

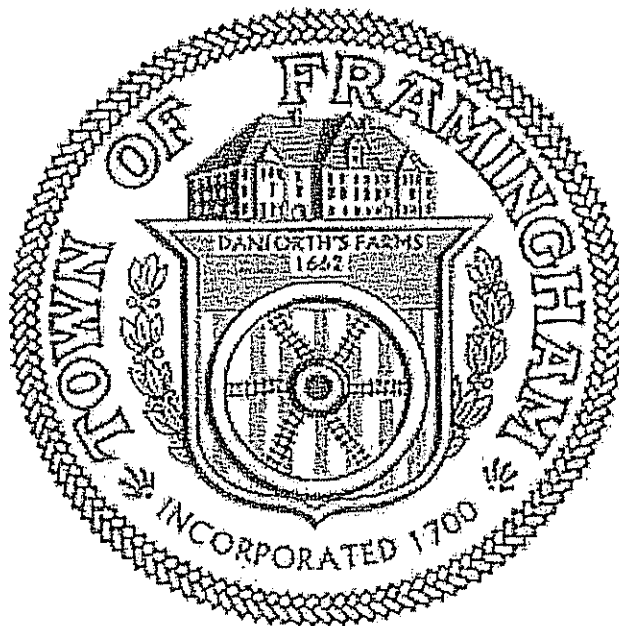
Exhibit 84

Town of Framingham

PILOT/Impact Study Committee

Report of the Minority

May 2006



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Table of Contents

Introduction.....	2
What the Majority and Minority Agree On.....	3
What the Majority and Minority Disagree On.....	5
Police Department.....	5
Fire Department.....	7
Framingham Public Schools.....	7
Property & Income Study.....	10
Taxed vs. Non-Taxed.....	12
Recommendations of the Minority	13
Appendix.....	17

I. Introduction

Why the need for a minority report?

Town Meeting asked the PILOT/Impact Study Committee to conduct an important study on the impact of social services in Framingham. While there is a great deal of information that the members of both the minority and majority of the committee agree on, there are real concerns about the inclusion of some data that appears in the final report of the committee. The inclusion of this data was a primary factor in why we, the minority, voted against the report.

Based upon our interpretation, the primary charge given to the PILOT/Comparative Study Committee by Town Meeting was to determine the impact of social service programs, sites and agencies on the Town of Framingham. Our committee worked extremely hard early on in creating, discussing, and agreeing on questionnaires that were sent to both social service agencies and town departments. Unfortunately, many of the questions went unanswered for a variety of reasons, including concern that answering the questions would be time intensive as well as concerns about releasing private information regarding clients, residents and students. In addition, we did not have the cooperation of all departments and agencies, as the majority of the questionnaires were not returned.

While we agree with the majority on many things, there are also a great number of items included in the final report with which we strongly disagree. The primary concern that we have regarding the final report of the committee is the use of "plausible" data. When statistical data that proved a direct connection between social services and impact to Framingham was not available, the majority of the committee felt it wise to include data that may lead one to a certain conclusion that is not statistically proven. We disagree with this tactic. Town Meeting requested, and the town deserves, hard data that either proves or disproves certain claims. Concerns on the use of plausible data were raised numerous times by each member of this minority group throughout the course of our committee work, but the majority did not agree and in the end included an entire section on plausible data that we feel is misleading.

Ultimately, the committee did an incredible amount of work compiling an amazing amount of data and established relationships with the state, agencies, and other municipalities that will hopefully lead to future communication and collaboration. The PILOT/Impact Study Committee worked hard to get to the point that we are now presenting to Town Meeting. The work, however, should not be considered done. There are still many questions that remain. The PILOT/Impact Study Committee was made up of a group of committed volunteers, many of whom put in significant hours over the past ten months working towards our charge, but in the end we are just that, a group of committed volunteers with limited time and resources. We look for the leadership of Town Meeting and the Board of Selectmen to continue the important work started by this committee.

II. What the majority and minority agree on

The majority and minority groups agreed on a great many facts over the course of our work together, many of which we find to be quite significant, such as:

- Framingham hosts a significantly greater number of social service agencies, programs and sites than any of our neighboring communities. Framingham is a regional hub of services.
- There has been extensive growth of social service programs and sites operating in Framingham since 1990.
- Historically there has been little communication between town officials and agencies.
- Framingham currently has no single town employee who is tasked with coordinating and communicating with social service agencies.
- Not all recipients of social services in Framingham originate from the town of Framingham.
- While we object to the singling out of one particular program for scrutiny, as the majority report has done, we concur that there are many concerns and issues with hosting the "wet" portion of the Common Ground shelter in town. These concerns are shared by the Framingham Police Department and the agency which runs the program because the clients served there have inherently difficult issues to address.
- Current state law allows for little say from town officials (and residents) in the siting process for social service programs
- There are many benefits to hosting social service programs that operate in Framingham such as convenience for Framingham residents to access services for Framingham residents, from our youth to our seniors, to access services including domestic violence counseling, emergency health care, mental health care, home heating assistance, and Headstart to name just a few. Social service agencies also provide employment opportunities and dollars spent in the community by both employees and clients as well.
- Many social service sites in Framingham are currently taxed, including some administrative offices, some residential properties, and some shelters.
- The vast majority of social service sites in Framingham operate south of Route 9, many within a one square mile radius of the Memorial Building.
- There is a minimal impact on our tax rate due to non-taxed social service agency owned properties, as verified by the Town Assessor.
- There are no known municipalities singling out social service agencies for PILOT programs.
- Non-profit agencies are under no obligation to make PILOT payments.
- After ten months of work, the PILOT/Impact Study Committee was not able to determine direct cost to many of the most significant town departments as a result of social service agencies operating in Framingham. These departments include the Police Department, Fire Department, Department of Planning and Economic Development, and Department of Public Works.

- There is little to no impact caused by social service programs, sites and agencies on the Town of Framingham Health Department, Building Commissioner and Assessor's Office or ambulance service. There is also no impact to the McAuliffe Regional Charter Public School and Keefe Regional Vocational School, both of which have no students enrolled that live in residential social service programs

III. What the majority and minority disagree on

As shown in the previous section, there is a great deal that the committee agrees upon. The major difference of opinion between the majority and minority groups can be found often in methodology, primarily the use of "plausibility" in determining the impact of social services on the town. In basic terms, the majority report admittedly makes many assumptions based upon data that does not specifically support those assumptions. The minority group has continually resisted the temptation to tie-up loose ends in an attempt to paint a specific picture.

Unfortunately, no Town departments fully complied with the PILOT/Impact Study Committee's requests by answering all of the questions submitted to them. Only 9 of 40 agencies provided answers to enough of our questions to be analyzed in the report. In the absence of comprehensive responses from the agencies and departments, the majority of the committee then decided to include data and arguments of a plausible nature instead of a direct impact nature.

