (PILOT)	44
Payments to Framingham in lieu of taxes	45
PILOTs in other communities	46
Recommendations	48
Need for a Human Service Coordinator	48
Coalition of Communities	49
Grant Funding	50
Affordable Housing 40B	51
Common Ground Wet Shelter	51
Payment in Lieu of Taxes (PILOT)	52
Appendix	54
Methodology to Determine Social Service Sites	54
Map of Social Service Sites	56
U.S. Census Bureau Definition of Unit	58
Impact on Tax Rate	59
Property Study Map	61
Analysis of Baltimore Study	62
Median Income Growth	65
Middlesex County Income Growth	66
Residential Property Value Growth	67
Housing Growth	68
Grant Funding Comparisons	69
State Department Communications	70
Votes of the Committee	74
Member Statements	76
Index of Material	79

Foreword

"The truth is rarely pure and never simple."

-- Oscar Wilde

Our committee has been asked to conduct an objective study of an issue that touches upon the diverse and deeply held beliefs of many in our community. It is an issue of human culture and human nature and one that directly affects human lives. Exploring the dimensions of the social service delivery system in Framingham has been a challenge, sometimes hotly contested, and all of us share concerns of how our individual perceptions have shaped this report.

On behalf of the Town of Framingham, we have collected and analyzed information in a careful and objective manner, to the best of our abilities. Our primary goal has always been to conduct an in depth research study of the social service delivery system, to understand where and how Framingham fits into this picture, and what the impacts have been on our community.

At times, it has been necessary to focus on the facts and to set aside our personal opinions and emotions that may influence our judgment. Through this process, we have learned of wonderful programs that we are proud to have in Framingham. We have also learned of some which have significant impacts on the town's public services and quality of life.

Some issues we have studied will have more clarity than others. However, we believe that all of the information we have gathered belongs to this community and should be available for review. This final report presents this information, and offers interpretations, conclusions and recommendations that have evolved over the course of our research.

The committee is proud of this work and its accomplishments. Members have been told by state agencies and leaders in other communities that we are pioneers in tabulating this information, studying the impact of social service programs on a community and considering a PILOT for non-profit social service agencies. Our efforts to be inclusive and impartial have been rewarded with kindness, assistance and information from state, local agencies, and from the private non-profit service providers in all of the communities with whom we have communicated.

A specific challenge that remains unfulfilled is to determine precisely the monetary value of some of the services rendered by the town in support of the private agencies. The inability to obtain complete information from the town, the social service agencies, and the state has been frustrating. Some town departments, including police and fire, provided excellent information, but did not have the resources or manpower to answer all of our questions. Some agencies declined to participate in this study. Additionally, the voluntary nature of our committee has limited the scope and breadth of many of the projects we undertook. However, the information we have compiled is significant, and should be considered a solid foundation for further professional or academic study, should this community choose to do so.

We would like to thank the many town departments and employees who have contributed countless hours to our efforts. Police Chief Carl, Fire Chief Gadson, our Town Assessor Mike Flynn, Treasurer Dennis O'Neill and School liaison Anna Cross are but a few of those who have supported the work of this committee.

We are also indebted to Jeanne Ryan of Wayside Youth for her immediate and endless assistance and cooperation, Jerry Desilets and David Harrison of SMOC, Chris Gordon, Diane Gould and Bill Taylor of Advocates, Emily Kaden and the Director of Bethany Hill, Bill Horne of Genesis Counseling, Baypath Eldercare, Paul Spooner of Metrowest Center for Independent Living, Metrowest Outreach Connection, Eric Masi of Wayside, Great Brook Valley Health Care and Bill Lyttle of The Key Program for all of their time, effort and collaboration. The cooperation and support of many of our social service agencies, providing us with explicit and detailed information and insights, has been invaluable.

Special thanks belong to Bob Martin, President of Local Officials Human Service Coordinator (LOHSC) for contributing many hours of support and encouragement in our efforts to inform ourselves and the Framingham community on this matter.

104 44
105 45
106 46

Introduction

The PILOT Impact Comparative Study Committee was formed by Town Meeting on June 9, 2005, in a motion made by Ted Cosgrove, TMM Pct 11, and passed by town meeting.

Motion under Article 19 Selectmen/Town Manager account # 122

I move that the sum of \$1,000 be added to the Selectmen/Town Manager account (122) to fund the research and institution of a Payment in Lieu of Taxes (PILOT) Program for all social service non-profit agencies (Social Services) in Framingham. I further move that a comparative impact study of Social Services in Framingham be created that is inclusive of any monetary and environmental impacts on town services such as fire, police, schools and safety. This study shall be conducted by a new ad-hoc working group comprised of ten Framingham residents, five appointed by the Town Moderator and five appointed by the Board of Selectmen. It is the will of Town Meeting that the Board of Selectmen and Town Manager shall report back their findings and suggested PILOT program to Town Meeting before or at the next town meeting. The Town Manager and/or Board of Selectmen shall make a progress report at all future Town Meetings.

In addition, the committee was asked by the Board of Selectman, as described in their advertisement for participants, to research and recommend a Payment in Lieu of Taxes (PILOT) Program for social service non-profit agencies in Framingham.

The PILOT committee's definition of Social Service is based on the federal definition of a social service entity³ and the Commonwealth of Massachusetts State Department of Human and Social Services purchasing department's State definition of Human and Social Services⁴, where contractor is defined as an individual or organization whose funds come from either government or private funds, as provided in documents that have been submitted to this committee. Furthermore, it is understood that our concern is with the impact of contractors (individual or organizations) who are service providers and non-profit⁵ and in addition are also not-for-profit⁶.

³ From the web site: <http://www.census.gov/epcd/ec97sic/E97SMA1.HTM#183>

⁴ Document available on web site <http://www.laurielee.org/images/State%20Social%20Service.pdf>

⁵ See web site: <http://nonprofit.about.com/> for definition

⁶ See web site: <http://www.idealists.org/idealists/en/FAQ/QuestionViewer/default?section=01&item=09> for differences between non-profit and not-for-profit entities.

In addition to these guidelines, the committee has established rules which *exclude* the following social service providers from our study:

- Services provided directly by state or federal agencies, such as the Mass. Department of Social Services, Department of Youth Services, and the Department of Transitional Assistance, etc.
- Parole board centers
- Probation centers
- State run prisons
- Social security centers
- State hospitals or state treatment centers
- Local government departments or services
- Groups which advocate for, but do not directly provide services
- Head Start facilities
- The Salvation Army was excluded for various reasons including advice from town counsel
- Funding agencies, such as the MetroWest Community Health Care Foundation
- Community or neighborhood groups

Data used by the committee is based on official information produced by federal, state or municipal agencies and data provided by non-profit social service agencies, from Guidestar and from The Warren Group. In addition, some of the information reported by this committee was gathered during public hearings, committee meetings and visits to public officials.

The Social Service Delivery System in Massachusetts

For over 30 years the state has been changing its method of providing social services to Massachusetts residents. Massachusetts has gone from providing services directly, or through state run institutions, to community-based services provided by private non-profit corporations operating under contract with the State.

This shift in operational structure was accompanied by systematic deinstitutionalization of people under the care of the state. Deinstitutionalization was mandated by both federal and state law, and was made possible in part by many pharmacological discoveries that enabled people to be placed on medication so they could live independently in smaller community settings.

The state's approach has been to decentralize care by contracting out the provision of services to private non -profit corporations, which would then deliver services via community-based care. *The state provides the agencies with both the funding and the clients through these contracts.*

One consequence of this system is that the state no longer makes many of the decisions concerning the location of facilities and day to day governance of the operations. These decisions are made by the agencies themselves, with or without input from the local communities.

In 2005, Massachusetts spent \$2.1B on social service contracts through the Executive Office of Health and Human Services (EOHHS). EOHHS is the state's umbrella organization for many state departments, including Department of Mental Retardation, Department of Public Health, Department of Transitional Assistance, Department of Mental Health, Department of Children Youth and Family Services, Department of Disabilities and Community Services, Department of Health Services, Department of Elder Affairs and Department of Veterans Services. Other funding agencies of the state such as Department of Corrections, the Parole Board, Department of Housing and Community Development are not under the EOHHS umbrella but do establish independent contracts with many of these same agencies.

The criteria the State uses for awarding contracts to a vendor include:

1. Ability to provide the service
2. Contract price
3. Location of clients
4. The availability of transportation and infrastructure
5. Ownership or long term control of the property used in the delivery of the service
6. Agencies have to be organizationally stable for the duration of the contract
7. The agency must demonstrate a financial base beyond any particular contract.

Siting and Placement Policies

According to the EOHHS the State has no specific siting policies. For administrative purposes, services are delivered on a regional basis. Regions include: Boston, Metro

Boston, North Shore, South Shore, Fall River, New Bedford, Worcester and Western Massachusetts. However, each department, and even each program, may have differently defined regions. The actual location where services are delivered is determined by the agency. The state will look to place clients, as part of the contract with the agency providing the services, in their 'local region', but will make placements across regions as the need arises.

For example, the Department of Transitional Assistance may refer their clients to a program in Framingham if the client resides within 20 miles of our town. However, if the state has a client with a particular need, and Framingham is outside of his/her 20 mile base, the state will still make the referral to a Framingham program.

The state's first concern is that the people, for whom they are responsible, receive care. State contacts come with state clients and the original residence of the clients ultimately does not matter to the state when making referrals to specific programs. This was clearly stated to the committee by both state division heads, and by the representatives of the agencies with whom we spoke. Thus, services provided in a community are not necessarily based on a community's need.

Oversight of contracts is decentralized throughout EOHHS and other state departments. The state departments do not oversee specific facility locations, or the clustering of services. Siting of services is determined by the agency that receives the contract. Those decisions are affected by affordability, public transportation, community infrastructure and other supportive services. The current trend of concentrating facilities in order to provide a comprehensive "wrapping around" of services for clients has been described as contributing to siting decisions by the agencies. Hubs and clusters of services are created by the non profit agencies, not by the state.

Several departments under the EOHHS umbrella require specific state licensing for the contracts, facilities and/or programs they fund; many do not. In all circumstances, local community licensing and building codes still apply. The state expects and assumes that all appropriate local licensing and code enforcement will be performed by the locality.

Local Input

In the present system, the state provides the funds necessary to ensure that services exist and people who need them are adequately cared for. The non-profit agency contracting with the state is responsible to their clients, to the state and to its organization.

The state does not choose any specific community to house programs. They are chosen by the private non-profit corporations. Communities that host strong, large non-profit corporations will have more programs. The state does not consider its responsibilities to include monitoring where programs are sited. It is up to the local government to monitor what is going on in its community.

The present system absolves the state of some responsibilities once the state has signed a contract. Although there are periodic reviews of programs and facilities that hold state licenses, the state is not accountable for the day to day operations of any program. It is the role of local officials to oversee the development and operations of programs in their community. Some local officials have expressed belief that the town has no legal basis

for regulating the process or operations under the Federal Fair Housing Law⁷ and the MGL chapter 40 section 3⁸ (Dover amendment). However, we have learned that many communities are in fact actively overseeing the social service delivery process by using local licenses, issuing permits and enforcing other local codes.

For example, Brockton has enforced a ban on new shelters for 8 years. The wet shelter currently operating in Worcester is licensed by the city as a lodging house. In addition, there are many local permits pertaining to food, employee compensation and insurance that applies to that facility. In contrast, Framingham's Common Ground Wet Shelter currently has no known license or permit.

More than 50 communities in Massachusetts have created a Human Service Coordinator, Human Service Director or Community Service Director position specifically assigned to oversee the social service delivery process in his/her community. The primary role of this position is to act as an advocate for the municipality in the state delivery system.

The Local Officials Human Services Council (LOHSC), an affiliate of the Massachusetts Municipal Association, brings together many of these administrators into an organization that shares information, provides a voice to the local officials and communities, and shares other resources for the communities. LOHSC is currently working on legislation to require agencies to notify communities prior to establishing any new programs within specific municipalities.

Components of the Massachusetts Social Service Delivery System

The committee has prepared a brochure⁹ describing the social service delivery system in Massachusetts. This brochure includes information about the various residential and out-patient services the state provides through the agencies.

These services include:

- Services and facilities for developmentally disabled adults and children
- Services and facilities for adults and children with mental illness
- Services for the elderly, veterans and prison population
- System of care for homeless individuals and families
- System of care for persons suffering from substance abuse

One essential ingredient of the delivery system is HUD's Continuum of Care¹⁰ approach that deals with homeless individuals and families and those with substance abuse issues.

"The Continuum of Care is a community plan to organize and deliver housing and services to meet the specific needs of people who are homeless. The goal is to move clients in a series of steps through the system towards independent living."

⁷ Federal Fair Housing act is available here <http://www.hud.gov/offices/fheo/FHLaws>

⁸ MGL chapter 30 section 3 may be found here: <http://www.mass.gov/legis/laws/mgl/40-3.htm>

⁹ The contents of this brochure is available separately and listed in the index of materials

¹⁰ See <http://www.hud.gov/offices/cpd/homeless/library/coc/cocguide/intro.pdf>

Social Services in Framingham and Comparative Communities

An essential charge of our committee was the determination of what social service agencies are operating in Framingham and the inventory of sites in our town.

We describe any facility, be it a residential, day service or office as a site provided it has a specific address as defined by the assessor's database, the social service agency or the state. Therefore, a site may be a single office in a building, a single family home, a condominium or a property with several buildings which are assessed as a single parcel.

The methodology we used to compile the inventory in Framingham and other communities is described in detail in the appendix. This list evolved over the course of the committee's work, as qualifying properties were added, and others removed. The committee voted to finalize the listing of sites in all communities on April 11, 2006.

In addition to determining the inventory of sites in 2006, the committee undertook the task of determining an inventory of sites in Framingham in 1990. This offers us a measure of the growth of such sites and services over a 15 year time period. The 1990 data is from the assessor's database, information from local agencies, and local authorities who were and still are knowledgeable on this subject.

Framingham Social Service Sites

Social service sites active in 1990

- 14 non-profit social service agencies were operating through 34 sites in Framingham in 1990.

Social service sites active in 2006

- 40 non-profit social service agencies were operating through 244 sites in Framingham in 2006
- 78% of the total number of sites are residential, based on property codes and descriptions from the agencies
- 22% of the total number of sites are commercial, based on property codes and descriptions from the agencies
- 61 of the 244 sites have addresses that are confidential and could not be specified since they are not part of the public record

The growth in the number of sites from 1990-2006 is over 600%.

A map of the publicly available addresses of the sites from both of these periods is presented in the Appendix. The 2006 map excludes 61 of the 244 sites whose addresses are confidential. These sites are counted, but not mapped as the addresses are not a matter of public record.

Residential Units in use by Social Service Agencies in Framingham

According to the US Census Bureau, a housing unit is a house, an apartment, a mobile home or trailer, a group of rooms, or a single room that is occupied, or, if vacant, is intended for occupancy as separate living quarters¹¹.

An exact count of the number of residential units under the administration of non-profit social service agencies in Framingham is not known. However, the committee was able to determine a minimum number of 769 units from information provided by the social service agencies and other public sources. The actual residential unit count was reported for 97 residential sites. The actual residential unit count was not available for 93 sites, though these must contain at least 1 unit. The minimum count reported, of 769 units, is the total from the 97 sites providing full information, plus 1 for each of the other sites.

Comparison to other Communities

The committee interpreted our charge from town meeting to include a comparison of Framingham to other communities. We chose two groups of communities, described below:

Group 1- Contiguous Communities

Group 1 is comprised of the seven communities that surround and touch Framingham. These are Ashland, Marlborough, Natick, Southborough, Sudbury, Wayland and Sherborn.

Group 2- Other Communities

The 17 communities in Group 2 were chosen if they satisfied the following two criteria:

- They are in the same HUD defined PMSA¹² as Framingham. A PMSA consists of a large urbanized county or a cluster of counties (cities and towns in New England) that demonstrate strong internal economic and social links in addition to close ties with the central core of the larger area. These areas are used to draw districts which fit into a similar economic base. The income district that Framingham is in includes communities from different counties, including Middlesex, Bristol, Essex and Suffolk.
- They have a population that is approximately 40,000 -100,000 people as listed in the 2000 census.

These are Arlington, Beverly, Brookline, Cambridge, Lynn, Malden, Medford, Newton, Peabody, Plymouth, Quincy, Revere, Salem, Somerville, Taunton, Waltham, and Weymouth. Not all group 2 communities were included in every analysis, due to lack of available information and some limitation of our resources.

¹¹ See Appendix

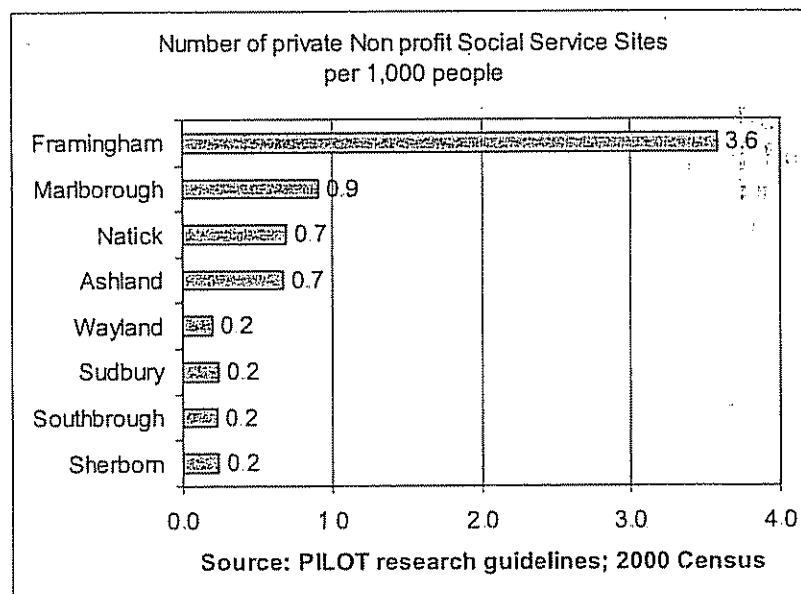
¹² See <http://www.census.gov/geo/www/GARM/Ch13GARM.pdf>

Inventory of Sites in Comparative Communities

The protocol developed and used to determine the inventory of sites for Framingham was followed for the comparative communities. Site data from all of the group 1 communities, and from 10 of the group 2 communities has been collected.

Group 1 - Contiguous Communities

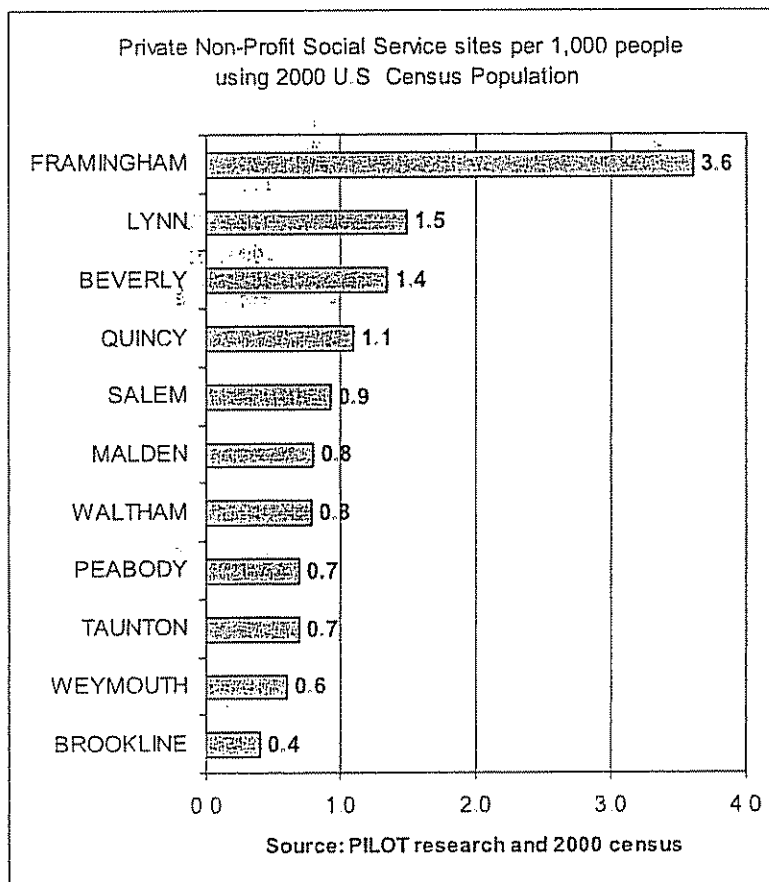
Community	Number of Non-Profit Social Service Sites *
Sherborn	1
Southborough	2
Wayland	3
Sudbury	4
Ashland	10
Natick	21
Marlborough	34
Framingham	244



* The social service sites counted and listed are dependent upon the definition that has been used consistently throughout the study.

Group 2 - Other Communities

Community	Number of Non-Profit Social Service Sites *
Brookline	22
Weymouth	30
Peabody	32
Salem	38
Taunton	41
Malden	43
Waltham	46
Beverly	53
Quincy	101
Lynn	132
Framingham	244



* The social service sites counted and listed are dependent upon the definition that has been used consistently throughout the study.

Types of Programs Available in Framingham

The listing below enumerates some of the many programs currently available through the non-profit social service agencies in Framingham.

Program

Home Modification for Disabled
Family Shelter
VOL/TIS
Home Energy System
Job link Program
Housing Opportunity PPL w/AIDS
Family Housing
Bridge House
Home Insulation Program
Housing Assistance Program
Elder Nutrition Programs
Psychiatric Emergency Services
Rental Assistance Program
Section 8 Programs
WIC (Woman Infants Children)
Fuel Assistance Program
Metrowest Harvest
Young Parents Program
Adult Learning Center
Common Ground Wet Shelter
New Beginnings
Women's Transitional Program (DOC)
SEE Program
Young Adult Residential Case Management
Re-Entry Program / DOC/Parole
Supported Sober Housing Program
Emergency Shelter
Domestic Violence Shelter
Mobile Resources Team
Driver Alcohol Ed.
Career Center
Outpatient Substance Abuse Treatment
Mental Health Outpatient Services
Resource Center
Brazilian Outreach Program
Forensic Services
Community Room
Crossroads Post-Detox
Fresh Start -Parole
KEHA Program DMH funded
Mental Health Residential

Program

Mobile Stabilization Team
Group Homes
Scattered Sites
Sober House
SRO's ; single room occupancy units
Voices Against Violence
CCAT- Community Connection Team
MEILS-MA Ed Initiative for Latino students
HALA Hispanic American Latino Advocacy
Violence prevention roundtable
Youth leadership
Drug Court
Day Center
Community Links
Harbinger House
Family works
Counseling Center
Education for life
Private Care Management for Elderly
Crisis Intervention
Referral
Elder Community care-Mental Health services
Long term Care-Ombudsman Program
Mobile Resource Team
Elder Housing
Transitional Housing for Teens
Community Justice Services
Full-service clinical supports
Elder Community Care
Region V Clinical Services Team
Support Groups
Permanent Housing
Supportive Housing
Halfway House
Framingham Day Hospital
Community Links
First offense OUI
Outpatient ambulatory Substance Abuse Treatment
Community re-entry center for teens
Immigrant Outreach

These programs include assisting the elderly with meals, residential and day substance abuse treatment, sober living programs, non sober living programs, domestic violence housing, teen outreach efforts, immigrant services and re-entry programs and housing for the criminal justice system. Framingham has developed an extensive network of services that support the continuum of care concept and provide the “wrap around” services that are currently in favor with the state and the providing agencies.

Representatives from the agencies explained to our committee that substance abuse clients ideally take 6 months or a couple of years to move through the continuum of care. Mr. Desilets of SMOC explained that in delivering “wrap around” services to the individuals or families, you wrap clients around with this continuum of treatment, counseling, and new activity. The length of time for recovery is determined by many factors. Mr. Horne from Genesis Counseling Services emphasized that “relapses are part of the recovery process”.

Information from David Harrison of SMOC made clear that in addition to the inventory of sites and the listing of programs, there are 387 program-based section 8 housing vouchers currently active in Framingham.

This program, administered by SMOC, is an important component of the continuum of care. Section 8 recipients in Framingham also receive other supportive services through SMOC and other agencies.

Some of the Section 8 programs that combine housing and supportive services are Family Self-Sufficiency, Mental Health, People Living with HIV/AIDS, Raising the Next Generation, Single Room Occupancy, Independent Living, Housing Options Program, Family Reunification Program and Housing Choice Voucher Program, the Y-Initiative (a one year recovery program) and the Rental Assistance for Families in Transition

The program sites operating as residential and commercial properties, as defined by town assessment codes, can be broadly categorized and counted. This distribution is summarized below and is only intended to offer generalized information. Details of programs run at any particular site will not be included in this report.

Residential Sites General Information

Type- for family and/or individuals	Count
Supported, transitional, permanent	22
Continuum of Care housing	44
Supportive housing	64
Group homes	25
SRO/lodging/shelters/transitional/treatment	35
Total Residential Sites	190
 Section 8 Program-Housing	 387

Note: a site is defined as a specific address as defined by the assessor’s database, the social service agency or the state

Commercial Sites General Information

Type	Count
Community Clinic	3
Outpatient Services	34
Psychiatric treatment	3
Substance abuse treatment	4
Office Services	7
Daycare	3
Total Commercial Sites	54

Note: a site is a specific address as defined by the assessor's database, the social service agency or the state. It could be a condo, single family home or parcel

The Population Being Served in Framingham

The information needed to conduct a specific and complete counting, for each program, of who is being served in Framingham by the non-profit social service agencies was not available to the committee. While some agencies did provide detailed numbers, we did not have a complete enough set of such information to determine a precise answer to this question. However, the information we did receive is quite valuable.

Of the 40 agencies in Framingham that we contacted, the following nine agencies provided written and verbal information regarding the number of clients they serve in Framingham for both day and residential programs.

Agency	Total Served in Framingham/year	Available Information on Where Clients From
SMOC	8,000-10,000	State referral, regional-23 town
Advocates	6,196	State referral, regional-14 town area
Wayside	3,820	1300 or 34% Framingham residents *
Genesis	684	105 or 30% Framingham residents *
Bethany	90	Regional-12 town area , 14 Local sources
GBVH	1777	1244 or 70% Framingham residents *
Metro Outreach	90	Framingham *
MWCIL	250	Metrowest Area
BayPath Elders	300	14 Communities plus supportive housing
		* % information was provided by the agencies

It is important to keep in mind that the networking of services may lead to the same person being served by several agencies and thus may be counted multiple times. While it is tempting to add up these numbers, the total from just these nine agencies would be well over 20,000 individuals receiving housing and day services in Framingham; considering that this is one third of the population of Framingham, absurdities appear from such a summation.

The committee was able to approximate from available data that at least 1,500 families and individuals are in housing programs in Framingham.

A direct and explicit count of the origin of each person receiving services in Framingham was impossible. In an effort to answer the question of origin, we asked the agencies to consider a Framingham resident, for the purpose of the study, as a person or family who was a resident of Framingham *prior to utilizing any services*, including housing and/or shelter. As in the case of obtaining a total count, a precise determination of this was not possible because of lack of information and the nature of the interconnectedness of the services provided by the network of agencies in Framingham. For example, a family living in a shelter might move to permanent housing belonging to another agency and thus be considered a Framingham resident by that agency.

The direct information we did receive and the explicit statements from the state and the agencies themselves, point to the conclusion that Framingham residents are in the minority of recipients of the services being provided in Framingham. Based on this information 30% to at most 40% of those served in Framingham would be considered Framingham residents by the above criteria. This is in stark contrast to what is considered reasonable by LOHSC and Human Service Coordinators in other communities. Their goal is to ensure that the non-profit social service agencies based in their municipalities, are serving 75% of their own residents, and only 25% of those from other communities.

Origin of the Clients Served

State referrals are determined by state funded contracts. Agencies also have regions which they service and in many cases those regions vary. For example some regional service areas of the above agencies may include 23 communities, others 14. Locally, a 9-12 town area is considered common.

A referral system within the network of social service agencies is common. In some cases there could be as many as 14 agency referral sources for programs run by other agencies. This has led to some confusion in determining the town of origin, especially in cases where the client is being referred from another agency's residential program within our town.

Client Origin Information from Agencies

The committee believes that comments from the various agencies support what we have learned from the state regarding referrals to state funded programs. At our January 19, 2006 meeting Mr. Desilets from SMOC spoke to the issue of who SMOC serves in Framingham. In regard to state contracts, he said:

"EOHHS, DMH, DMR, DPH, DOC... SMOC does not select the clients for those programs. They are selected by the State and the State Agencies. They determine who will go to the State funded programs."

Diane Gould of Advocates agreed with the statements regarding funding and added:

"DMH and DMR fund them, and they are funded to site things regionally. They are based and founded in Framingham. They do provide more services in Framingham than other communities... They also include where the individuals want to live: where their ties might be. They also consider affordable housing, job opportunities and access to other community resources. They look for quiet

neighborhoods with low crime rates. The clients become part of the fabric of the community.”

Jeanne Ryan from Wayside agreed, noting:

“There is a distinction between the needs of a community and the needs of the funding sources. That is what we are getting at. State and Federal funding is the driving force.”

Contrasting that, Mr. Masi from Wayside Youth pointed out that the fact that the major agencies were home grown to Framingham out of particular local needs, and are still operating in Framingham, is “testament to the fact that they are serving an important need and doing the best that they can for the community. They are all from Framingham”

Client Origin Information from the State

As previously discussed the State’s primary interest in the contracting of services to private non-profit agencies is to fulfill their responsibility to the people of Massachusetts who are in need of supportive services and housing.

The state’s approach of decentralized care through contracts to private non-profit corporations for services via community based care, prioritizes the needs of the state over those of a community hosting these services. The money and the clients are contracted to the private companies together.

The contracts are determined by which agency wins the bid. The driving force for distribution of contracts is based on economics i.e. cost effectiveness, stability of the agency and the ability of the agency in meeting the needs of the State for providing services to those people the State is responsible for.

This approach was manifested clearly during the PILOT Committee Forum of February 2, 2006. As noted by a member of the PILOT committee, 22 speakers at our forum came from SMOC programs and from that group, all 22 stated that they came to Framingham from elsewhere for the programs, indicating to the committee that they were placed in Framingham because of the social service delivery system.

Observations from Framingham Police Chief Carl

The PILOT committee held several meetings with Police Chief Carl and Officer Chris Murtaugh.

In these meetings, Chief Carl said that clients of the shelter:

“Are coming from other large urban areas, being imported: Newton, Brockton, Boston, Fall River, New Bedford, Barnstable, Chicopee, Chelsea, and Fitchburg. Many have long violent criminal records and they are coming here for the [wet] shelter. They have no other connections to the town of Framingham.”

“People are being released from prison by the department of correction and being brought into our community because there are social services agencies here that serve them in the community. “

Chief Carl recalled that in times past, Framingham had very few homeless. He said:

“You never saw shopping carts in Framingham 10 years ago. As the social service providers who are specialists in providing shelters took over from the Church the number of homeless persons increased”

Chief Carl’s professional observations are supported by studies conducted by and for the Commonwealth. In a study conducted by the Department of Mental Health, Transitional Planning to Prevent Homelessness¹³,

“Over the past two decades DMH has developed more than 3,000 units of housing and expanded services for the people we serve”

Focusing on “what works in Metro Boston”, they state that: “2/3 to 3/4 of the MA homeless population lives in Metro Boston”, and that:

“in the past 16 years Metro Boston has leveraged over \$67M from a wide variety of non-DMH sources to create an additional 1,652 beds, bringing the total today to 2,121 (not including 165 transitional shelter beds).”

This is a growth of 350%.

The primary source¹⁴ of information in this DMH study notes that only 2% of the population of homeless individuals currently living in the shelter system reported Framingham as their prior residence, while 48% came from Boston, 23% came from Dorchester and 19% came from Cambridge.

¹³ See <http://www.nrchni.samhsa.gov/pdfs/Day%20J--October%2026/130pm-300pm/PreventingHomelessnessEffectiveTransition-Peggy%20Lester.pdf>

¹⁴ See <http://www.mccormack.umb.edu/csp/publications/Hard%20Numbers.%20Hard%20Times-Individuals%20in%20MA%20Emergency%20Shelters%201999-2003.pdf>

Direct Impacts to the Town of Framingham

Financial Impact of Non Profits on Framingham

Information from Framingham tax assessor and based on the FY06 assessments.

Taxed property used by Non-Profit Social Service Agencies

- 38 taxed properties are rented by the agencies. According to the town Assessor, determination of the taxes for these properties would be difficult.
- FY06 shows \$13,081,000 of taxed property owned by the agencies, on which they will pay an estimated \$240,818
- FY07 anticipates \$7,464,400 of taxed property owned by the agencies, on which they will pay an estimated \$93,592

Tax-exempt property used by Non-Profit Social Service Agencies

- In FY06, \$36,546,350 of tax-exempt property is owned by agencies
- These agencies rent or use \$1,495,880 of tax exempt property in FY06
- The total tax waiver of these properties is estimated to be \$515,751 in FY06
- FY07 anticipates \$43,658,830 of tax-exempt properties owned or leased by social service agencies
- The total tax waiver in FY07 is estimated to be \$662,987

An independent calculation¹⁵ determined the impact on the tax rate to be just under \$0.05 in the residential rate of \$11.34 per \$1,000 assessed value, and about \$0.12 of the commercial rate of \$29.09 per \$1,000 assessed value in FY06. The expected FY07 impact would be \$0.06 and \$0.15 respectively.