For the minority, the point of the methodology is very simple. Data used for the final report of the committee should show a demonstrated relationship with the impact of social services to the Town of Framingham. In several cases in the final report brought forth by the majority of the committee, this is not the case.

1. The Police Department.

It is true that statistics indicate that 40% of the arrests in Framingham occur in a 1 square mile of downtown. It is also true that statistics indicate that a large percentage of Framingham's social service programs operate within that same 1 square mile. However, there is no statistical viability that these two separate statistics have any demonstrated relationship to each other. According to Police Chief Carl, there are several factors, including poverty and the fact that Framingham has 94 liquor licenses for a 25 square mile area that contribute to crime and arrest rates. The existence of social service programs may possibly be a factor, but there is no statistical evidence to prove that argument.

In order to make an unbiased analysis, the Police Department was asked specifically to give the PILOT/Impact Study Committee the top 200 addresses to which they are most often called to respond. This information, had it been provided, would have given a clear picture of which Framingham properties demand the most services of the town police department and how social service agency properties compare to non-social service properties. Unfortunately this information was not provided by the department despite repeated requests so we feel that a fair analysis is not possible.

Instead, the majority of the committee has linked the Chief's map of the one square mile of downtown with the map demonstrating the general location of social service properties giving the impression that the social service agencies and their clients are directly

responsible for 40% of the arrests in the Town of Framingham. This analysis is speculative at best and deliberately misleading at worst.

Rather than make questionable links between data with no demonstrated connection between social service agency programs and crime, we offer some notable comments from Chief Carl.

Chief Carl on how class issues affect crime and calls to the police:

"Sometimes we deliver services because people don't know who else to call. Policing is a blue collar industry. Not that we aren't professionals, not that we don't have college educations, some more than others. Blue collar. Ok. Because when the average person husband slaps their wife or someone's daughter is beaten up by her husband, they call the police. But you know what, when you live up at the top of Carter Drive, and you are making million dollars a year and your husband slaps you in the face you don't want to jeopardize that million dollars of your income, you call the family attorney to straighten the problem out. You don't call the blue collar police. We're a blue collar service. You might call us for a car accident, you might call us for a whole variety of things. But you know what, people with a lot of resources have resources they can reach to other than the police and other than social service agencies to provide for their families and their own needs. "

Chief Carl on how the town benefits from having a wet shelter:

"When we find people stumbling around downtown intoxicated, homeless, intoxicated is the key, we can bring them to the Police station and put them in protective custody where we have to care for them. We can bring them to the shelter where someone else cares for them and the liability doesn't fall to the government entity. So we bring them right to that shelter. Ok. The other thing is we find them intoxicated to the point where we can't care for them and they are lying on the ground. And we call an ambulance and the ambulance brings them to the hospital. The hospital calls us later on begging us to take them out. And we will when they are medically cleared. Then we take them to the shelter. We try not to take people into protective custody. The difference is this: for someone who has a real bad alcohol problem, homeless, not good nourishment, not good health, they sometimes die because their bodies give out. Now when they die in a cell, No one says they died in a warm cell with a blanket and pillow, What they say is they were just turning their lives around and the police allowed them to die. When they die in the shelter, their families say, well at least they had a warm place to live. There is a huge huge liability by taking these people who are habitual alcoholics habitual with huge huge health issues, and taking them and taking them and putting them in a police station where we do monitor them, we do check them every 15 minutes but no one gets a deep sleep, you have to look in on them through the glass like this to see if their chest is rising and it becomes again the police department is doing more than. ... We aren't a shelter but we're becoming a shelter, that's why there are shelters "

Chief Carl also acknowledged that SMOC officials meet with his department weekly to work on solving whatever difficult issues the program and their clients present to the community. We believe that this spirit of communication and co-operation between an agency and town departments is movement in a positive direction and should be encouraged

2. The Fire Department

While Chief Gadsen was clear in his comments to the committee that social service agencies did not present any particular difficulty for his department, the majority has presented an analysis which implies that they do present a disproportionate impact on the town. We find that this simply isn't so and can be demonstrated by the data the committee was able to collect. Unlike the Police Department, Chief Gadsen actually did provide the 200 properties that they respond to the most. The minority group has included the entire data provided by the Chief in the appendix of this document.

The majority's report only highlights calls made to social service agencies. However without including information about all the properties that the fire department responds to most often, the majority's report skews the information to make it appear that social service agency properties have a disproportionate impact on Town services. Furthermore without taking into consideration which properties are taxed and which are not, the majority report is delivering misleading data to support their recommendation for singling out social service agencies for PILOT programs.

Very few social service locations were in the top 200, and of the ones that were, the vast majority were sites that pay property taxes. The top properties are: Summerville at Farm Pond, a senior living facility; Shoppers World on Route 9; St. Patrick's Manor, another senior living facility; a number of state owned properties, including Framingham State College & MA Turnpike Authority; property owned by the Town of Framingham, primarily the schools; as well as residential apartment complexes.

3. The School Department

Perhaps one of the most interesting summaries presented in the final report was the section titled "Impact on the Framingham School System." The final report indicates that there is a cost of \$1.68 million to the Framingham Public Schools to educate students who "qualify under the McKinney Vento Homeless Act or reside at one of the sites on our inventory list" We feel that this number is not accurate. It came about after factoring average per-pupil cost and includes additional spending in the form of grants and aid from the state and federal government. Unfortunately, these numbers were never discussed by the PILOT/Impact Study Committee or with Superintendent Martes before being included by the majority in the final report. We find the data to be false and misleading for a number of different reasons outlined below. When asked his opinion of the "data" presented in this section, Superintendent Martes stated in an email that *"It seems like the interpretations [in the final report] don't match up with the information that we provided"*

Following are the reasons that we believe that the Framingham School System data in the Final Report is incomplete and incorrect:

- **Differences in the way data is collected by the Framingham Public Schools and the specificity of questions asked by the PILOT/Impact Study Committee: How the committee arrived at 155 students and why that number is not accurate.**

This problem illustrates the differences between the specific information that was requested by the PILOT/Impact Study Committee and the way the Framingham Public School collects data relating to its students. The McKinney-Vento Homeless Act definition of "homeless individual" is:

- (1) An individual who lacks a fixed, regular, and adequate nighttime residence; and
- (2) an individual who has a primary nighttime residence that is--
 - (A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
 - (B) an institution that provides a temporary residence for individuals intended to be institutionalized; or
 - (C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Clearly, while this definition may apply to some students who are served by social service agencies, it is likely that there are circumstances where many students were included in the Final Report calculation that are not serviced or housed by social service agencies. Again, because of the way data is collected by the schools and the specific nature of PILOT questions, it was not possible for the PILOT Committee to come up with an accurate calculation of the costs associated with educating students who live in social service owned property.