In concrete terms, about \$20 of the taxes levied upon the owner of a \$400,000 residential property apply to offsetting the tax exemption of property owned by non-profit social services in FY06. This is expected to increase to about \$24 in FY07.

Impact on the Framingham Police Department

Specific client information and cost data was not available from the Framingham Police Department that would have enabled us to tabulate the costs associated with the social service agencies. However, we were able to determine specific impacts on the Police Department.

Chief Carl's main concern, and most of his statistics, focuses on crime, and related issues in downtown Framingham. A significant part, though not all, of his efforts originate

¹⁵ See appendix

from the wet shelter. Chief Carl was very clear that his department, by virtue of who they are, deals with the failures of the system. They do not see the successes. Referring to the wet shelter Chief Carl said that he does not think the shelter was opened to hurt people. "It was opened to help people. But there is a dark side to everything that happens. The dark side to the shelter is its negative impact on crime, disorder and fear of crime in the town."

According to Chief Carl, the newest problem facing the police department and the community is that homeless individuals leave the shelter during the day when it is closed and then spend the day in the library or wandering the downtown streets until the shelter opens up again. This behavior is having serious impacts on the library patrons and employees.

In November 2005 Framingham's Police Chief Carl made a presentation to the Board of Selectman and presented the following facts:

- 40% of the arrests in Framingham occur in 1 square mile of downtown
- Between 2001-2005 9% -16% of arrests were homeless individuals
- Between 2000-2005 the increase in listing of the wet shelter as home address was 600%
- 70% of the clients at the wet shelter are from outside Framingham

The Police Department defines "1 square mile of downtown" with the following map:



An analysis of the home addresses¹⁶ of those arrested in Framingham, as tabulated from the MWDN and the Tab, for the eight months 7/2005-3/2006 shows that:

- There were 721 arrests due to Framingham residents
- 15% had the wet shelter listed as their home address
- 40% were living within the Police defined "square mile"

The police department also feels the impact of people being released from prison by the department of correction and being brought into our community because of the abundant

¹⁶ See a mapping of these addresses in the appendix

social services programs available here. This is also a major concern to many members of the PILOT committee.

The Department of Corrections and the Parole Board have instituted new programs for the reentry of the prisoner population into communities.¹⁷ These initiatives include Re-Entry Housing Programs¹⁸, Forensic Services, and VOI/TS or Violent Offender Incarceration/Truth in Sentencing which provide transitional housing, supportive services and permanent housing options.

We are aware of six programs in Framingham assisting in the re-entry of the prisoner population, run by several non-profit social service agencies. These programs are funded by the Department of Correction, the Parole Board and the criminal justice system. One contract focuses on finding housing for difficult to house persons as described in the contract application:

“Housing Specialists have also developed creative housing search techniques to address high risk, difficult to place offender subgroups, for example arsonists and sex offenders. Housing Specialists were forced to develop these techniques for these specific subgroups when the ADA and advocacy were either unsuccessful or not pertinent to the offender’s case. In specific cases, Housing Specialists turn to non-traditional housing venues as a viable alternative for offenders.

Private SRO’s and rooming houses where C.O.R.I. checks are not required are an enormous resource for placing there specific populations. With public safety in mind, staff target housing that is appropriate to the risk factors associated with each individual being served.”

As part of this initiative, 8 regional re-entry centers were established with Framingham home to one of them, serving the following communities:

Acton	Arlington	Ashland	Ayer	Bedford
Bellingham	Belmont	Boxborough	Burlington	Carlisle
Concord	Dedham	Dover	Foxborough	Framingham
Franklin	Holliston	Hopkinton	Hudson	Lexington
Lincoln	Littleton	Marlborough	Maynard	Medfield
Medford	Medway	Millis	Natick	Needham
Newton	Norfolk	Norwood	Plainville	Sherborn
Shirley	Stow	Sudbury	Walpole	Waltham
Watertown	Wayland	Wellesley	Weston	Westwood
Wilkinsonville	Winchester	Woburn	Wrentham	

¹⁷ See

http://www.mass.gov/?pageID=eopsterminal&&L=4&L0=Home&L1=Law+Enforcement+%26+Criminal+Justice&L2=Prisons&L3=Reentry+%26+Reintegration&sid=Eeops&b=terminalcontent&f=doc_re-entry_reentry_housing_program_overview&csid=Eeops

¹⁸ See <http://www.endhomelessness.org/reentry/MA.htm>

As described by the Massachusetts Department of Correction¹⁹ and the Parole Board²⁰, the regional reentry centers “serve as the nucleus of reentry services for all state offenders released from a correctional facility.

These centers operate in Mattapan, Quincy, Brockton, New Bedford, Framingham, Lawrence, Worcester, and Springfield.

Certainly from the State’s point of view, “solid practices and policies addressing the reintegration of offenders make sense from both a public safety point of view as well as a fiscal one”. However the DOC also states that, “given the high recidivism rates of inmates returning home, the number of new victims also increases as does the cost to the community.”

As Chief Carl notes, Framingham should be concerned about the magnitude of these costs. However, neither the state nor the agencies would provide the committee with the actual number of prisoners released into our community.

Mr. Horne from Genesis counseling informed our committee that recidivism rates are approximately 50%. The state’s emphasis on releasing prisoners to communities with a clear network of services that can be “wrapped around” them makes Framingham a particularly attractive venue for prisoner reentry programs. Given the high rates of re-offense, this is a significant personal concern to many of us on this committee.

Computer Aided Dispatch Calls (CAD)

The police department keeps a log of items, with details of type of situation that have been “cleared” or responded to. These are calls entered in a CAD database that generates the daily police log commonly referred to as calls for service. Such CAD calls may include

- Phone calls from public
- Call ins from the Police via radio
- Call ins for Accidents
- Walk-ins requesting police services that result in a “call for service” designation.

They do not include stopping of vehicles for violations or ticketing of vehicles, except if those situations result in an arrest or report.

The department was able to provide us with the number of CAD calls to 104 of the 244 addresses comprising our inventory of sites in Framingham.

¹⁹ See

<http://www.mass.gov/?pageID=eopssubtopic&L=4&L0=Home&L1=Law+Enforcement+%26+Criminal+Justice&L2=Prisons&L3=Reentry+%26+Reintegration&sid=Eeops>

²⁰ See

<http://www.mass.gov/?pageID=eopsmodulechunk&L=1&L0=Home&sid=Eeops&b=terminalcontent&f=parole&csid=Eeops>

- In 2005 there were about 45,282 CAD calls, according to Chief Carl.
- Assuming approximately 40,000 residential and commercial units in Framingham, one would expect a yearly average of about 1 CAD call per unit.
- Analysis of 1,884 calls over a nearly 2 year period from 104 of the non-profit social service sites listed on preliminary inventory of sites with published addresses, yields:
 - 20 sites averaged less than 1 call per year
 - 61 sites averaged between 1 and 10 calls per year
 - 21 sites averaged between 11 and 50 calls per year
 - An average of 63 calls per year originated from the Psychiatric Emergency Services on Hollis St.
 - An average of 124 calls per year originated from the Common Ground Wet Shelter on Irving St

Impact on the Framingham Fire Department

As we discovered with the police department, extracting the specific information and cost data from the Framingham Fire Department records to estimate the costs associated with social service agencies specifically was not possible. However, the fire department did provide us with call data, from which we are able to illustrate the scope of specific impacts on the Fire Department.

The fire department logs captured the number of call responses to 144 of the 244 addresses comprising our inventory of known social service sites in Framingham. These 144 addresses comprise 6.21% of the 2005 total calls for the fire department.

- In 2005 there were 8,844 calls, according to Chief Gadson.
- Assuming approximately 40,000 residential and commercial units in Framingham, one would expect a yearly average of about 0.22 calls per unit.
- Analysis of 549 calls during 2005 from 144 of the non-profit social service sites yields:
 - 86 sites averaged less than 1 call per year
 - 41 sites averaged between 1 and 10 calls per year
 - 12 sites averaged between 11 and 30 calls per year
 - 40 calls originated from the Common Ground Wet Shelter on Irving St
 - 49 calls originated from the Psychiatric Emergency Services on Hollis St.
 - 54 calls originated from the Memorial House, an elderly living facility

Chief Gadson also provided us with a listing of the 200 Framingham addresses which had the most calls to the fire department in 2005. 16% of the 144 social service addresses were among those top 200 callers.

Impact on the Framingham School System

Specific information and expenditure data was available from the Framingham School Department and thus we were able to tabulate the base school expenditure associated with the social service agencies.

The Framingham Public Schools reported that 155 students²¹ at present qualify under the McKinney Vento Homeless Act²² or reside at one of the sites on our inventory list. Anna Cross from the school department's parent information center notes this number does fluctuate. Keefe Tech and The McAuliffe Charter School do not have any children from the list of addresses or any that qualify under the McKinney Vento Homeless Act²³.

From the 2005 Framingham School Benchmark study²⁴, the base expenditure per student is \$10,518. The base expenditure for the 155 students is \$1.63M. This per pupil expenditure plus the additional \$1,525 per pupil spending that comes from state and federal grants yields a total expenditure of \$1.86M.

The above school expenditure does not include the costs associated with other town spending related to the school department. These include health insurance, building maintenance and other costs, and may be available through the town manager.

Lack of information from the school department has made it impossible for our committee to identify potential costs associated with special education. This may be something the town government wishes to pursue.

The argument has been made that the addition of a 'few students distributed across many classrooms' does not impose significant costs to the school system. Such an assertion is inconsistent with attempts to reduce class size, which has been a major goal of our school system. When trying to reduce class size, even one or two students added to the classroom can have a significant impact on the total number of classes that need to be provided

Impact on Framingham's Housing Authority and Affordable Housing

According to Beth O'Grady, Deputy Director of the Framingham Housing Authority (FHA),

"Qualified Framingham residents are given a preference for housing placements. Among the developments are Family Housing and Housing for seniors and Disabled. A maximum disabled population of 13 % is permitted in senior housing units. "

²¹ See page 76 for breakdown of this number. In addition, Wayside students attend their school of origin and do not attend Framingham Schools unless they were previously Framingham residents.

²² See <http://www.hud.gov/offices/cpd/homeless/rulesandregs/laws/>

²³ See <http://www.hud.gov/offices/cpd/homeless/rulesandregs/laws/>

²⁴ See <http://www.framingham.k12.ma.us/FinalBenchmarkingStudy.pdf>

In response to the following question 'What is the connection or link between social service agencies and the Framingham Housing Authority?' 'Ms. O'Grady of the FHA said that

"The Framingham Housing Authority works with the social service agencies in Framingham to the extent that many of the agencies' clients housed in shelters or other forms of housing in Framingham apply for and utilize the FHA's public housing developments in Framingham. If any problems arise with these tenants, the FHA calls on social service agencies for assistance or follow up."

Over the past 5 – 10 years the Housing Authority reports several changes:

- A marked increase of applications for housing. This includes an increase of applications from people who live in shelters; many people with shelter addresses are on the waiting list for as long as a year plus.
- An increase in the number of former shelter residents residing in Framingham Housing Developments. With this increase, the FHA is seeing a more problematic population that has difficulties with money and household management. The job of the Administrator has expanded from just a "landlord" role to more of a "social worker" role. The FHA is not seeing effective follow up on people who are being placed from the shelter system.

As previously noted, many clients of the social service agencies come predominantly from outside of Framingham. On leaving the "continuum of care system" managed by the agencies, many move into Framingham's stock of subsidized housing, according to Ms. O'Grady. The fact that the deputy director is experiencing her role as shifting from "landlord to social worker" indicates that there are serious impacts associated with this transition from the established care system. In addition, the shifting of clients from the delivery system to our subsidized housing system also alters the perception of housing needs in Framingham. Clients arriving predominately from outside Framingham create a significant need for low income subsidized housing.

Deputy Director O'Grady also confirms the experience of Police Chief Carl, that there is an issue of people coming to Framingham that have criminal records:

"An annual increase up until 2004 was noted of people rejected by the FHA for housing due to criminal conviction records, at this point, fewer people with criminal conviction records are applying because the FHA rules are strictly enforced through CORI checks. The FHA conducts in-state CORIs, a multi-state criminal record check and a rental history check. The FHA does not rent to people with serious arrest records involving violent crimes, drugs or fraud and thus does not work with the reentry program in Framingham."

Plausible Impacts to the Town of Framingham

During the course of our research the PILOT committee has uncovered impacts on our community that are plausibly linked to the social service sites and delivery system currently in our community. A majority, though not all, of the committee felt this material is relevant to our study. As this information directly addresses some of the questions raised by town meeting and members of the community, we felt it would be a disservice to omit this information from this final report.

Impact on Property Values

The committee considered the following question:

How does the presence of a social service site affect the values of adjacent or nearby properties in Framingham?

To answer this question 81 known residential social service sites were considered. Sites adjacent to other service sites, those with changing ownership or those with limited data available were not used. All properties meeting our full set of criteria were included in the study; this was not a statistical sampling of the set.

36 residential properties²⁵ owned by social service agencies in 2005 satisfied all the criteria in this study and thus all were used. We identified and collected data for 3 abutting properties for each of the 36 sites. We then calculated the cumulative growth of assessed values for properties owned by social service agencies, and for neighboring properties, in the period from 1990-2005. We identified growth rates for all these properties and compared them to the benchmarked growth rate for assessed residential property values for the town of Framingham.

Findings- *All growth rates are for the period: 1990-2005*

- The total assessed value of all residential property in Framingham increased by 83% between 1990 and 2005.
- From 1990-2000 the number of residential units increased by 1%, according to the U.S. Census. The committee was not able to conduct a controlled study and account for this small growth or any other factors.
 - Assessed value of properties abutting social service sites established within the last 5 years grew at 91% (8% above Framingham average)
 - Assessed value of properties abutting social service sites established between 6-14 years ago, grew at 63% (20% below average)
 - Assessed value of properties abutting social service sites that were established at least 15 years ago, grew at 75% (8% below average)
 - Properties near 24 of the 36 sites (67%) grew at rates below the average
- Two social service properties were sold in 1996 and reverted to private use. Properties abutting these facilities increased in value by 126% in the 1990-2005 period (43% above Framingham average)

²⁵ See Appendix for a map of the properties used in this study

The data for this study was based on government records, including deeds, the U.S. Census and the Framingham assessor's office database²⁶

Analysis of the data also considered the effects of the high concentration of crime in some areas, the North/South division and property type and concludes that none of these factors are a credible explanation of our findings for the following reasons:

- The distribution of social service properties throughout Framingham is itself heavily weighted in the "downtown" area. Approximately 86% of the 180 known addresses are south of Route 9, 14% are north of Route 9.
- Approximately 70% of the 36 properties studied are south of Route 9, 30% are north of Route 9
- 68% of the properties south of Route 9 had a growth rate less than the town's average, 64% of the properties north of Route 9 had a growth rate less than the town's average.

Although there are significantly more social service properties in the downtown area, the fraction showing lower than average growth rates is effectively identical, for both downtown and north-side properties.

Addition scrutiny of the data to determine if the distribution of property types used in this study reflects the overall distribution throughout the town of Framingham ensures it does.

Housing Type	Framingham	Used in Study
Single Family Home	50%	56%
Condominium	9%	8%
Multi-family dwelling	41%	37%

Importance of the Property and Income Group Study

This study is important to the leadership of Framingham, and to the entire Framingham community. While the subject of the economic impact of group homes and other social service sites has been studied by a variety of academic, governmental, and non-governmental sources, the committee did not find that these published studies had direct applicability to current circumstances in our town, for a variety of reasons. The committee proposed, and carefully designed this study to provide a consistent and robust measure of the impact in Framingham.

Jerry Desilets of SMOC questioned these findings and referred the committee to a study prepared by the Greater Baltimore Housing Resource Board (December 1993), as a rebuttal to our work. This study of the impact of group homes on property values "The Impact of Group Homes on Residential Property Values in Baltimore County, Maryland" was also cited by Advocates, Inc., and has been presented to the Framingham Board of Selectmen as evidence for the absence of any impact on property value due to residential social service sites.

²⁶ The entire study is available online and in the library. See Index of Materials

We had the opportunity to closely examine this study²⁷.

From our thorough analysis of the Baltimore study we conclude that the absence of effect reported is in fact the result of poorly designed and inconsistent data collection methodologies, and incorrect analysis. So far, our study has withstood close scrutiny and should be used by the leadership in our community, in lieu of statements made by the agencies or others, based on the questionable Baltimore study.

Impact on Income Growth

The U.S. Census defines the Median Family and Median Household Income as follows:

Family

A family includes a householder and one or more people living in the same household who are related to the householder by birth, marriage, or adoption. All people in a household who are related to the householder are regarded as members of his or her family. The Median Family Income is the town-wide median of the total income of all household members.

Household

A household includes all the people who occupy a housing unit as their usual place of residence. A non-family householder is a householder living alone or with non-relatives only. The Median Household Income is the town-wide median of all non-family householders.

Our study of the MFI and MHI in Framingham and other communities shows:

- Framingham's Median Household Income (MHI) grew by 26.4% between 1990 and 2000, and Median Family Income (MFI) grew by 26.5% in that interval.
- Framingham had the lowest growth rate for both MHI and MFI among group 1 communities.
- Framingham ranked 16th out of 18 for MHI and MFI growth for group 2 communities.
- Only Lynn and Revere had a lower Median Family Income growth than Framingham

This information is presented graphically in the appendix and illustrates that of the communities we have studied, Framingham's median income values have performed quite poorly. This fact is supported by the work of Steve Kruger²⁸ whose independent analysis shows that Framingham had a lower income growth during the 1990-2000 time period than any community in Middlesex County.

²⁷ See Appendix

²⁸ See Appendix

Population Shifts

According to the U.S. Census, during this same time period, 1990-2000, Framingham's population grew by 3%. We looked at the population distribution for 1990 and 2000 to determine where the change in population is occurring.

Change in Population by Age (from US Census data)

Age Group	1990	2000	Diff 2000-1990	% change
19 and under	14,659	15,932	1,273	9%
20-44 years	29,149	27,494	-1,655	-6%
45-60	10,009	12,297	2,288	23%
Over 60	11,177	11,187	10	0%

It has been suggested that the slow income growth may result from an increase in the number of senior citizens in Framingham living on a fixed and thus lower income. The data shows that this is not the case. In fact, the age bracket that saw the largest growth in population was the 45-60 year old category, usually considered to be the age of "prime" income earning ability.

The Town of Framingham's Community Development Plan²⁹ reports:

"According to HUD, 24, 674 people in Framingham are low-to-moderate income. This is an increase of 47%³⁰. The proportion of low-moderate income people has grown from 28% in 1990 to 39% in 2000."

This represents an increase of about 8,000 people in the low-moderate income category.

From information provided by the agencies and reported earlier in this document, a significant number of people move through the continuum of care system annually. Many of them originally were not Framingham residents prior to entering the system. As this program is reserved for low to moderate income individuals and families, it is plausible that a significant fraction of the growth in this segment of the town's population derives from this source.

It is also plausible that the effect we have observed on property values of abutters to social service sites, and our lagging income growth, has contributed to Framingham's overall property growth lagging almost all of the communities studied:

- Using Median Sales Price data from The Warren Group 1990-2004 time period we found that Framingham is ranked 24th out of 25 communities studied. Only Sudbury trailed Framingham.

²⁹ Available at <http://www.framinghamma.gov/web/Government/Framingham%20Final%20CDP.pdf>

³⁰ This may be an arithmetic error in this report. Our calculation from this same data arrives at 43% growth.

- Using the total residential assessment from the Massachusetts Data Bank for the 1990-2005 time period, we found that Framingham is ranked 24th out of 25 communities studied. Only Sherborn trailed Framingham.

This information is presented graphically in the appendix.

Even though new growth³¹ has not been factored into our study, a fully built but vibrant community would experience an increase in the value of its residences, if there was redevelopment and/or increase in demand for the existing housing stock. The low growth in Framingham suggests neither of these factors is occurring at significant levels.

Cost to the Town for the LIFT Transportation System

The town of Framingham administers and funds two of the 7 LIFT buses. While the lift receives some funding from the state and other sources, according Bryan Taberner of the Planning and Economic Department, the town's share of the operating cost is approximately \$500,000 per year.

At our Forum of March 8, 2006, Mr. Spooner from MWCIL discussed two reasons why social services come to Framingham:

- Adequate accessible, affordable and available housing
- Transportation.

He said that while it is a limited system, Framingham has the LIFT and the ride. Christine Alexandro from Baypath Elder agreed and Jerry Desilets added that it is an essential service for lower income populations.

The LIFT service is provided for all residents of Framingham, including those who receive services from the non-profit agencies. We cannot separate the fraction used by the service population alone. However, we would be remiss not to offer this link to a plausible cost incurred by the town of Framingham.³²

³¹ See Appendix for relevant data

³² See page 76 regarding the impact on the Board of Health and the Building Department

Direct Benefits to the Town of Framingham

Non-profit social service agencies bring many benefits to the Framingham community. First and foremost are the many programs that provide services to those in need. While we have chosen just a few to highlight, there are others to consider, including Meals on Wheels, Head Start, Voices against Violence, Job Training, Teen Care, WIC, Metrowest Harvest, Housing Assistance and Emergency Care.

Programs

One of the programs often cited in Framingham and in the state is the collaboration between Advocates and the Framingham Police Department called the Jail Diversion Program (JDP). The initiation of this program and its working model is best described by a December 2004 Analysis of the Jail Diversion Program³³ commissioned by Advocates.

“Advocates, Inc. developed the Jail Diversion Program (JDP) in April 2003 in response to a need that was felt by the Framingham Police Department (FPD) as well as Advocates own Psychiatric Emergency Services (PES) program. Several concurrent situations in the town encouraged the creation of the JDP: the police found that they were repeatedly re-arresting the same individuals for minor criminal or nuisance offenses, but were unable to address the longer term needs of these individuals.

The Framingham JDP represents a pre-arrest model whose goal is to prevent individuals with psychiatric and substance use disorders from entering the criminal justice system.”

To achieve this goal, the program bases social workers at the police station, trains police officers to recognize and respond to individuals in crisis who have behavioral disorders, and it provides police support for Advocates when requested.

Discussions with representatives of Advocates and the Framingham Police Department revealed that before the program social service agencies and the police had a serious lack of trust and understanding for each other. They approached issues differently and thought there was no correlation between viewpoints.

After JDP, each side learned that they were similar in more ways than one and their goals were the same. The viewpoints and understandings of the social workers has rubbed off on the entire police force and changed perceptions, attitudes and approach.

The viewpoints and understandings of the police have rubbed off on the social workers and the entire agencies and their perceptions and relationship with the police has changed dramatically for the better.

The JDP came out of a clear need to address a serious problem in Framingham.

³³ Report to Advocates, Inc. : Analysis of the Framingham Jail Diversion Program; Analysis of Jail Diversion Program, available at <http://www.nicic.org/Library/020643>

After the first year of the program, it was determined that 50% of the JDP calls were people never before seen or known to the agencies in town. However, they were well known to the police force. Appropriate treatment is now available because of the JDP.

In addition, 50% of the JDP calls were for people currently in treatment either through the local agencies or out of town agencies. Appropriate handling of the police call was thus administered.

The end result of this program is not easy to measure in actual cost. The police still provide man hours and overhead costs, as does the social service agency.

However, the changes in the police department are immeasurable: attitude, approach, knowledge and prevention. For the social service agencies the benefit is equally huge: trust and relationship with the police, access to the department for crisis and other emergency calls, influence over the way people in need of services are approached and ultimately treated.

The end result for the town is a more enlightened, caring and efficient police department. Police resources can be re-directed to other places. The response to a police issue often is not an arrest, but the engagement of the appropriate service. This is a community based solution for a community problem.

CommunityLINKS, created by Wayside Youth out of an observed need in the community is another program of note. This program as described by Jeanne Ryan of Wayside was "created in response to the death of a Framingham teen in 1997. CommunityLINKS services include promoting healthy/safe alternatives through a provision of mobile outreach and community services to prevent homeless, violent and destructive situations for adolescents." This program serves "thousands of adolescents in outreach in the community". Jeanne Ryan from Wayside wrote of the program:

"Many of Wayside's services are covered by Federal, State or private grants, and therefore are at no cost to the individuals receiving the services. CommunityLinks is fully funded - there is no cost to the town for outreach to the teens served. In addition to volunteers, there are paid staff who are covered under grants. There is a Youth Advisory Council made up of peer leaders in the program, who help set the direction for reaching out to others in need. There are a number of teen groups involved"

Genesis Counseling is a licensed Substance Abuse Treatment Center that has been operating in Framingham since 1996. As they reported to the committee, in their thorough response to our survey, their track record for success with clients is outstanding:

	Completed	Drop Out	Relapses	Assessments	Combination
Genesis	54.6%	15.1%	3.3%	21.9%	76.5%
Region (all licensed agencies)	31.9%	42.4%	6.3%	7.2%	39.1%
Commonwealth	27.1%	42.6%	10.7%	7.4%	34.5%

In addition to the success rates of the programs run by Genesis, Mr. Horne representing Genesis, personally volunteers his time to the Framingham community. Among these services to the town, they are part of and one of the founding members of CASP, Community and School Program for Framingham, working with the public schools on substance abuse issues. In addition to this, Mr. Horne donates his time to the Framingham Drug Court, located at the Framingham District Court. The Drug Court began as a federally funded program, however, funds ran out and Mr. Horne continues to volunteer his time to this successful program.

Affordable Housing 40B Count

At least 198 social service units are counted towards our stock of affordable housing. There may be other social service units counted that we are unaware of because of confidentiality.

Voices Against Violence

The SMOC program, Voices Against Violence, provides free and confidential services to victims of domestic/partner violence and sexual assault/rape in the Metro West area. Services include a 24-hour hotline, crisis intervention, supportive counseling and support groups, information and referrals, and medical, legal and criminal justice advocacy. Voices Against Violence also conducts outreach and education to community groups and professionals on the impact of violence, including developing training curricula. Voices' mission is to end domestic violence and sexual assault/rape. Voices works to achieve their mission by providing direct client services and a multi-pronged public awareness campaign. All services are free of charge and available regardless of income or immigration status.

Plausible Benefits to the Town of Framingham

Spending and Employment

Corporate spending by the non-profit social service agencies in Framingham has been presented to the committee as a significant benefit to the Framingham economy. Only Wayside gave us actual dollars spent, \$825,000. In their August 16, 2005 report to the Board of Selectman ³⁴Advocates, Inc. stated they spend \$1.3 M in Framingham.

While not a direct benefit to the town of Framingham, corporate spending in Framingham does support the local businesses and thus the local economy. The committee believes this issue may have merit, but that a true accounting of such contribution would require a serious economic analysis, beyond the scope of our committee. Several members saw serious flaws in this benefit argument including:

- By the very nature of the revenue stream for non-profit corporations, the dollars spent come from tax dollars of Massachusetts, and hence Framingham, residents
- It is more economically viable to recruit and encourage tax paying businesses, whose spending is most likely higher and demand for services lower, than non-profit social services
- If the social service spending in a community were so vital, why are other local communities, such as Wayland, Southborough and Wellesley not recruiting and actively seeking to develop a social service based economy for their communities

Corporate employment by the non-profit social service agencies in Framingham, especially of Framingham residents, may be considered a significant benefit to the Framingham economy. Again the committee believes this type of economic analysis is beyond our scope, but does deserve serious consideration.

We are unable to give an exact counting of the number of employees of social service agencies that are employed in Framingham, and also Framingham residents. While a few agencies were quite specific, we did not receive enough information to determine a true counting. We did receive information that allowed us to approximate the average earnings per social service employee to be \$30,000.

Based on hearsay reports, without supporting evidence, it is possible to assume that as many as 400 Framingham residents are employed by and working for the agencies in Framingham. This would result in a total payroll of about \$12M.

Property Renovation

During the course of the study to determine the impact on abutting properties associated with social service agency sites, we discovered that the agencies spend large amounts of money renovating and rebuilding the properties they purchase. Over the course of 15 years, the agencies spent approximately \$2 Million on renovations for the 36 social

³⁴ See <http://www.advocatesinc.org/documents/framselectmanaugust16R.PPT>

service properties in our study. While we considered only 36 residential properties, we would expect the remaining agency properties to be renovated in a similar fashion.

These renovations strengthen the validity of the previously stated results of our property study. The properties owned by non-profit social service agencies are far from dilapidated, and while a short term rise in neighboring property values is seen following acquisition, long term values of neighboring properties fail to improve, or even decline.

Availability of Services

The abundance of social service programs in our community provides many options for our local officials, such as police and school, for either referral services or direct cooperation and collaboration.

The Framingham school department collaborates with several agencies as an avenue for referral for services, as communication and support for students and families currently utilizing social service programs, and as a source of professionals for the on site needs of the schools. While these services are not voluntary, but paid for by the school, by grants or by the users of the service, the collaboration is an essential component of the care given by our schools to our children and their families.

Police Chief Carl told our committee that he has no doubt that some Framingham residents need and utilize local social services, and that it is a benefit to have them easily available.

He also explained that his department will use the wet shelter as a place to bring people who are homeless, visibly intoxicated or under the influence of drugs, rather than keeping them in a jail cell in the police department. One of the benefits he highlighted is the reduction in liability for the department and the town should anything happen to an individual under his care.

Finally, it is plausible that national recognition for exceptional programming is positive for the town of Framingham. Bethany Hill School, on a 100-acre rural campus in south Framingham, was awarded \$25,000 from the Enterprise and MetLife Foundation, as well as receiving national recognition for their program at the Bethany Hill School. The prize awarded specified excellence in affordable housing and property management. Bethany Hill has demonstrated its commitment to fostering the personal development of its residents.

Community Service Provided by the Town of Framingham

Studying the services available in Framingham due to the non-profit agencies led us to review the nature and extent of services the town provides for its citizens. Many of the existing services provided by the town were previously unknown to many of the committee members.

This led us to prepare a brochure³⁵ detailing some of the many services our town provides, following examples we found in other towns, including Taunton and Weymouth.

This brochure is not intended to be a comparison with services provided by social service agencies, nor do the services provided by the town supersede those of the private agencies. The brochure simply brings together publicly available information from a variety of sources.

³⁵ The contents of this brochure is available separately and listed in the index of materials

Payment In Lieu Of Taxes (PILOT)

The State of Massachusetts, Department of Revenue, and Division of Local Services authorizes PILOT payments to municipalities for municipally owned lands and property of the local Housing Authorities based on Massachusetts General Laws.

In 2003 the State Department of Revenue wrote a report on A Study of Charitable and Educational Property Tax Exemptions.

“The Massachusetts Legislature in Chapter 46, § 112 of the Acts of 2003 directed the Commissioner of the Department of Revenue (DOR) to investigate and study the economic impact on each city and town of the tax exemption granted to non-profit, charitable and educational institutions including, but not limited to, private secondary schools, under clause 3 of section 5 of chapter 59 of the General Laws. It was further requested that the review include an assessment of the amelioration afforded by any payments in lieu of taxes made by charitable organizations and an assessment of the property taxes that would be owed to the city or town if the tax exempt status of the charitable organization were terminated.”

“Charitable is defined in as “a literary, benevolent, charitable or scientific institution or temperance society”. However, not all property owned by such an organization is eligible for an exemption. To receive the exemption, the parcel must be owned and occupied for charitable purposes and upon dissolution its income and profits or assets may not be distributed to a stockholder, trustee or member. “

“Property class code 904 is used for all exempt property held by private educational institutions, schools and colleges. Property class code 905 is used for all exempt property held by other charitable organizations, such as non-profit hospitals, conservation and preservation organizations and human services groups. “

“Conclusions: The Commonwealth generously grants property tax exempt status to many educational and charitable organizations. This, however, decreases local property tax revenues. 308 communities reported the FY03 value of such properties to be more than \$22 billion. If taxed, they would have generated an estimated \$505.8 million in revenue. These organizations add greatly to the quality of life in Massachusetts, but they also require costly municipal services. Monetary payments in lieu of taxes were reported as totaling almost \$18 million, dramatically less than the projected taxes. Some organizations make “in-kind” payments to cities and towns, but these donations are not quantifiable, and may not be predictable or representative of the cost of services.”