- **Distinction between taxed and non-taxed properties.**

The minority understands that in order to have an accurate calculation of the costs of social services to the Town of Framingham, it is necessary to determine separately the services used by properties that are paying taxes and the services used by properties that are tax exempt. This distinction is entirely absent from the Final Report despite repeated requests that it be included by members of the minority. This is particularly striking in the section of the Final Report that deals with the Framingham Public Schools. It is true that homeowners in Framingham who have students in the schools (as well as homeowners who don't) pay property taxes that include, among services like trash and yard waste pickup, education for all of Framingham's students. As indicated earlier in the Minority Report, as well as briefly in the Final Report, many social service-owned properties do pay their full-share of property taxes.

The town has a mixture of residential social service properties that pay their full-share of taxes as well as some that are exempt. The importance of this distinction is that while the Final Report draws conclusions based on 155 students who "qualify under the McKinney Vento Homeless Act or reside at one of the sites on our inventory list," there is no distinction between students who are living at properties that are contributing to education in the form of property taxes and students who live at properties that are not paying property taxes. We find this distinction is an important one, and just one of the many reasons why *the* true cost and impact to the Town of Framingham associated with social service agencies were unable to be determined, or even accurately estimated.

- **How per-pupil costs are really determined and how the number of students enrolled actually impacts the cost of educating Framingham's students.**

When the per-pupil costs were tabulated in the 2005 School Benchmarking Study, the figure of \$10,518 was a snapshot in time that represented all of the costs that go into running all of the Framingham Public Schools, including utility costs, health care, building maintenance, salary, and other fees. This benchmark number does not represent the actual dollar amounts associated with the educating each individual student. As such, when you look even at the inflated number of 155 students that were used in the Final Report, they are with all likelihood not coming from the same classes, grades, or even schools. They are coming from any variation of the 8 elementary, 3 middle and 2 high schools, each from various programs and grade levels and do not individually cost \$10,518 to educate. To put it simply, if these same 155 students left the Framingham schools, we would not see a decrease in expenses equal to $155 \times \$10,518$. There would be no change in building maintenance costs, energy costs and other building related costs. In all likelihood, salary costs would not change significantly, nor would associated costs such as health insurance of staff. In addition, transportation costs would also not be affected greatly.

With an enrollment of over 8,000 students, it is likely that less than one percent of Framingham's students are actually receiving housing from social service agencies, especially housing that is tax exempt.

- **The truth about SPED costs, as articulated by the Framingham Public Schools.**

According to Pamela Kaufmann, the director of Special Education in Framingham, *"Framingham does not maintain records of students living in group homes nor does the MA DOE require any reporting of such. We cannot release any data due to State and Federal confidentiality requirements. In summary, we are not aware of any situation where a special education student living in a group home and attending Framingham Public Schools has resulted in increased costs to Framingham."*

We as a minority were disappointed that this quote was not included in the final report, even though it was made available to the committee. It can be deduced by this statement

there are no special education programs offered by the Framingham Public Schools that would not be offered if students who live in social service owned property did not attend the Framingham Schools.

- **Outplacement Data**

The PILOT/Impact Study Committee looked closely at the costs associated with out of district placement, and particularly out of district placement of special education students. According to Pamela Kaufmann, the director of Special Education in Framingham, *"If a special education student resides in a group home, attends Framingham Public Schools and the parent lives in another school district, Framingham bills the 'home' school district for the costs of special education. We are very aggressive on this matter. If the student attends an out of district placement, the 'home' school district pays the tuition."*

- **The Final Report fills in gaps with guesses, rather than admission and acceptance of unknown costs.**

As was the case with other aspects of the PILOT Report, we feel that the majority has presented incomplete and potentially misleading data. Unfortunately, the PILOT/Impact Study Committee was not able to receive all of the information requested of the schools.

Due to the way data is collected and the specific nature of the PILOT/Impact Study Committee's questions, there was no way for the Framingham Public Schools to provide answers to some of the questions the PILOT/Impact Study Committee asked. As such, the minority feels that, as voted unanimously on our meeting of April 24, 2006, the committee should have simply stated that "information is not available" for the Framingham Public Schools rather than attempting to craft answers that are not accurate.

4. Property & Income Study

Another major example of differences in methodology between the majority and minority can be found in the report of the Property & Income working group. This working group undertook an extensive research project to determine the effect that agencies play on the property values of properties neighboring social service sites. While the group put in extensive time and hard work, they unfortunately were not able to accurately determine the effect of which they were looking for. The following paragraphs are quoted directly from their report of January 6, 2006:

"The Property & Income working group identified numerous factors that affect property values: among these are crime, education, location, income, environment, property taxes, perceptions, etc. To determine the impact from properties owned by social service agencies would require a thorough statistical analysis with numerous controls.

While causality is not feasible to determine, it is possible to identify trends and growth rates for properties owned by social service agencies and their neighboring properties,

and determine if these values are consistent with the trends and growth for Framingham as a whole."

The data brought forth by the Property & Income working group is based on potential plausibility of the impact of social services on a particular measure. As the working group entailed, several other factors that could also plausibly lead to the same result were neither explored nor adequately controlled due to the committee's limitations. Therefore the data brought forth in the Final Report could be misleading to those making decisions and drawing conclusion from it.

A second major issue with the Property Value and Income report can be found in the analysis of trends in property values. The working group compared the growth rate of a subsection of Social Service properties with their neighbors. 70% of these social service properties chosen located south of Route 9 and 30% are north. A more statistically viable study would have done separate growth analysis of properties in different neighborhoods, but that was found to be impossible given our limited resources. The result was a set of data that was skewed when compared to the townwide growth rate of 83%, according to Town Assessor Mike Flynn, the fluctuation of rates differs between neighborhoods in Framingham. The Assessor presented to the entire PILOT/Impact Study Committee that the proximity of Social service agencies is not taken into consideration when assessing property values, however, an assessment is affected by the neighborhood a property is in. Therefore, the data brought forth by the working group carries with it this significant flaw.

It is the belief of the minority that determining the true impact of social service agencies on the property values of the town is one of the most important aspects of our work, yet due to the limitations of time, expertise, and resources, we as a committee were not able to succeed in completing that work. Therefore, we will be making a recommendation later in this document that the Board of Selectmen assign Framingham's Town Assessor's office the task of continuing on with that study

Additional examples of data used in the Property & Income report that the minority does not find a demonstrated relationship with the impact of social services to the town include:

- Residential Growth
- Median Household Income
- Population Growth

5. Tax vs. non-taxed

We are also concerned that the majority's final report made little distinction between social service programs on property that are tax exempt and those that pay taxes. The committee focused on 242 social service agency properties. The minority was able to establish that taxes are not paid on approximately 88 properties (36%) with approximately 93 properties (38%) paying taxes. 61 (25%) properties have confidential addresses and we could not establish their tax status. We believe that this distinction is an integral part of understanding the impact of social services on the Town of Framingham.