The following chart summarizes the information they compiled for the communities in our current study. Non –Profit Social Services are not distinguished from other 905 properties

Community	FY03 Value 904	FY03 Value 905	FY03 PILOT 904	FY03 PILOT 905
Ashland	7,370,400	4,874,300	\$0	\$0
Beverly	72,506,730	66,929,850	\$84,458	\$40,859
Brookline	204,686,000	34,903,900	\$0	\$3,091
Cambridge	4,904,528,000	373,052,947	\$2,836,647	\$4,944
Framingham	19,274,100	111,514,400	\$0	\$0
Lynn	1,350,200	52,970,365	\$0	\$0
Malden	3,025,300	29,778,000	\$0	\$0
Marlborough	6,292,400	27,207,700	\$0	\$0
Medford	81,134,100	35,022,000	\$2,500	\$63,050
Natick	37,200,400	43,600,800	\$0	\$0
Newton	334,545,800	63,664,900	\$100,000	\$0
Peabody	0	58,788,800	\$0	\$83,769
Plymouth	0	102,136,400	\$0	\$0
Quincy	28,251,000	55,383,400	\$0	\$0
Revere	0	15,538,500	\$0	\$0
Salem	14,411,100	3,409,100	\$0	\$0
Sherborn	0	4,593,400	\$0	\$0
Somerville	117,126,600	36,043,700	\$0	\$0
Southborough	99,439,500	3,123,200	\$78,168	\$0
Southbridge	36,300	20,772,100	\$0	\$0
Sudbury	842,800	23,039,600	\$0	\$27,000
Waltham	328,973,800	177,417,700	\$12,094	\$0
Wayland	0	6,811,888	\$0	\$0
Weymouth	0	123,544,100	\$0	\$106,361
All with 904 & 905 (N=308)	12,488,355,974	9,610,396,601	\$9,450,872	\$8,443,475
All Reporting (N=343)	12,488,355,974	9,610,396,601	\$9,450,872	\$8,443,475

Payments to Framingham in lieu of taxes

- The State of Massachusetts *does* make a payment for the prison, FSC, Callahan, MDC land
- Framingham Housing Authority pays a PILOT under Chapter 121 B
- A formal PILOT is paid by the medical condominiums in the old Lawrence School
- The State of Massachusetts *does not* make any payment for the Armory, State Police Barracks and the Court House among many other lands
- In 1997 Framingham's assessor proposed a PILOT for tax exempt institutions

PILOTs in other communities

- **Boston:** Over 50% of Boston's property is owned by a tax exempt institution. The Boston PILOT program is focused on the educational and cultural institutions that own most of the exempt property and use significant services. Boston does not currently ask non-profit social services for a PILOT. The payment is based on 25% of the actual tax levy for the properties and justified by the percentage of City services used.

The Boston Municipal Research Bureau has recommended that the payment for municipal services reflects the percentage that essential services (fire protection, police protection, public works) comprise of the City's operating budget. These services consume approximately 25 percent of the City's budget, therefore, the Tax Exempt Property Steering Committee advocates that 25 percent of the revenue the City would receive if the facility were fully taxable provides a rational basis for a payment in lieu of tax amount.

- **Newton:** Newton is currently establishing a PILOT program to encompass all tax exempt organizations stating::

Massachusetts state law provides property tax exemption for a variety of entities including properties owned by:

- a) Federal and state government
- b) Charitable organizations
- c) Religious organizations
- d) Health services providers
- e) Educational institutions

However, a number of communities enter into PILOT agreements with the tax-exempt property owners they host. Under these agreements, the tax-exempt property owner acknowledges its responsibility to become a full partner in the development of the quality of life of the host community. These agreements are based upon good faith and public relations, and not on any legal requirement.

All current tax-exempt organizations will be asked for a 2005 PILOT payment. The City will cite the costs it incurs on behalf of the organization as its rationale and will base its request on the tax exempt organization's desire to be a good neighbor.

- **Salem:** In 2002 the Salem assessor called on the State to re-define the term Non-Profit. With the apparent economic growth and prosperity of many tax exempt institutions, Mr. Kulik called upon the state to determine

"just how far a non-profit can go both in its financial organizational structure and its participation in for-profit activity. Religious and many educational institutions will still probably resemble their earlier counterparts except perhaps in size. Many other tax-exempts will not. To

most of us, the only difference between a bill from a for-profit hospital or a non-profit hospital only is that it is printed on stationary with a different letterhead. Organizationally one institution may be set up as a non-profit while the other is not. The actual difference in service is often hard to define. Is service without payment a charitable contribution or bad debt? How does a non-profit define what it makes beyond its operating expenses and just how can that money be used? And to what extent can a non-profit compete in the same marketplace with its taxpaying counterpart -- particularly in activities unrelated to its primary mission."

Since that time Salem has asked all non -profits to start participating in a PILOT program which would be based on the City services used by the organization.

There are no known specific PILOT programs for Non-Profit Social Service organizations. There are discussions currently occurring in organizations such as the Massachusetts Municipal Association and communities like Worcester to provide for such PILOT payments to communities either directly or through increased State aid in the Cherry Sheet for hosting communities. Framingham has been cited by Massachusetts Municipal Association and other community leaders as on the leading edge of this issue.

Recommendations

The recommendations of the PILOT committee have evolved over the course of this study and in part reflect important insights learned from our work. Police Chief Carl's approach on the challenges facing Framingham has left a deep impression on many of our committee members. Simply put, the issues facing Framingham are community issues, and need to be dealt with on a community level.

To attempt to address some of our problems in isolation will produce inconsistent and incomplete results. As Chief Carl aptly stated in regards to the problems the police face:

"We are not going to arrest our way out of this problem.
This is a community problem, not simply resolved by a police response.
The issue is Urban Planning.
What do we want Framingham to be?"

Need for a Human Service Coordinator

Chief Carl's viewpoint can and should be applied to the approach and attitude the leaders of Framingham take towards the social service delivery system. The function of the Commonwealth to fulfill its obligations and responsibilities to the citizens has been acknowledged and addressed. The role and responsibility of the non-profit social service agencies who are working in collaboration with the state is acknowledged and addressed. *The role of Framingham in this process has not been addressed.* To date, concern for Framingham's community have not been a priority of our town government.

When asked how a community can participate in the delivery system and influence the process, Fred Habib undersecretary for EOHHS said on the local level it is "all about the power structure in the community. How does the community respond? How does the community act?"

He explained that this power structure must consist of town elected officials and department heads. If you do not have a strong government with good communication, you cannot self-determine. You will have no say and the agencies will site where they want. It is not up to the State but up to the local community to make decisions about what it needs. The community only has as much voice over siting as it has control over its own direction and vision. "It depends on the leadership."

The committee's first recommendation jointly addresses the issues of lack of a power structure and lack of representation in the social service delivery process. We recommend to both the board of selectman, the town manager and town meeting to immediately establish a new position in the town of Framingham focused on Social Policy³⁶.

We recommend allocating sufficient funds to hire an experienced professional with a proven track record to fill this position.

³⁶ Defined as : that part of public policy that has to do with issues more narrowly construed as social: public welfare, public access to social programs, etc

This administrative level position could be called the Human Service Coordinator, Social Policy Director or Human Service Director. We suggest that this position report directly to the town manager, and thus the Board of Selectman. We also recommend that the town manager and Board of Selectman discuss and consider re-defining the role of assistant town manager as one pertaining to social policy and combine these two functions into a role of oversight, planning and policy. Framingham needs to address our current situation in addition to planning for and overseeing future expansion; hence policy and planning should be a function of this position. However, whatever the form, from the extent of growth that has occurred in Framingham during the past 15 years, this position is needed and justifiable.

The primary role of this post would be to act as an advocate on behalf of the town in the State's social service delivery system. This advocacy would reflect the insights of Police Chief Carl that Framingham needs to plan carefully what it wants to be and develop community solutions that reflect the needs of the entire town. The role of an Human Service Coordinator should also include, among many others: oversight of all current and potential sites in Framingham, liaison between the town, the non-profit agencies operating here and the state, grant writing for services that will directly benefit Framingham residents, tabulation of information and statistics on issues related to social services in Framingham in order to follow, understand and react appropriately to the constantly changing social service environment. Human Service Coordinators/Directors from other communities with whom we have spoken all agreed that issues pertaining to 'quality of life' of residents were of prime concern and significance.

Everything the Human Service Coordinator does should be from the point of view of "what is best for the town of Framingham?"

We recommend that social policy planning for Framingham also include reviewing all of Framingham's licensing, permitting and code enforcement bylaws, from the vantage point of professional knowledge and experience. The committee is concerned that Framingham does not have sufficient local codes that apply to all properties including social service sites and programs. A comparison of our licensing and code standards to other communities is warranted and would be helpful in this endeavor. Strengthening all codes and having them applied throughout the community equally not just to social service sites, is warranted and should be a prime concern to our town.³⁷

Coalition of Communities

The committee recommends that the town join the Local Officials Human Service Coordinators, LOHSC. As discussed in this report, this organization is comprised of Human Service Directors and Coordinators in over 50 Massachusetts communities. The \$125 membership fee would enable us to share in the wealth of knowledge of LOHSC members and would be invaluable to Framingham at this time. One of the mandates of this organization to "enhance the effectiveness of local human service planning and

³⁷ Communications with EOHHS and DTA pertaining to this issue is available in the appendix

programming” illustrates the support LOHSC could offer Framingham. LOHSC also functions as an organization of many communities “responding to federal and state policies impacting local human service delivery.” For Framingham, this could be a first step towards forging a coalition of communities who are experiencing some of the same issues as Framingham. Worcester for example, is currently looking to join LOHSC and is also interested in alliances with communities facing problems similar to theirs.

It is our recommendation that Framingham be a leader in the effort to coordinate statewide legislators to lobby for additional funding in the cherry sheet as compensation for hosting social service sites. It is common sense to first seek the cooperation of our own State Representatives and Senator in forging this path. It is also time for Framingham to ask our own State leaders to recognize the extent to which Framingham is participating in the State’s system of care and represent this town in efforts to oversee and regulate further expansion here.

Grant Funding

The PILOT committee compared the amount of State and Federal grants awarded to each community in our study. Our original intent was to see if there was a correlation between the amount of social services a community hosts and the amount of State and Federal funding allocated. We found the results shocking.

Total state aid and other special revenue³⁸

- Framingham receives \$567 per capita for total state aid and other special revenue
- Group 1 communities - Wayland ranked 1st with \$928 per capita for total state aid and special revenue. Sudbury was 2nd with \$727.
- Group 2 communities - Lynn ranked 1st with \$1,745 per capita for total state aid and special revenue. Taunton was 2nd with \$1,217.
- For all communities studied, 19 received more total aid than Framingham, 5 received less.

In addition, we looked at how Framingham compared to other communities in our study that are entitlement communities for federally funded Community Development Block Grants (CDBG). Several communities commented to us during our research that the distribution of their CDBG funds assists them in their efforts to stay connected and informed of nonprofit social service activity in their municipality. Again, the results shocked us.

Federal Community Development Block Grant funds are given directly to 15 of the communities studied.³⁹ Of these,

- Brookline ranked 1st with \$60 per capita. Somerville, Malden, Newton and Lynn all receive more than \$50 per capita

³⁸ See Appendix for detailed graph

³⁹ See Appendix for detailed graph

- Framingham ranked 15 out of 15 with \$10 per capita

Conversations with the MA representative for HUD's CDBG funds' revealed these funds are distributed according to a specific formula involving several variables such as age of housing. While communities may award up to 15% of these funds to non-profit social service agencies, hosting social service sites does not appear to weigh in on the current formula. However, we were told that there is potential for a change in the way entitlement funds are distributed, and the possibility exists for inclusion of other factors not already taken into account.

We recommend that the Board of Selectman call for a public conference with our State Representatives and Senators, in conjunction with our Congressman, to discuss the disparity in the level of funding Framingham receives from the State and federal government. The goal of this conference should be to create specific strategies and list actions to be implemented immediately.

Social Service programs are funded on both the state and federal level.

Affordable Housing 40B

We recommend that the Board of Selectman and the Planning Department immediately pursue a course of action that will enable all social service sites to be counted in our affordable housing stock.

Common Ground Wet Shelter

Framingham is home to a Common Ground Wet Shelter, an emergency shelter open to those in need of an emergency sleeping facility, and available to individuals who are intoxicated with either alcohol or drugs. The common ground shelter is open between the hours 7PM-7AM (overnight).

The state of Massachusetts has 6 wet shelters throughout the state. Local Officials have requested wet shelters operating in their community to close or disallowed wet shelters from opening. There have been many successes. Examples of this are Waltham and Brockton.

In the November 2005 presentation to town meeting, the police department reported the results of their study of the common ground wet shelter between August 15, 2005 and October 29, 2005. The data revealed that approximately 70% of the clients of the wet shelter were not from the Framingham area, where the 'Framingham area' is defined to include towns as far South as Milford and North as Hudson. Between 70%- 90% of the clients at the wet shelter had criminal records which included:

“... armed robbery, narcotic violations, assault and battery on a police officer, breaking and entering, prostitution, larceny, rape, indecent assault and battery, OUI, and various weapons charges.”

This information backs up the committee's independent analysis of the home addresses of those who were arrested.

The committee recommends several actions:

1. That the town determine if the wet-shelter has violated any part of its original mission, and accords with Framingham, and that it uses its regulatory powers to either close down the shelter or strictly enforce the laws that apply to it. The town should consult with other communities and professionals, as well as the EOHHS for support and information in this endeavor.
2. That the Board of Selectmen develops strict licensing requirements that would apply to the establishment of any future wet shelter, regardless of the organization that sponsors such a shelter.
3. If the need for a de-tox center becomes apparent or is brought up as a condition to complying with the request to close the wet portion of the shelter, we recommend that the town require any detoxification facility to be located on the grounds of the Prison and that this facility be restricted to Framingham residents, where a resident is defined as a person who lives in the community before utilizing services. Framingham should not support a regional de-tox center.

The implementation, monitoring and success of this strategy would be considered the function of a Human Service Coordinator position.

Payment in Lieu of Taxes (PILOT)

PILOT programs are purely voluntary, but many are paid in recognition of the value of a healthy and equitable relationship with the hosting community.

The committee recommends that the Board of Selectman institute a Payment in Lieu of Taxes (PILOT) program for non-profit social service agencies in Framingham. We also recommend that the Board authorizes the Town Assessor Mike Flynn, reporting directly to the Board, to create a formal PILOT structure, implement the program and conduct the necessary negotiations that will transpire. During the course of our study we have learned that our town assessor has had tremendous experience writing, implementing and creatively negotiating payments in lieu of taxes. His name was often mentioned to us when we spoke to other communities as a wealth of knowledge and resources in this arena. The town is lucky to have someone of his caliber and experience to guide us through this process.

The impact on the tax rate for both residential and commercial properties due to the tax exempt social service agencies may be considered small. However, the tax dollars waived are significant.

For FY06 this amounts to \$515,751 and in FY07 the amount is expected to be over \$600,000. This amount, even partially collected, could fund many town services or positions.

For example, the following positions and programs are an example of what could be supported with this additional revenue:

Human Service Coordinator ⁴⁰	\$100,000
Professional Grant Writer	\$50,000
3 Police Officers	\$195,000
Resiliency for Life ⁴¹ (school)	\$100,000
1 Fire officer	\$65,000
<i>Total</i>	<u>\$510,000</u>

We recommend these have priority if PILOT funds are collected.

We are aware that some agencies are quite small, use few town services and place few demands on our resources. Others are larger, stable and use significant services. We are also conscious of the fact that the agencies use their dollars to provide services for people. PILOT programs are voluntary and require flexibility, cooperation, compromise and understanding. We again emphasize that we are confident that our assessor has the experience and qualities necessary to make this program work in Framingham.

We have demonstrated that hosting social services has had a substantial impact on the town of Framingham. The committee has shown that Framingham carries a disproportionate share of these services for the state and the agencies.

We trust that at this point in time the agencies that have benefited from the good will and kindness of the citizens and government of Framingham will recognize our value and our service to them, and will support this program in the spirit of fairness and recognition that a good relationship is in their best interests. The financial concerns of the town are not wholly due to any one cause, but the impact on our town associated with social agencies is visible and real.

Recommendations for the form and workings of a PILOT program:

- Determine the town services used by an agency, including governmental costs, health insurance costs, school costs and other applicable services, and determine the percentage of the town budget those services comprise. The requested PILOT will reflect that total percentage times the tax waived.
- Request a PILOT equal to the total value of the deferred tax assessment.
- Negotiate for measurable and quantifiable services in exchange for payment.
- Periodically publish a listing of the agencies that are paying a PILOT.
- Work with other communities on implementing a PILOT program.

We recommend the Board of Selectman begin the PILOT process immediately.

⁴⁰ We recommend this position be funded immediately with or without a PILOT

⁴¹ See <http://www.framingham.k12.ma.us/MIN120203.pdf> page 5-6

Appendix

Methodology to Determine Social Service Sites

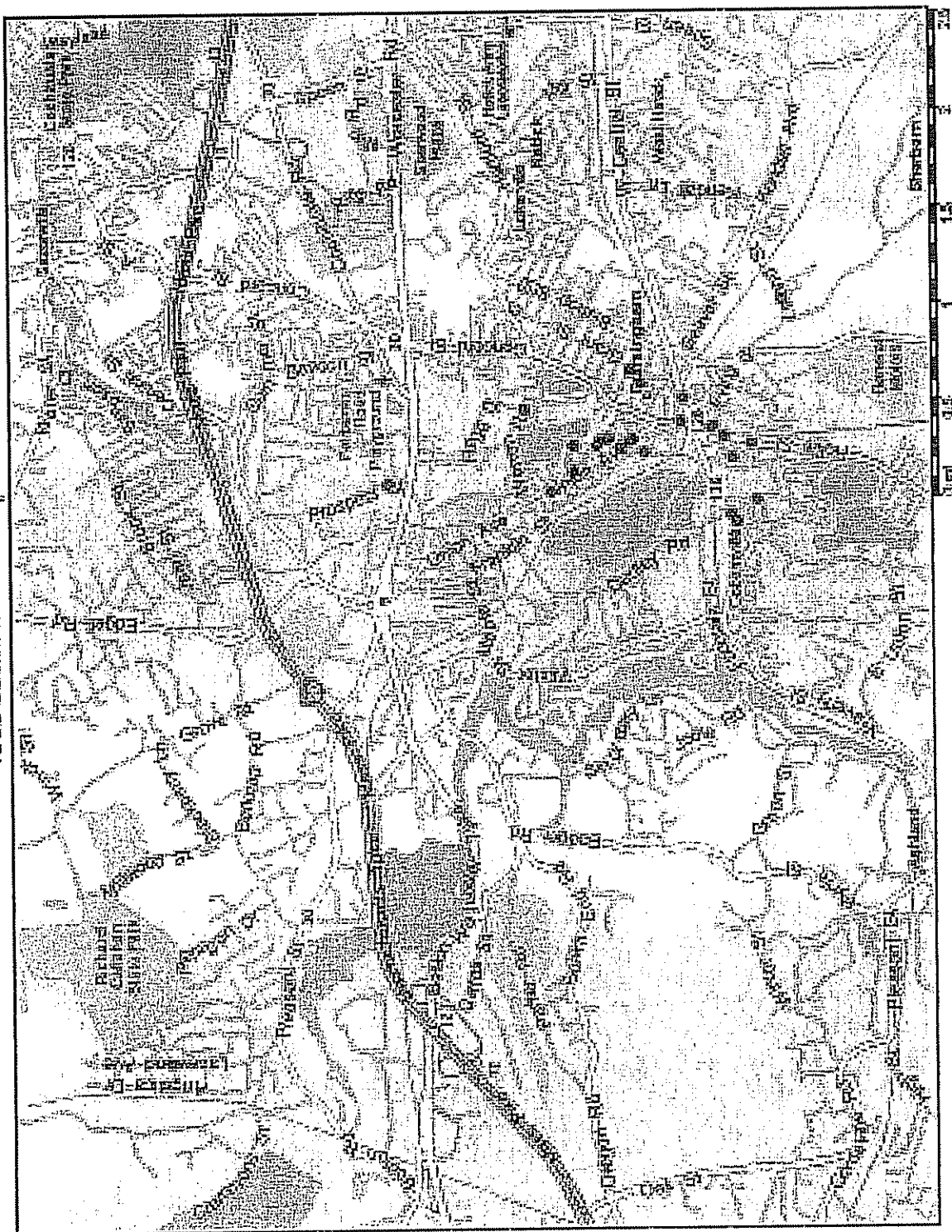
Determination of Social Service Agencies and Sites where a site is a specific address as listed in the assessor's database or found in our search. A site may be a single family home, an office in a building, a condominium, a lodging house or a parcel with several buildings

1. Create a listing of private non profits offering social services by searching the community listings provided by GuideStar
2. Agency Website:
 - o Determine if the SSA's satisfy the criteria of our definition of a private non profit social services organization.
 - o check for addresses listed on the website for the community being studied
3. Use the Executive Office of Health and Human Services EOHHS Locator for the listings from the State. We looked in the following categories:
 - o Basic Needs
 - o Criminal Justice and Legal Services
 - o Health Care
 - o Individual and Family Life
 - o Mental Health and Counseling
4. Search the individual State departments under the EOHHS umbrella for additional listings
5. Search the United States Department of Health and Human Service site for Substance Abuse Centers: SAMHSA's
6. Search the BSAS site for Substance Abuse Service listings.
7. Search the official website of the community for information and contact appropriate officials to find:
 - o Listing of Social Service Providers and Links
 - o Department of Community Service or a Human Service Director.
 - o Assessors Database
 - o Call or write and receive the municipal listing of tax exempt properties
8. Search The Warren Group
 - o 905 code for a listing of addresses.
 - o Agency name
9. Search google:
 - o Social Services, "Community"
 - o Human Services, "Community"
 - o "Community", profile and click on social services

This page intentionally left blank

Maps of Social Service Sites, 1990 and 2006

1990 social service map



U.S. Census Bureau Definition of Unit

U.S. Census Bureau

terms & definitions

- national
terms &
definitions
- state &
county terms &
definitions

HOUSING UNIT ESTIMATES

Housing Units - A housing unit is a house, an apartment, a mobile home or trailer, a group of rooms, or a single room that is occupied, or, if vacant, is intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants live separately from any other persons in the building and which have direct access from the outside of the building or through a common hall.

For vacant units, the criteria of separateness and direct access are applied to the intended occupants wherever possible.

Both occupied and vacant housing units are included in the housing unit inventory, except that recreational vehicles, boats, vans, tents, railroad cars, and the like are included only if they are occupied as someone's usual place of residence. Vacant mobile homes are included provided they are intended for occupancy on the site where they stand. Vacant mobile homes on dealer's sales lots, at the factory, or in storage yards are excluded from the housing unit inventory.

Group Quarters - A group quarters is a place where people live or stay other than the usual house, apartment, or mobile home. Two general types of group quarters are recognized: institutional (for example, nursing homes, mental hospitals or wards, hospitals or wards for chronically ill patients, hospices, and prison wards) and noninstitutional (for example, college or university dormitories, military barracks, group homes, shelters, missions, and flophouses). Group quarters may have housing units on the premises for staff or guests.

Impact on Tax Rate

Impact on the Split Tax Rate due to Non-Profit Social Service Properties

This calculation was done by Richard Lee and approved by Town Assessor Mike Flynn. Framingham assesses residential and commercial property at different rates. Residential property owners pay a significantly lower tax rate than do commercial property owners. Taxes are based on the assessed value of the property, multiplied by the appropriate rate. By law, the town is required to update the assessment all property to full market value every three years.

If all property in town was taxable, the total tax levy would be the sum of the value of all residential property times the residential tax rate, plus the sum of all commercial property values times the commercial rate. Mathematically, that statement may be expressed as:

$$S = Br * Vr + Bc * Vc \quad [1]$$

where

S is the total levy,

Br and Bc are the base tax rates for residential and commercial property respectively,

Vr and Vc are the total valuation of residential and commercial property respectively.

However, some properties are tax exempt. The total value of residential and commercial property in equation [1] includes both taxed and tax-exempt properties.

$$Vr = Vrt + Vre$$

and

$$Vc = Vct + Vce$$

where Vrt is the total valuation of taxable residential property, and Vre is the total valuation of tax-exempt property and so on.

To make up for the levy not charged on tax-exempt properties, the actual tax rates are increased from the base rates, so that the total tax levy can be realized from the taxable properties only.

Mathematically, this statement is:

$$S = Ar * Vrt + Ac * Vct \quad [2]$$

where Ar and Ac are the actual residential and commercial tax rates applied to the taxable property to achieve that same total levy in equation [1].

If we assume that the actual rates are a simple proportional increase of the base rates:

$$Ar = (1 + D) * Br$$

and

$$Ac = (1 + D) * Bc$$

where D is the fractional increase in rates, one can calculate what that increase must be.

Subtracting equation [1] from [2] and using the above relationships for the actual and base rates, and for taxable and exempt valuations,

$$\begin{aligned} 0 &= (1 + D) * Br * V_{rt} + (1 + D) * Bc * V_{ct} - (Br * (V_{rt} + V_{re}) + Bc * (V_{ct} + V_{ce})) \\ &= D * (V_{rt} + V_{ct}) - (Br * V_{re} + Bc * V_{ce}) \end{aligned}$$

or

$$D = (Br * V_{re} + Bc * V_{ce}) / (Br * V_{rt} + Bc * V_{ct}) \quad [3]$$

The term $(Br * V_{re} + Bc * V_{ce})$ is the total levy, E, that would have been realized from all exempt properties, were they taxed at the appropriate residential and commercial base rates. This revenue equivalent would include valuations of churches, schools, government properties, and other tax-exempt parcels. Similarly, the term $(Br * V_{rt} + Bc * V_{ct})$ is the total levy in equation [1] minus that exempt portion, or $S - E$.

Making these substitutions into equation [3]:

$$D = E / (S - E)$$

The share of the levy for a given class of tax-exempt properties which the owner of a particular taxable property must contribute is $D * Br$ multiplied by the valuation of that property.

Independently, the levy equivalent for all tax-exempt property owned by non-profit social services is estimated to be \$516,000 in FY06. This is expected to grow to \$663,000 in FY07 as new properties qualify for this exemption. The MetroWest Human Services Advocacy Coalition reports that the properties owned by all social services constitute about 9% of all tax-exempt property in Framingham, based on data from the town assessor. The total levy equivalent for all tax exempt property is thus estimated as \$5,733,000 for FY06. The total tax levy in Framingham is \$131,603,158 in FY06.

The increase in tax rates due to non-profit social services alone is:

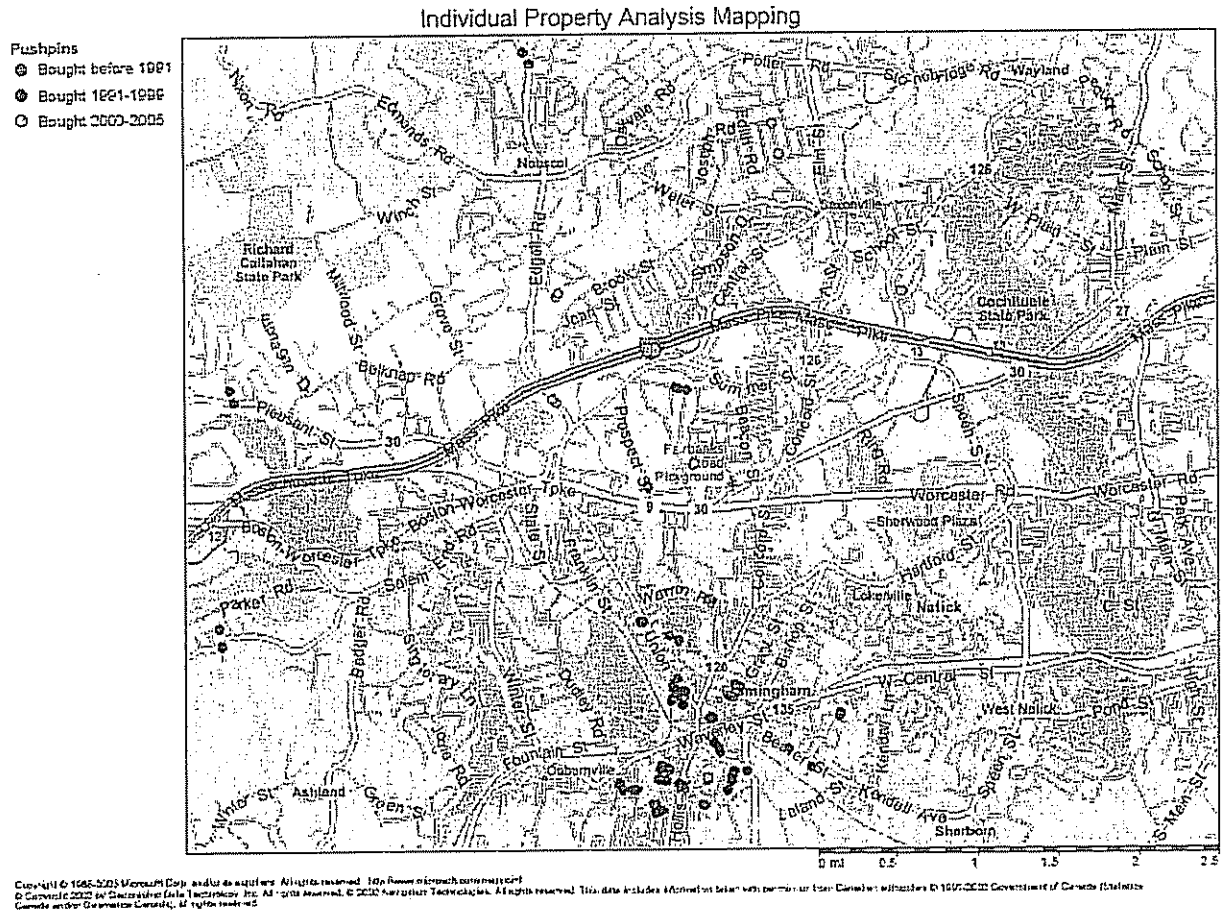
$$\$516,000 / (\$131,603,158 - \$5,733,000) = 0.41\% \text{ [FY06]}$$

$$\$663,000 / (\$131,603,158 - \$5,880,000) = 0.53\% \text{ [FY07]}$$

This represents just under \$0.05 in the residential rate of \$11.34 per \$1000 assessed value, and about \$0.12 of the commercial rate of \$29.09 per \$1000 AV in FY06; \$0.06 and \$0.15 in FY07.

In concrete terms, about \$20 of the taxes levied upon the owner of a \$400,000 residential property apply to offsetting the tax exemption of property owned by non-profit social services in FY06. This is expected to increase to about \$24 in FY07.

Property Study Map



Analysis of Baltimore Study

Committee review of "The Impact of Group Homes on Residential Property Values in Baltimore County, Maryland", a study prepared by the Greater Baltimore Housing Resource Board (December 1993)

This paper is available through a link on the Advocates web site, <http://www.advocatesinc.org/grphomes.htm>, and has been recently cited by Jerry Desilets as a relevant study of the impact of social services on neighboring property values, and as a rebuttal to the committee's property study.

The study includes two sections; a report of findings related to property values in Baltimore and a review of relevant literature.

There are significant flaws in the analysis behind the findings reported in this study. These flaws are a direct consequence of the methodology, and the inconsistent measurement intervals used between attempts to measure effects and the control samples. The inconsistent sampling intervals introduce significant statistical errors due to market fluctuations over time. The net result of reduced signal and increased noise is that the results are not meaningful, relevant or significant. Other problems will also be addressed.

Methodology

The study examines residential unit sales prices within a half-mile radius of a group home under study. These are compared to 'control' prices, based on all residential sales within the ZIP code containing the group home.

The area of assumed impact is quite large, roughly 3/4 of a square mile. The diameter of a circle of such dimension would have one end point at the corner of Union Avenue and Concord Street and another end point at the intersection of Union Avenue with Mount Wayte Ave./Buckminster St. Given the nature of circular areas, 65% of the properties in the impact area lie 0.3 miles away from the group home! The inclusion of so many properties well away from the group home significantly dilutes any effect.

Furthermore, as the study notes: "If comparable residential sales data for a one-half radius was not available, data from the entire Zip Code was utilized." It should come as no surprise that a comparison of "data from the entire Zip Code" (the signal) to "prices in the entire Zip Code" (the control) yields a null result. The study does not indicate which data points are derived from the latter methodology (and hence should be excluded from the analysis).

These two criticisms, by themselves, should be enough to doubt the validity of the results. However, additional problems are worth mentioning.

Sampling Interval

Examining the data accompanying the study reveals significant variation in the period of time in which the measurement and control data were collected. The measurement is typically obtained by dividing sales data into two 2-year groups, consisting of sales before the date of occupancy, and sales after. The control is typically taken from only from the period following occupancy. No attempt is made to gather control data over the same period as the measurement.

The following table, summarizing the sampling interval from Group A of the study, shows this discrepancy. The same methodology is used in all other groups of data included in the report.

Entry	Zip	Data Measurement			Control Measurement		
		Start	End	Change	Start	End	Change
1	21228	Jul-88	Jun-92	-14.4	?-90	Jun-92	2.9
2	21236	Nov-86	Oct-90	N/A	Oct-90	Oct-90	20.2
3	21222	Feb-89	Jan-93	1.4	Jan-91	Jan-93	5.5
4	21222	May-90	May-93	-15.6	Apr-92	Oct-93	3.4
5	21136	Apr-89	Mar-93	22.4	Mar-91	Mar-93	8.8
6	21228	Dec-89	May-93	25.5	Nov-91	Oct-93	-11.2
7	21236	July-89	May-93	-14.2	Jun-91	Jun-93	-13.1
8	21236	Dec-90	May-93	-2.6	Nov-92	Oct-93	-11.4

The difference in time periods between the targeted area of analysis and the control area makes the analysis useless. The problem is compounded by attempts to compare average values with median values. In addition, the Group B analysis (not reported here) includes 42 cases, including 15 cases where the analysis cannot be completed.

Property Sales Counts

The abstract states that the "study analyzed over 1000 transactions of residential properties" in extracting the reported data.

While the data as presented is neither clear nor consistent on this point, it appears that most of the entries indicate the number of transactions in a particular measurement. For example, Group A datum 1 includes the lines:

Pre-Test - July 1988 - June 1990 169 \$87,554

Post-Test - July 1990 - June 1992 1 74,900

One has to assume that the value "169" above indicates the number of transaction contributing to the average sales price of \$87,554 and that a single transaction for \$74,900 constitutes the post test average. The study appears to omit data where this value is 0 for either the pre- or post-test sample, perfectly appropriate if this is indeed the number of transactions involved.