IV. Recommendations of the Minority

As mentioned previously, the minority members of the PILOT/Impact Study Committee acknowledge that there is a significantly larger population of social service programs operating in Framingham in comparison to all of our neighboring and similar communities that we studied. The result is approximately \$39 million in non-taxed properties owned by social service agencies in the town. In addition, the town provides many of the same services to the clients of residential programs that it provides to every other resident of the town. While we were not able to determine direct costs associated with providing services, we understand that there are costs associated with every public safety call and trash pickup, as well as providing education for children who are residents of our town.

In that light, the minority offers the following recommendations to the Board of Selectmen, Town Meeting, and all town officials and residents:

- **We strongly recommend that our State Legislators, along with the Board of Selectmen, work to build a coalition of community representatives from the other municipalities in the state that host a disproportionate number of residential social service programs.** These communities include Boston, Springfield, Waltham, Lynn, Taunton, Worcester, New Bedford, Pittsfield, Brockton and many others. This could potentially be a powerful coalition in the state house that could provide much needed relief to these communities that are housing facilities that are used by residents from throughout the state. Framingham should not continue to act alone on this issue. We ask that this coalition work towards the following:
 - Cherry sheet reimbursement to municipalities who provide a certain threshold of services within their community to cover the costs of lost tax revenue as well as expenses of providing services that are benefiting an entire state or region.
 - Pooling resources to hire professionals to lobby the state legislature and Governor's office
 - Review of siting procedures used by state agencies
- **We recommend that the Board of Selectmen immediately create an ongoing Social Services Roundtable Committee** to be made up of the following:
 - Representatives of the Board of Selectmen
 - Representatives from social service agencies
 - Framingham's State Legislators
 - Town officials including, but not limited to, the Police Chief and the Director of Planning & Economic Development

In the opinion of the minority, one of the strongest positive outcomes of the PILOT/Impact Study Committee work was bringing many different parties to the

table of discussion to educate the community on resources and concerns. We believe that this can and must continue if we are to build consensus within the community on how to meet the needs of those who need services, while building Framingham into a positive future that our leaders envision.

- **We, like the majority, recommend that the Town of Framingham become an active member of LOHSC (Local Officials Human Services Council), the human services arm of the Massachusetts Municipal Association.** This organization is already active and lobbying the state to provide more aid and technical assistance to Massachusetts communities. Framingham should become an active member of this coalition.
- **Understanding that we are in the midst of a multi-million dollar deficit, we, like the majority, recommend the creation of a Human Services Coordinator for the town who will act as a proactive liaison between the town and the agencies, as well as work as a resource to members of the community that are in need of services.** Until the town budget allows for this position to be created and filled, we recommend that the new Town Manager or his designee begin, or in some cases continue, work in these areas.
- **Based on the suggestion of Town Assessor Mike Flynn, we recommend that the Board of Selectmen create and implement an “ILOT” program.** An ILOT would be something paid or provided by agencies in lieu of taxes, which would specifically benefit Framingham and its residents. ILOT’s may include, but are not limited to, specific services, programs, fees or donations made to the town for a particular use. There are several factors that led us to agree with Mr. Flynn’s suggestion:
 - Andrea Dodge, Chief Administrative Officer of the Massachusetts Executive Office of Health and Human Services (EOHHS) stated in a meeting with PILOT/Impact Study Committee representatives that “the vast majority of social service programs in the state run at a deficit”.
 - Research conducted by PILOT/Impact Study Committee member Nicholas Sanchez, PhD of Guidestar (from IRS Tax data) information indicates that many agencies that operate in Framingham run at an operational deficit. This report is included in our appendix.
 - Of the 33 social service agencies that Dr. Sanchez was able to obtain financial information on, 10 ran at negative net revenue for the year reported.
 - Also of the 33 agencies, 15 reported net revenue of less than \$25,000 for the year reported.

While some agencies operating in Framingham report positive net revenues, we feel that it would be in the best interest of the town to provide the flexibility that an ILOT program could offer, rather than just asking for money. ILOT’s are already being provided in Framingham, an example is the Police Jail Diversion Program. Other examples of possible ILOT’s that can be negotiated between the Board of Selectmen and the agencies can include, but are certainly not limited to:

- providing drug and alcohol counselors to the schools
- providing emergency office space to the town departments
- The creation and operation of joint programs run in conjunction with town departments that will fill specific needs in the Framingham community that will benefit our residents
- Added employment for town residents
- Coordinate and operate public service projects

We recommend that the Board of Selectmen begin meeting with representatives of social service agencies immediately to begin discussing the needs of the town and where the agencies may fit in with helping to provide for those needs through ILOT's.

- An important part of understanding the work that the PILOT/Impact Study Committee undertook is being able to put that work in perspective to the Town of Framingham's financial and infrastructural situation. The PILOT Committee focused only on the \$36,546,350 of tax exempt property that is owned by social service agencies in FY06 because of the limited charge of the committee. What is unknown to many in town is that Framingham is host to \$860,041,500 of tax exempt property. Thus, the PILOT/Impact Study Committee was responsible for studying only 4.2% of all tax exempt property in Framingham.

Members of the minority feel that it is important to note that if Framingham's fiscal health is to be remedied through a future PILOT (strictly payment), Town Meeting should reconsider the issue of restricting a PILOT program to Social Service agencies and consider a PILOT program that extends to all tax exempt property. We look to Town Assessor Mike Flynn's report of 1997 to the Board of Selectmen that recommends a PILOT program be created for all tax exempt properties. If a PILOT program is to have any significant impact on Framingham's financial operations, it must implement a sweeping PILOT program instead of a narrow one targeting only social services, or 4.2% of the non-taxed properties in the town.

As outlined in the final report, the total tax waiver of the non-taxed social service properties alone is estimated to be \$515,751 in FY06. The total tax waiver of 100% of the non-taxed properties is estimated to be \$3,251,822 in FY06.

Therefore, we recommend that the Board of Selectman establish a working group to examine the costs to the town of Framingham for hosting all tax exempt property, with the possible goal of establishing a town-wide PILOT program that is inclusive of all tax-exempt property in the town of Framingham.

- As stated previously in this minority report, we feel that determination of a statistically reliable relationship between social service agencies and property values was beyond the abilities of this committee. We feel that identifying a statistically valid connection between social services agencies operating in Framingham and changes in property values is absolutely instrumental in determining the true impact of social services on the town of Framingham.

We recommend that the Board of Selectmen assign the Town Assessor's office the task of implementing a study that will monitor the appreciation of property values in Framingham and research the causes of any material difference between the rate of appreciation in Framingham and the median rate of appreciation for a peer group of communities. The Board of Selectmen or the Town Assessor shall provide regular status reports on the findings to Town Meeting.

- We recommend that the Town Manager, Chief of Police and Board of Selectmen should continue to work with the South Middlesex Opportunity Council to minimize public safety concerns at the Common Ground Shelter, working towards a common goal of eventually closing its doors. It is important to note though that we feel that the closing of the wet shelter should not be completed without alternatives for those in need.

We agree with the majority that the closing of the "wet" portion of the shelter may make clear that we have a need for a detoxification center in Framingham where people who are willing to try to get sober can do so. Police Chief Carl shared in these concerns. We disagree though on the location of the prison being offered by the majority. Any detoxification center should be placed in a location that is easily accessible and centrally located. In addition, we feel that by placing a detoxification center at a prison location that it will likely not be utilized by many who need it the most, as they may in many cases either be too afraid or embarrassed to ask for help at a prison.

V. Appendix

A. Financial Data for Social Service Agencies Operating in Framingham (From IRS Tax data found through Guidestar)

1. Revenue and Expense

Name	Revenue	Expenses	Net	Year
A Suitable Image	\$51,698.00	\$34,576.00	\$17,122.00	6/30/2004
Advocates	\$31,345,338.00	\$30,106,746.00	\$1,238,595.00	6/30/2004
BayPath Elder Services	\$5,408,363.00	\$5,504,978.00	-\$96,615.00	6/30/2004
Bethany Health Care	\$7,862,772.00	\$9,639,118.00	-\$1,776,346.00	12/31/2003
Bethany Hill School	\$603,306.00	\$588,795.00	\$14,511.00	6/30/2004
(Bethany) Adult Day Center	\$410,061.00	\$402,219.00	\$7,842.00	7/31/2004
Big Brother Big Sister Central MA/Metrowest	\$263,591.00	\$402,374.00	-\$138,783.00	9/30/2003
BirthRight	N/A	N/A	N/A	N/A
Brandon Residential Treatment Center(Natick)	\$7,743,557.00	\$7,602,194.00	\$141,363.00	6/30/2004
Center for Living and Working	N/A	N/A	N/A	N/A
Eliot Community Services(Lexington)	\$23,454,642.00	\$23,527,928.00	-\$73,286.00	6/30/2004
Framingham Coalition Prevention Drug Alcohol	N/A	N/A	N/A	N/A
Framingham Community Daycare (Southside)	\$198,454.00	\$218,426.00	-\$19,972.00	6/30/2004
Framingham Court Mediation Services	\$97,840.00	\$119,845.00	-\$22,005.00	6/30/2003
Genesis Rental (Counseling Services)	\$253,810.00	\$274,660.00	-\$20,850.00	6/30/2004
Great Brook Valley Health (Worcester)	\$18,067,482.00	\$16,684,088.00	\$1,383,391.00	6/30/2004
Health Awareness of Central MA (Worcester)	\$2,083,068.00	\$2,021,396.00	\$61,672.00	12/31/2003
Jewish family services	\$1,695,075.00	\$1,538,488.00	\$156,587.00	6/30/2004
Justice Resource Institute(Boston)	\$79,102,262.00	\$77,167,851.00	\$1,934,411.00	6/30/2004
MA Alliance of Portuguese Speakers	\$2,332,050.00	\$2,389,241.00	-\$57,191.00	6/30/2004
MCIL MetroWest Center for Indep. Living	\$545,663.00	\$545,320.00	\$343.00	6/30/2004
Metrowest Human Services	N/A	N/A	N/A	N/A
Metrowest Outreach Connection	\$50,432.00	\$9,594.00	\$42,951.00	12/31/2004
MA Society for Prevention Cruelty to Children	\$31,566,813.00	\$29,780,655.00	\$1,786,158.00	6/30/2004

New England Center for Children (Autism)	\$32,984,906.00	\$32,222,841.00	\$762,065.00	6/30/2004
New England Aftercare Ministries iNc	\$699,592.00	\$670,307.00	\$29,285.00	6/30/2004
Programs for People	\$668,806.00	\$688,946.00	-\$20,140.00	6/30/2004
Reed Academy	\$1,455,894.00	\$1,379,118.00	\$76,776.00	6/30/2004
Rehabilitative Resources	N/A	N/A	N/A	N/A
Resource Consortium	N/A	N/A	N/A	N/A
Samaritans (Suburban West)	\$139,087.00	\$133,282.00	\$5,805.00	12/31/2003
SMOC	\$40,466,479.00	\$40,341,409.00	\$125,070.00	6/30/2004
South Middlesex Legal Services/rental	\$1,217,750.00	\$1,064,893.00	\$152,857.00	6/30/2004
South Middlesex Non-Profit Housing	\$5,536,050.00	\$5,058,575.00	\$477,475.00	6/30/2004
Spectrum Health Systems (Worcester)	\$32,091,080.00	\$32,761,723.00	\$329,357.00	6/30/2004
The KEY Program, Inc (FRAMINGHAM)	\$47,949,136.00	\$47,636,611.00	\$312,525.00	6/30/2004
Toward Ind. Living and Learning				
Wayside	\$16,168,233.00	\$15,335,315.00	\$832,918.00	6/30/2004
Metrowest Latin American Center	\$660,627.00	\$686,939.00	-\$26,312.00	6/30/2004
Trinity (Mental Health)	\$1,954,912.00	\$1,918,334.00	\$36,578.00	6/30/2004