Examination of the number of transactions used in each data point reveals a very large variation in the sampling methods used. It also suggests that the value of 1000 transactions, cited in the abstract, is curiously low. The table below summarizes the number of transactions reported for select data points. As the actual transaction used in a particular measurement may overlap with others in the same zip code, only one point from each zip code is included in this table. The entry for number of transactions is the sum of the pre- and post-test measurements. Below, a small subset of the reported data is shown.

Group / Entry	Zip	Number of Transactions
A/6	21222	1239
B/3	21228	2537
B/12	21234	1709
B/32	21206	1784
B/37	21236	2920
B/42	21221	1141
Total transactions		11330

Given that there are many more than 1000 transactions included in the data, it is not apparent what purpose the low-ball number reported in the abstract serves.

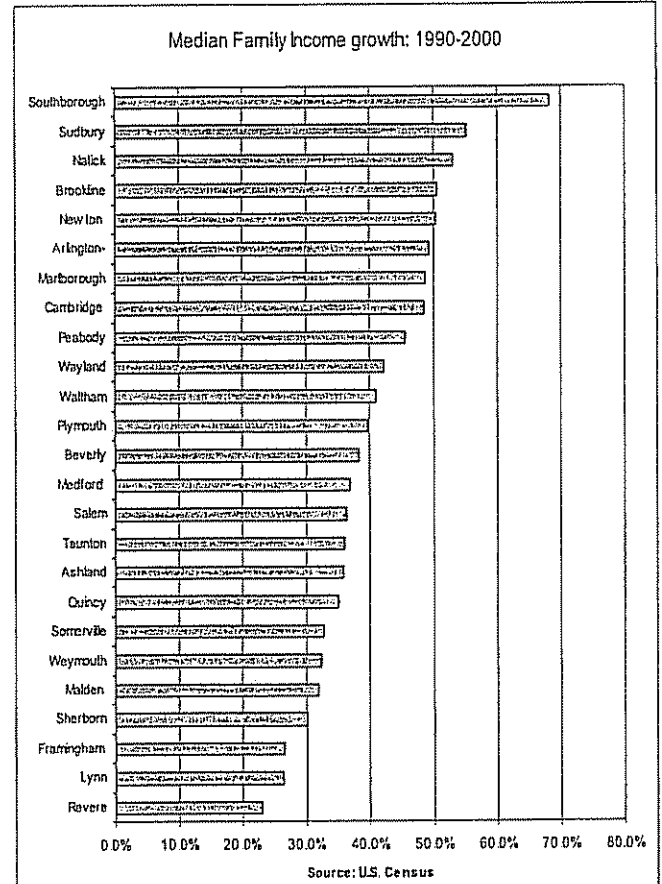
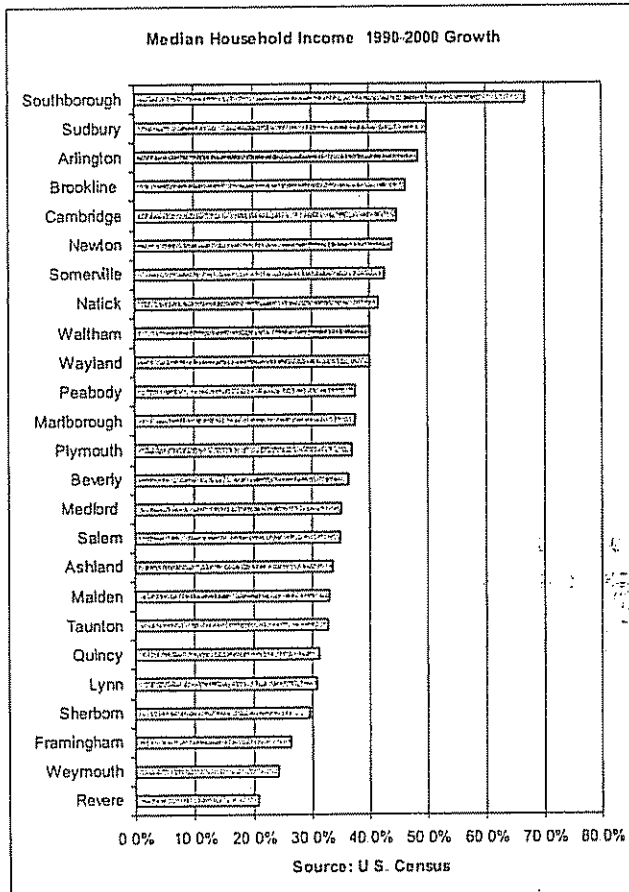
Relevant Findings from Other Studies

This section begins with the broad claim that "All of the *objective* studies that have been conducted in the United States and Canada in the past 15 years concerning the effect of group home placement show no negative effects".

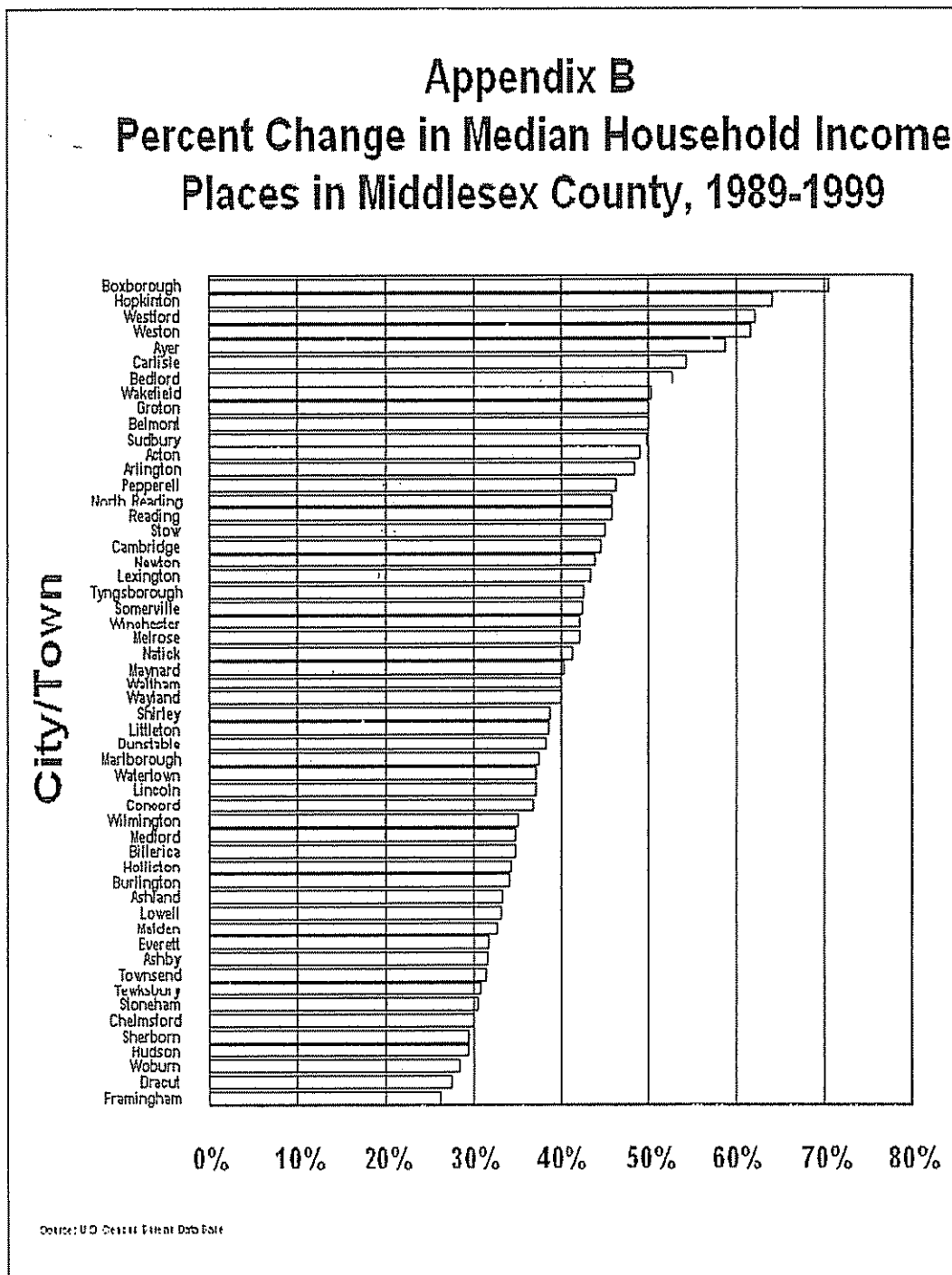
While one is not able to find the primary reference - "There Goes the Neighborhood ..." reportedly published by the Community Residences Information Services Program (CRISP) in 1990, the authors of this paper chose to include the bibliography of the CRISP report in their document, rather than an independent bibliography. This is surprising, given that their study is dated three years later, December 1993.

While the committee lacked the time to examine critically all the relevant publications of this period, it wants to emphasize that it formally excluded academic studies from consideration. That some members have considered this particular study as worth of serious consideration remains a puzzle to the rest of the committee.

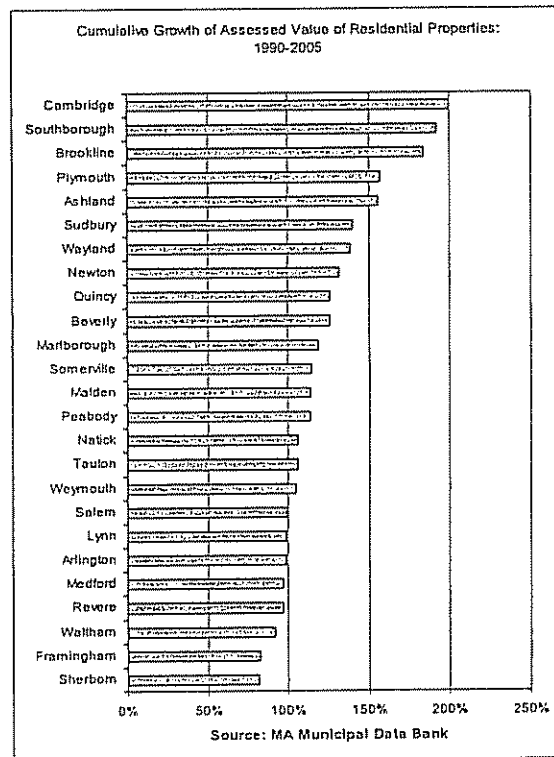
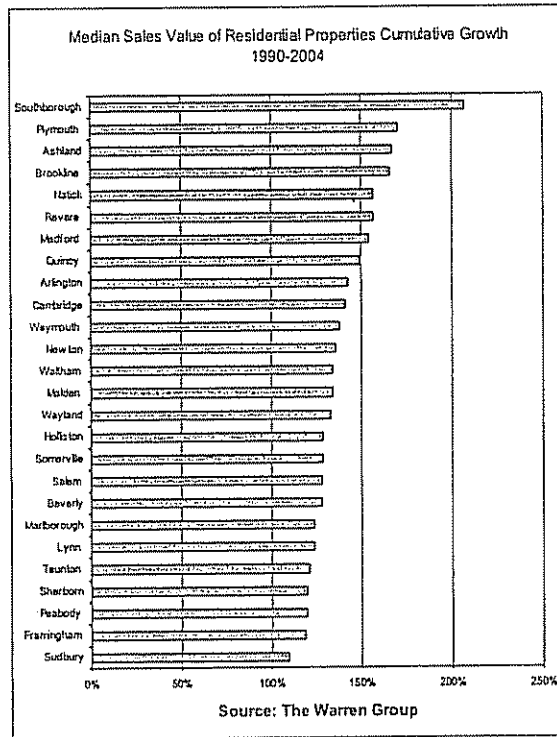
Median Income Growth



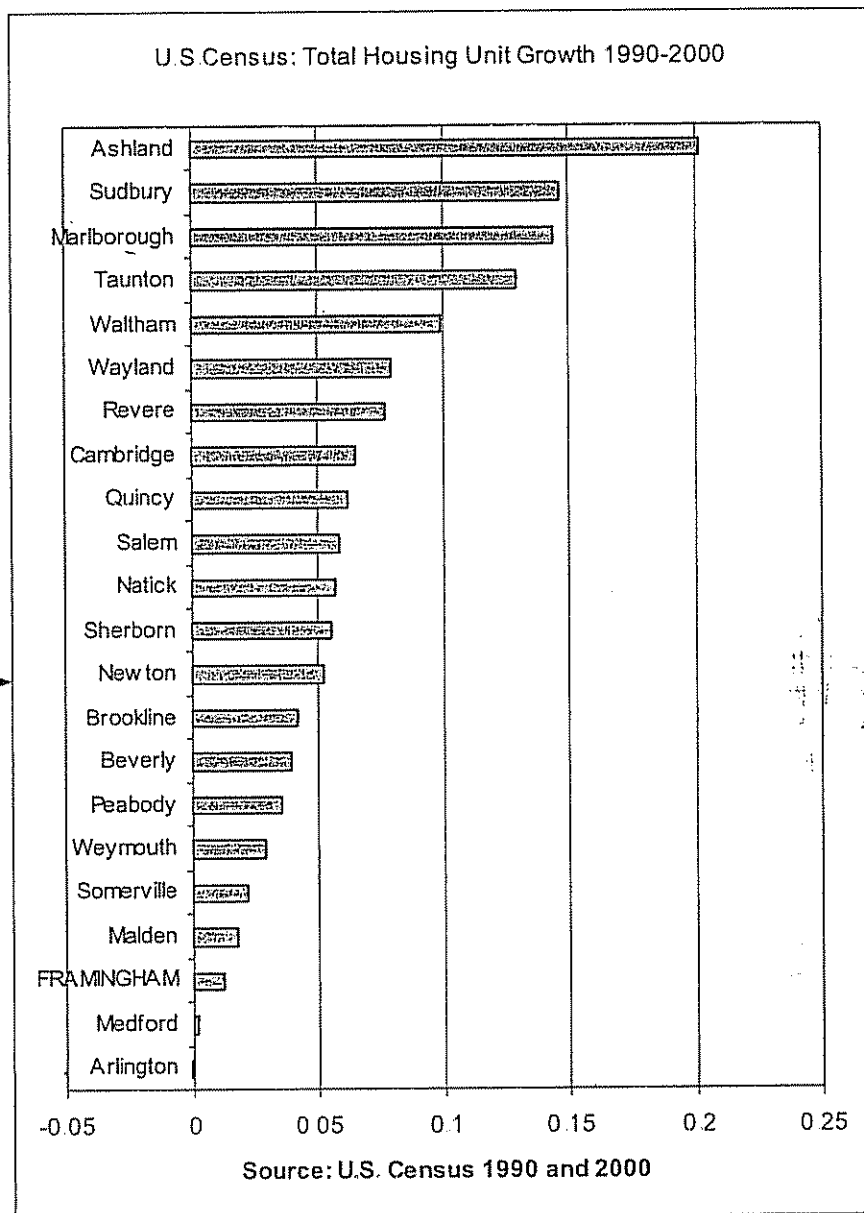
Middlesex County Income Growth



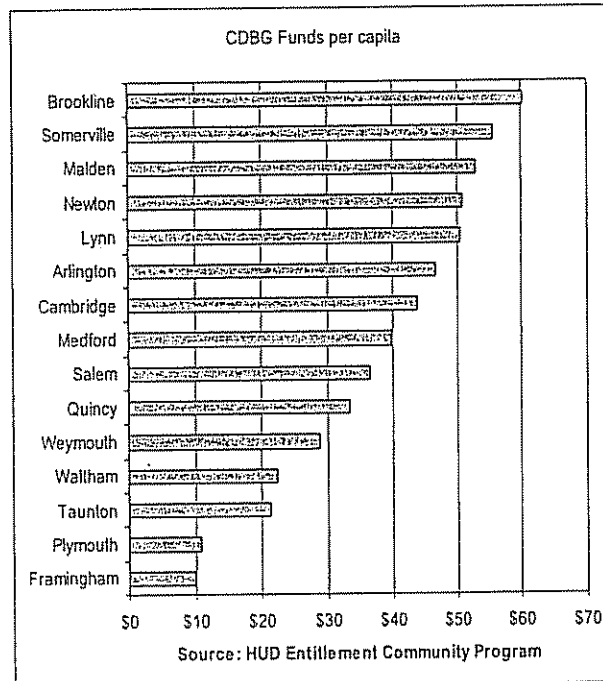
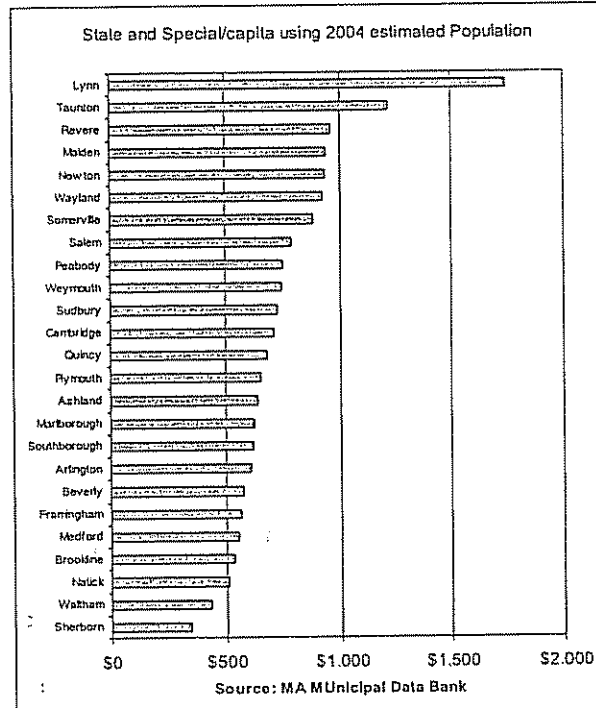
Residential Property Value Growth



Housing Growth



Grant Funding Comparisons



State Department Communications

From: Habib, Fred (EHS) [mailto:Fred.Habib@state.ma.us]

Sent: Thursday, March 23, 2006 3:47 PM

Subject: Questions

1. Question: We were told that \$2.5 billion goes towards providing social services from the State to private non profits. Is this for the entire EOHHS umbrella of organizations? Are there other organizations, such as parole and DOC that have separate contracts?