2. Assets and Liabilities

Name	Assets	Liabilities	Net	Year
A Suitable Image	\$19,147.00	\$3,000.00	\$16,147.00	6/30/2004
Advocates	\$14,520,223.00	\$10,570,509.00	\$3,949,714.00	6/30/2004
BayPath Elder Services	\$1,266,396.00	\$470,879.00	\$795,517.00	6/30/2004
Bethany Health Care	\$6,781,665.00	\$4,025,958.00	\$2,755,707.00	12/31/2003
Bethany Hill School	\$2,222,580.00	\$1,942,387.00	\$280,193.00	6/30/2004
(Bethany) Adult Day Center	\$99,341.00	\$31,533.00	\$67,808.00	7/31/2004
Big Brother Big Sister Central MA/Metrowest	\$490,766.00	\$45,272.00	\$445,494.00	9/30/2003
BirthRight	N/A	N/A	N/A	N/A
Brandon Residential Treatment Center(Natick)	\$9,722,223.00	\$7,712,082.00	\$2,010,141.00	6/30/2004
Center for Living and Working	N/A	N/A	N/A	N/A
Eliot Community Services(Lexington)	\$3,746,275.00	\$2,691,631.00	\$1,054,644.00	6/30/2004
Framingham Coalition Prevention Drug Alcohol	N/A	N/A	N/A	N/A
Framingham Community Daycare (Southside)	\$16,569.00	\$8,582.00	\$7,987.00	6/30/2004
Framingham Court Mediation Services	\$17,553.00	\$11,611.00	\$5,942.00	6/30/2003
Genesis Rental (Counseling Services)	\$41,434.00	\$3,262.00	\$38,172.00	6/30/2004
Great Brook Valley Health (Worcester)	\$15,311,238.00	\$4,515,305.00	\$10,795,933.00	6/30/2004
Health Awareness of Central MA (Worcester)	\$130,638.00	\$132,900.00	-\$2,262.00	12/31/2003
Jewish family services	\$1,732,760.00	\$484,648.00	\$1,248,112.00	6/30/2004
Justice Resource Institute(Boston)	\$43,158,210.00	\$19,598,223.00	\$23,559,987.00	6/30/2004
MA Alliance of Portuguese Speakers	\$662,642.00	\$515,857.00	\$146,789.00	6/30/2004
MCIL MetroWest Center for Indep. Living	\$115,669.00	\$51,847.00	\$63,822.00	6/30/2004
Metrowest Human Services	N/A	N/A	N/A	N/A
Metrowest Outreach Connection	\$55,301.00	\$12,350.00	\$42,951.00	12/31/2004
MA Society for Prevention Cruelty to Children	\$44,434,781.00	\$4,930,060.00	\$39,504,721.00	6/30/2004
New England Center for Children (Autism)	\$31,623,744.00	\$24,031,865.00	\$7,591,879.00	6/30/2004
New England Aftercare Ministries INC	\$687,736.00	\$289,265.00	\$398,471.00	6/30/2004
Programs for People	\$815,895.00	\$237,793.00	\$578,102.00	6/30/2004
Reed Academy	\$463,813.00	\$57,009.00	\$406,804.00	6/30/2004

Rehabilitative Resources	N/A	N/A	N/A	N/A	N/A
Resource Consortium	N/A	N/A	N/A	N/A	N/A
Samaritans (Suburban West)		\$76,869.00	\$6,008.00	\$70,861.00	12/31/2003
SMOC		\$6,631,254.00	\$3,520,106.00	\$3,111,148.00	6/30/2004
South Middlesex Legal Services/rental		\$1,202,402.00	\$235,129.00	\$967,273.00	6/30/2004
South Middlesex Non-Profit Housing		\$31,811,594.00	\$26,739,633.00	\$5,071,961.00	6/30/2004
Spectrum Health Systems (Worcester)		\$11,498,747.00	\$6,373,862.00	\$5,124,885.00	6/30/2004
The KEY Program, Inc (FRAMINGHAM)		\$16,204,067.00	\$7,108,359.00	\$9,095,708.00	6/30/2004
Toward Ind. Living and Learning	N/A	N/A	N/A	N/A	N/A
Wayside		\$10,002,252.00	\$4,816,331.00	\$5,185,921.00	6/30/2004
Metrowest Latin American Center		\$104,802.00	\$99,613.00	\$5,189.00	6/30/2004
Trinity (Mental Health)		\$780,155.00	\$122,759.00	\$657,396.00	6/30/2004

Exhibit 85

From: Dawn Harkness [dawn@harkness.net]
Sent: Wednesday, November 02, 2005 1:14 PM
To: JIM CUDDY; George P. King, Jr.; Steven W. Orr; Bob Berman
Subject: Steve Orr's visit to 105 Irving Street

Dawn Harkness
P.O. Box 1723
Framingham, MA 01701
Telephone (508) 396-7168
Email:dawn@harkness

Mr. James T. Cuddy
Executive Director, South Middlesex Opportunity Council
300 Howard Street
Framingham, MA 01702

Mr. George P. King Jr.
Town of Framingham Town Manager
150 Howard Street
Framingham, 10702

November 2, 2005

I watched the November 1, 2005 Town of Framingham Board of Selectmen's meeting and thought I should send you my account of the events regarding Steve Orr's statements to me about his visit to the SMOC shelter at 105 Irving Street. On Tuesday evening October 25, 2005 at approximately 7:20 pm, Steven Orr and I met in the hallway outside the conference room before our 7:30 pm PILOT Study Committee meeting. Steve greeted me by saying, "Hey guess where I was last night? I was at the wet shelter." Steve is well aware that I am a SMOC employee who works part time on the weekends at a shelter for women. He proceeded to tell me that he and another Town Meeting Member happened to be in the neighborhood, and they decided to check out the wet shelter. He said that upon entering the building, he was met by a man whose only qualification for working the front desk was that according to Steve he was probably a former addict. Steve also said that when they entered the building that they had identified themselves as Town Meeting Members. Steve said he was doing research and he wanted to check out the wet shelter. He said that the shelter worker told him that he didn't think he could let him into the shelter. Steve then said to me, "So I pulled a Detective Fontana on him." I didn't know what that meant, so Steve explained that Detective Fontana is a character on a television show called, Law and Order. When Fontana wants to get a look at information he doesn't have a warrant for or permission to see he says, "It's ok, I'm authorized." Steve said that he said to the shelter worker "It's ok, we're authorized." and his ploy worked and he and the other Town Meeting member were allowed into the shelter.

Steve and I then went into the conference room where we continued the discussion with PILOT Study Committee member, James Palmer. Steve described his observations including his impressions of the shelter and the clients, the physical layout of the cots, and the fact that at the time he arrived, there were only a few women clients in the shelter. He was curious where everyone else was. I asked him what time he had been there and he said around 9:00. I suggested that at that time folks may have been at AA meetings. Shortly after that, our meeting was called to order and the conversation ended.

The next morning, on October 26, I was in the SMOC building at 300 Howard Street and I approached Ms Nicci Meadow, a SMOC administrator whom I knew had administrative and supervisory responsibilities for some

SMOC shelters. I told her about my conversation with Steve the night before, because I wanted someone to make sure that shelter workers do not allow just anyone off the streets to enter a shelter, gawk at the clients and potentially invade their privacy. Ms. Meadow said she was not in charge of the shelter at 105 Irving Street, but she would pass the information on to the appropriate administrator.

On October 26, 2005 at Framingham's Town Meeting where both Steve and I are Town Meeting Members, Steve retold parts of the same story including the part where he said to the shelter worker, "It's ok, we're authorized."

On November 1, 2005 I learned that SMOC had written a letter of complaint to the Framingham Board of Selectmen regarding Steve and his conduct. That evening also was the night of a scheduled PILOT Study Committee meeting. Steve and I were both in attendance. During a break, I approached Steve to talk to him about my role in discussing the issue with a SMOC administrator. Steve admitted that when he told me about his trip to the shelter he used the line, "It's ok, we're authorized," but he also said that the night he went into the shelter, he hadn't actually said that to the shelter worker. He said he embellished his story when he told it to me.

I don't know what happened the night Steven Orr went to the shelter at 105 Irving Street, since I wasn't there. All I know for certain is what I was told by Steve on October 25th, and October 26th, and November 1, 2005 and that is what I have written here.

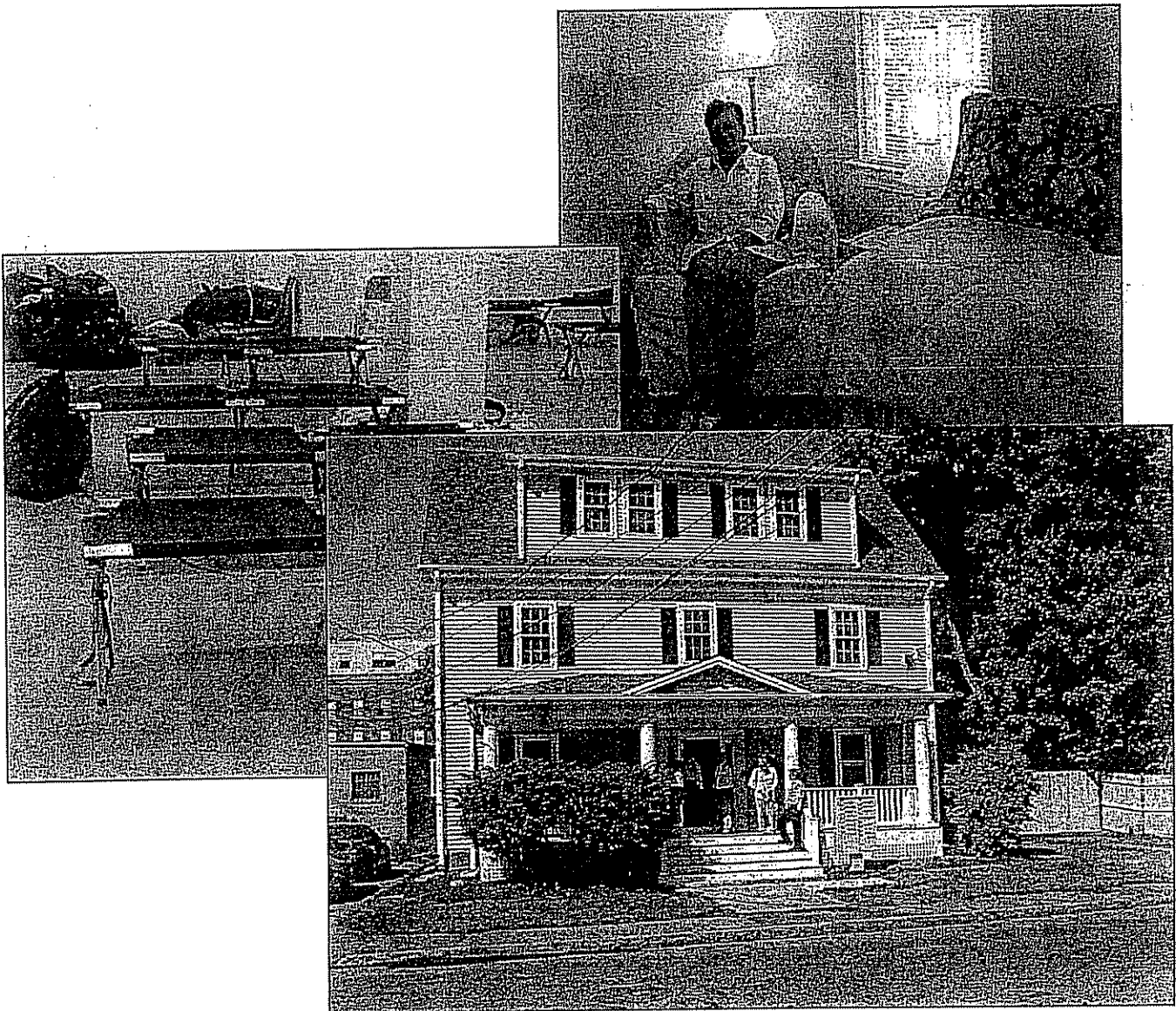
Dawn Harkness

Exhibit 86

The South Middlesex Opportunity Council

ENDING HOMELESSNESS FOR SINGLE ADULTS IN THE
METROWEST REGION OF THE COMMONWEALTH OF
MASSACHUSETTS

June 14th, 2006



Background:

Ending homelessness in this region, or anywhere, requires partnerships between government, non-profit agencies, the business community, local leadership and foundations.

Homelessness has become ubiquitous and accepted as part of all urban and many suburban landscapes. Homelessness has risen dramatically since the mid-1980's but recently, research and costs have driven a new movement to reverse the tides in many cities and municipalities throughout the country. The research of Dennis Culhane at the University of Pennsylvania and the leadership of Phillip Mangano of the US Interagency Council on Homelessness, formerly of the Massachusetts Housing and Shelter Alliance, are pushing Mayors, Governors, civic leaders and service providers to rethink services for homeless people. There has been particular emphasis on those who are considered "chronically homeless." Namely, get them into housing first and then provide on-site medical, case management and clinical support services. As recently as June 7th, an article appeared in the New York Times highlighting this movement to end chronic homelessness.¹

SMOC has a plan to end both chronic and episodic homelessness for single adults in the region. Homelessness in the Metrowest area has evolved over the past twenty years as it has evolved nationally.