Answer:

Spending for FY05 was actually about \$2.1B. This covers Purchase-of-Service spending by all EOHHS organizations. Other Secretariats and Departments that are outside EOHHS also have contracts that provide for direct services, such as child care or residential education programs for special needs students. These include the Department of Education, Department of Early Education and Care. We are also unable to provide you with information regarding the departments of the Executive Office of Public Safety and ask that you direct these questions to that office.

2. Question: The State is still providing direct services. How much does that come to and is it included in the \$2.5 Billion figure? What are the details of this: i.e., homes, offices

Answer:

The Commonwealth provides a range of direct services. These include case work and case management services that are delivered by Commonwealth employees in many EOHHS departments. They also include facility based services. These state-operated programs range from outpatient clinics, public health hospitals, psychiatric hospitals, and long-term care settings for adults and children with mental retardation or mental illness. The \$2.1B does not include these services. EOHHS spends approximately \$870 million on state-operated programs and \$690 million on personnel dedicated to these state-operated services.

3. Question: Can we get a listing of the 1100 non profit organizations, and are they sorted by location?

Answer:

A listing of organizations contracted via the Purchase of Service system is attached. Users of this information should note that most of these records are billing addresses for providers. Many, but not all, may also be actual program sites. We have provided provider names, town, and zip code. Since some of these records may in fact be program

sites that are homes to our clients, we cannot release exact address information, out of our obligation to protect their privacy. You will note that the total number is less than 1100, because some of the entities who are listed as organizations in the Purchase of Service system are cities and towns, and individuals providing foster care services.

4. Question: Is it correct that Wet Shelters (so-called) are not covered by the Dover Amendment or Federal Fair Housing Law ?

Answer:

This issue has not been decided by the courts. The "Dover Amendment" appears in General Laws Chapter 40, Section 3 of the state Zoning Law. It provides in pertinent part that:

No zoning ordinance or by-law shall . . . prohibit, regulate or restrict the use or land or structures for religious purposes or for educational purposes on land owned or leased by the . . . a nonprofit educational corporation; provided that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard size, setbacks, open space, parking and building coverage requirements.

It has been consistently held to protect non-profits social service providers from unreasonable restrictions on the use of land for such purposes as residential group homes for individuals with mental disabilities, for individuals who are homeless and receiving training to be able to obtain work. In the case of individuals with substance abuse, programs that offer education and treatment fall within the same limitation on zoning restrictions. Similarly, the Federal Fair Housing Laws and Americans with Disabilities Act protect the right of individuals with disabilities to reside in communities including residential group homes.

To our knowledge, however, there has not been a state court ruling under either the "Dover Amendment" or under the federal Fair Housing or Disabilities Act that would apply such legal protections to so-called "wet shelters", i.e., shelters that house individuals who are not in treatment for substance abuse and are still engaging in use of addictive substances. The ADA does not consider individuals, who are engaging in the addictive or illegal use of drugs or alcohol and not in treatment, to be individuals with disabilities entitled to the protection of the Act. Similarly, the "Dover Amendment" only protects non-profit social services facilities that perform an educational function. It is not clear that a "wet shelter" could meet that legal standard, and whether AA meetings would constitute an educational use within the Chapter 40, §3.

5. Question: Does EOHHS fund Sober Houses? If so, why is there no licensing of these?

Answer: EOHHS does not fund or contract with Sober Houses. To the extent that such congregate living situations received public funding it would be from federal sources such as HUD or local municipalities. They are regulated by local authorities.

6. Question: How does Dover apply to siting of sober houses or residences with more than 6 unrelated individuals?

Answer: We are not aware of any court decisions regarding the status under state zoning laws of living arrangements for individuals seeking to become or remain sober. It is not clear that such sober houses would be protected by the "Dover Amendment," since they do not appear to provide an educational function, but rather are living arrangements. Other residences with more than 6 unrelated individuals, if operated and licensed by nonprofit social services agencies to provide housing and education to individuals with disabilities or homeless families receiving education and training would appear to be protected by the "Dover Amendment." Such facilities are also subject to local municipal control including the boards of health and building inspectors.

7. Question: Are residences for clients that cannot comply with the rules of a sober house that permit continued use of drugs or alcohol, supported under Dover? Are these similar to "wet shelters" except that they are actual residences or Single Room Occupancies? Are these funded by EOHHS?

Answer: Again, we are not aware of any court decisions regarding the status of these living arrangements, and they do not appear to perform an educational function that would be protected by the "Dover Amendment". Such facilities are subject to local municipal control including the boards of health and building inspectors. The Department of Transitional Assistance funds some shelters for individuals who continue to use addictive substances; however, it does not license or regulate such facilities. The Bureau of Substance Abuse of the Department of Public Health (BSAS) provides services to individuals in such residences with the goal of engaging them in treatment. It does not license such programs, however, because they do not provide treatment.

Discussion with Maureen Mulkurn from John Shirley's office regarding Department of Transitional Assistance (DTA) funding and oversight of Shelter's

DTA funds individual (emergency) and family shelters.

Money for such purposes has been earmarked directly in the State budget from the legislature. Each year there is a set amount, usually an increased amount from previous year, for the currently funded shelters. This year they received \$35 Million for Individual shelters and \$73 Million for Family shelters.

DTA does not license family or individual shelters. That is up to the local government to regulate.

DTA does review their shelters every year and such reports are available through Freedom of Information.

DTA does make placements in the shelters they fund.

DTA does not use specific regions although they consider 20 mile radius within region

Placements in individual shelters are usually first come, first serve. Individuals can also "walk in".

Placements in family shelters are determined by what is available. Where a family "came from" is considered, although what is available is the final factor. If a family is placed more than 20 miles from their home town they are allowed to request a transfer if it is available. Requests are not that frequent.

DTA funds about 40 individual shelters. These are "emergency shelters"

They are strictly overnight, emergency sheltering for single adults. They can be wet or dry. That is up to the agency rules.

They do not license them, or permit them. *That is up to the local town or City government to do. They do need to receive occupancy permits from local government.*

DTA funds family shelters that consist of congregate rooms in one house or scattered sites. They also have sober living/abuse shelters, although these they give the funding to DPH to run.

They fund:

11 scattered sites

64 Congregate living

4 Transitional

11 Combo substance/abuse which they give to the Department of Public Health to administer

A few miscellaneous

DTA does not license or permit any of these. That is up to the local government city or town.

DTA does distribute HUD shelter funds.

They receive about \$2.5- 3 Million for Emergency Shelter Grants.

Votes of the Committee

3/14 Draft Section #	Name	motion	Vote (Y-N-A)
1	Background	Approve with changes	8-0-2
2a	Maps	Accept 2 maps	7-3-0
2b	Sites	Accept updated changes to both lists	8-0-2
2c	At a glance background	Move to appendix	7-2-1
3	Income & population	Accept with changes	7-2-1
4	Tax Base	Accept with updates	9-0-1
5	Property Study	Accept information	6-4-0
6a	Crime statistics	Accept with changes	6-4-0
6b	Chief Carl's report	Accept	7-3-0
6c	CAD Call	Accept	9-1-0
6d	Wet shelter Calls	Accept	7-3-0
7	Comparative Information	Accept	7-3-0
8	Top 3 Agencies/CAA	Accept with changes	5-4-1
9	Grant Information	Accept	6-3-1
10	Property & Income	Accept with changes	6-3-1
11	Population	Accept with changes	6-4-0
12	Public Safety	Accept with changes	9-1-0
13	PILOT information	Accept with changes	10-0-0
14	Appendix	Accept with changes	9-0-1
	Fire Calls	Accept	10-0-0
	School –Anna Cross	Accept	8-2-1
	TOF community service	Accept with changes	6-4-0
	SSA System Flyer	Accept	6-2-1

	AMR. data	Accept	9-0-1
	JDP notes	Accept	9-0-0
	SSA information	Accept	9-0-0
	FHA letter		
	SPED info not available	Accept	9-0-0
	State discussions	Accept	7-1-1
	LOHSC and Bob Martin information	Accept	9-0-0
	Homeless study	Accept	9-0-0
	Guidestar Financials	Accept	9-0-0
	split tax rate; Assessor ok	Accept as written by Richard Lee	6-1-2
	Clerk write final report/vote no later than 5/1/06	Accept	7-1-1

Member Statements

On April 27, 2006 the PILOT committee voted to approve the final report with changes. In addition, if anyone who approved the report wanted to write up their reasons for approval and where they may disagree, they were given the opportunity to include up to 2 pages in the final report for this purpose. Members who did not approve this final report were given the opportunity to provide a separate minority report to be included and bound with this final document.

As Clerk, I was asked by the PILOT/ Impact Study Committee to write the final report by a vote of 7 in favor, 1 opposed, 1 abstain. Although I compiled this report, assembling material does not constitute sole authorship. The combined effort of all committee members is what made this work possible. The contents of this report came from months of contributions including working group reports, interviews, data collection and analysis, critical review, background material, interpretations, conclusions and recommendations. Written submissions from committee members were an essential component and for the most part I included these as written. I believe this report is a fair representation of those who voted to support it.

This process resulted in the omission of a few points that I think are important and should be in the report.

- Of the 155 Framingham public school students who qualify under the McKinney Vento Homeless Children Act, 87 were associated with the known addresses on our list of sites. 20 live in shelters outside Framingham but attend Framingham schools. In addition, 22 qualifying students live in shelters in Framingham but attend schools outside of Framingham and we do not pay education costs.
- Wayside Youth and Family Services explained to the committee that from their organization, the "only students who attend Framingham Public Schools are those who originate in Framingham". Out of town students attend their original school to maintain ties to their community, or are served at Wayside Day Centers currently in Framingham and Marlborough.
- The services provided by the Board of Health are available to all residents of Framingham. Director Bob Cooper did not see a visible impact on his department's budget from providing health services to residents of social service agencies.
- The social service agencies pay all applicable fees for building and permits, of all varieties, applicable to their properties. This extra revenue is a benefit to the town's coffers. In particular, the inspection and permitting process does not impose serious impacts on the town's Building Department. However, the Building Commissioner pointed out that he is often required to spend large amounts of time on issues related to the DOVER amendment. This time was not quantified and may be something the town wishes to pursue.

Laurie Lee
May 1, 2006

Personal Statement by Yaakov Cohn

I support the Final Report of the Social Service PILOT and Comparative Impact Study Committee despite my concerns over several significant omissions. This report does not sufficiently address these two areas:

1. Confusion over the Dover Amendment, and
2. Civil Debate: Respectful discussions versus personal attacks.

Dover Amendment:

There is a huge amount of misinformation in the public domain about the Dover Amendment, including among public officials who should know better. It has been said that 'you can't win a Dover case.' Both social service agencies and public officials have acted as if pronouncing the very word "Dover" gives unlimited immunity to the claimant and sets aside all the legitimate interests of the local municipality.

The Dover Amendment was written to prevent localities from using their zoning powers to bar the siting of religious and educational institutions. Court decisions have expanded the definition of "educational institution" to include a small number of social service programs. Yet, the most significant of those rulings set very high standards for "educational," calling for near-total involvement of the staff, "with the exception of a part-time maintenance person," in the on-going education of the clients.

I am troubled by courts that perform incredible stretches beyond the apparent intent of the Dover Amendment. They make it impossible for local officials to reliably determine when Dover applies. One confused building inspector granted "Dover" status to a gun club because it taught gun safety to Boy Scouts.

Nonetheless, these rulings (Fitchburg, Gardner, Brockton) also provide opportunities to local officials to protect their municipalities' legitimate interests. Enforcement of the courts' "educational" standards would result in human-service facilities that arguably serve their clients far better than most, and thus are far less likely to result in the undesirable impacts that are documented in this Final Report of the Social Service PILOT and Comparative Impact Study Committee.

I recommend that "Dover" status only be granted after explicit conditions and written agreements are negotiated between the applicant and town officials and should be revocable if those conditions are not maintained in perpetuity.

While a municipality cannot bar a facility that qualifies under the Dover Amendment, it can otherwise enforce most of its zoning by-laws on such facilities. The courts may require a municipality to demonstrate its legitimate interest in enforcing any particular zoning by-law. But again, the very case most often cited to prove the futility of dealing with Dover applicants, the case of the Church of Latter Day Saints (LDS) in Belmont was a triumph for local officials who resolutely stood up to the Church of LDS and forced it to compromise extensively on its original plans.

From the Mass Superior Court decision in the Belmont v. Church of LDS Case:

The Dover Amendment precludes the adoption of zoning ordinances or bylaws restricting the use of land for religious (and other exempt) purposes, but authorizes "reasonable regulation" of bulk, height, yard size, lot area, setbacks, open space, and parking

requirements. The amendment "seeks to strike a balance between preventing local discrimination against [a religious] use . . . and honoring legitimate municipal concerns that typically find expression in local zoning laws." Local zoning requirements are meant to be applied uniformly. Consequently, "local officials may not grant blanket exemptions from the requirements to protected uses." But they may decide that zoning requirements concerning height and dimension should not be applied to a proposed religious use where it would unreasonably impede the protected use without appreciably advancing critical municipal goals.

From the US Court of Appeals First Circuit, in the case of BOYAJIAN v. GATZUNIS (The Belmont v. Church of LDS case)

As we have observed, the Dover Amendment does not give religious organizations an "absolute and unqualified right" to build whatever structures they desire in residential or other zones. The protection given religious uses is moderated by the community's countervailing interest in minimizing adverse impacts to communities, which is reflected in the requirement that religious uses conform to the standard physical limitations imposed on all buildings located in that zone.

Civil Debate:

The public debate of the role of social service agencies, as well as our committee meetings, has often been characterized by gross violations of all the norms of civil and decent civic debate.

First and foremost, I completely repudiate those citizens who indulge in casting aspersions on the fundamental humanity of those who receive services from the social service agencies. There is no justification for the broad-brush attacks such as those referring to "low-lives" and "degenerates." Such statements outrage the conscience.

Second, in our meetings, the members of the majority of this committee, both individually and collectively, have been the targets of an ongoing campaign of personal attacks: attacks on our integrity, on our decency, and on our trustworthiness. The majority members are to be commended for completing our efforts despite the hostile and intimidating environment, and without responding in kind.

Robert's Rules of Order provides an excellent yardstick for differentiating between strong differences of opinion and personal attacks. Robert's unequivocally forbids references to motives. It is that simple.

Surely all can see the difference between "I don't agree with your statement," and "You're lying!" The former invites discussion, and the latter ends discussion. What about these options? Which one contributes to the debate?

- a. "We should suppress this data because it will appeal to bigots," versus
- b. "You are a bigot. You are showing discriminatory intent. You are deliberately appealing to those who don't care if poor people die in the streets."

We can discuss statement a. It challenges me to think long and hard to defend my opinions. Where do we go after statement b? It makes an impossible presumption as to mind-reading capability. It makes me the issue rather than the facts. It demands that I defend my character, not my ideas. This could be the most important lesson to be taken from this committee.

Respectfully Submitted by Yaakov Cohn

Index of Material

Will be available at Framingham Public Library and online at: www.framinghamma.gov

Final Report

- Final Report
- Appendix

Findings to date March 14, 2006

- Report on Findings 3-14/06
- Appendix to date 3-14-06
- PowerPoint Presentation of Findings to date; 3/23/06

Financial Facts

- Financial Information for Communities
- Financial Information on local non-profit social service agencies

Property and Income Study

- Study of Impact on Abutting Properties
- Income Study
- Population Study

Other information available

- Remaining data and information
- Legal Memos
- Action Plan of the Committee
- Minutes of the committee
- Brochures