Evolution of Homelessness in Metrowest:

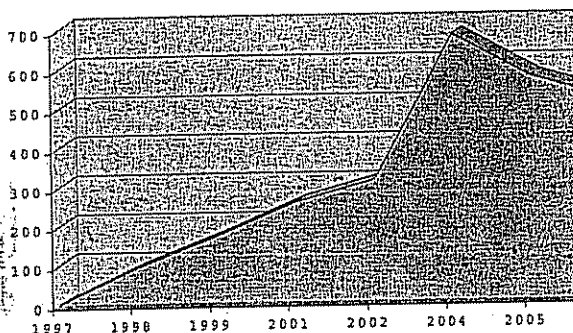
- 1986:** Roland's House opened as the Greater Marlboro Shelter in response to the death of a homeless man in Hudson.
- 1987:** Turning Point was opened by SMOC
- 1990:**
 - SMOC took over operations of The Marlboro Shelter
 - The Overflow Shelter was opened as a seasonal emergency shelter operated by the Interfaith Clergy Association in Framingham
- 1993:** Shadows opened as an emergency sober shelter program for women
- 1995:**
 - At their request, SMOC began working with the clergy in Framingham at the Overflow Shelter
 - SMOC opens Meadows, a shelter program for women exiting criminal justice system
- 1996:** Shadows became part of SMOC
- 1996:** Two men died while staying warm in a truck "in the weeds" section of Framingham. The Overflow shelter was not yet opened for the season
- 1998:** SMOC took over operations at the Overflow Shelter. Due to demand, the overflow shelter began year-round operations
- 2003:** The Framingham Detox closed

¹ Eckholme, Erik, "New Campaign Shows Progress for Homeless," *The New York Times*, June 7th, 2006
The US Department of Housing and Urban Development defines chronically homeless as being either continually homeless for a year or more OR having at least 4 episodes of homelessness in a 3-year period coupled with a disabling condition.

SMOC's Shelter System:

SMOC hosts a total of 94 beds per night in the shelter system of Metrowest. The Turning Point houses 18 sober men in Framingham; Roland's House houses 18 sober men and women in Marlboro; Shadows and Meadows combined houses 18 sober women in Ashland and the Common Ground is licensed to house 40 men and women each night in downtown Framingham.

All of the shelters other than The Common Ground have essentially been at maximum occupancy for many years and the Common Ground has served as "overflow" from the rest of the system. In addition, the Common Ground is the only shelter in the system and in the region, where people can stay without a demand of sobriety. In this way, it has filled a critical gap for any system serving homeless people. This need became further exacerbated in 2003 when the Framingham detox closed. The closing of this critical service and resource had a dramatic impact on the occupancy of the Overflow Shelter. In 2002, the Overflow provided emergency shelter for 310 people. In 2004, it served 679 people.



This graph also illustrates that the addition of new housing created by SMOC since 2004 has had an impact on reducing the census of the shelter.

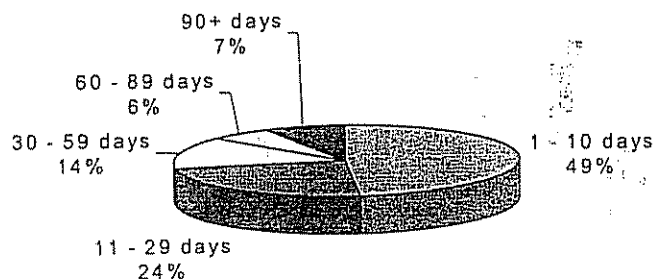
When we look further at the people that stay at the Common Ground, we learn that there it currently meets the needs of a diverse population. It serves men and

women who are both sober and actively using drugs and / or alcohol. It also serves some people that may not need to use it at all. This is evidenced by the fact that nearly half of the people that stayed there in 2005, stayed for less than 10 days. SMOC believes that the majority of these individuals could be diverted from shelter all together.

SMOC also knows² that people that use our shelter system are a diverse group and that there are no predictable factors as to what makes someone become homeless.

This is some of what we know:

- 44% are "chronically homeless"
- More than 2/3 have at least a high school diploma/GED & 1/4 have been to college



² In January 2006, SMOC conducted a point-in-time snapshot survey of guests using our shelter system

- Nearly 1/3 are working & almost 1/2 have significant work history
- Many people receive disability benefits
- 69% identify as White, 13% as African American & 16% as Hispanic
- 79% are between 35 and 54 but serve people of all ages
- 2/3 identify as being in recovery from drug or alcohol addiction -- 1/3 of these report at least 6 months since last consumption
- 59% have health insurance
- 29% have a chronic illness
- 71% of the women have experienced domestic violence and it was the cause of homelessness for 38% of all of the women

SMOC believes that shelter is not an answer and acknowledges that there are significant problems with the shelter system including the fundamental tenet that everyone deserves a home and that housing is a right. Beyond that, SMOC acknowledges that the co-ed environments can be intimidating and exploitive for women and that the environment is not conducive to human dignity for many reasons including a lack of privacy. By definition, shelter is not permanent and keeps people "in limbo" making it difficult to put other pieces together including family, work, school, and, for some, sobriety.

SMOC's Continuum of Housing and Care:

When SMOC began operating shelters, it simultaneously launched a non-profit housing development corporation to develop housing that would be truly affordable for the most economically disadvantaged people that the mission of the agency commits to serving. For 20 years, SMOC has been developing such housing with various program elements and serving a variety of sub-populations. The housing model is based on the development of Single Person Occupancy dwellings where each person maintains her or his own room with shared kitchen, common space and bathrooms. The bulk of this housing is what SMOC refers to as "Sober Housing" that has both property and program elements. SMOC currently owns and manages approximately 300 Sober Housing units in the Metrowest region. In addition, SMOC owns and manages 64 units of housing for people for whom addiction is not an issue. SMOC also has about 50 units of housing for people that need more support due to health needs. Finally, SMOC provides up to 24 units in the region of housing that has become known throughout the country as "Housing First." Perhaps the most controversial but also some of the most necessary, Housing First is a model of housing that has a low threshold and offers people housing without a requirement that the participant be sober. This housing is also coupled with case management services and short-term housing subsidies.

SMOC funds its entire housing continuum through a variety of sources. SMOC's shelters are funded primarily through the Department of Transitional Assistance (DTA); the Department of Public Health (DPH); the DTA Emergency Shelter Grant, United Way, the Metrowest Community Healthcare Foundation, FEMA and Fundraising (Golf Tournament & Evening of Giving). SMOC's housing is funded through the Department

of Public Health, the Department of Housing and Community Development, the Department of Mental Health, Mass. Behavioral Health Partnership, the U.S. Department of Housing and Urban Development and the Community Economic Development Assistance Corporation.

SMOC does charge a program fee or seeks subsidies for all of its housing units of \$40-\$100/ week. In order to keep housing affordable, SMOC partners with a diverse set of funders including: "first mortgages" from local commercial lenders; development grants or deferred mortgages from Mass Department of Housing and Community Development (DHCD); Community Economic Development Assistance Corporation (CEDAC); U.S. Department of Housing and Urban Development (HUD); and, the Federal Home Loan Bank (FHLB). Key project financing elements include interest rate, term, and amortization schedule. SMOC's developments usually costs between \$700,000 and \$2,000,000 and the capital subsidy generally ranges between \$30,000 and \$80,000 per unit.

The Sober Housing program has been a part of SMOC for 20 years has many elements and a structure that is described in detail in a separate document. However, peer support and education are fundamental elements of the program. Participants make commitments to themselves and sign contracts indicating that they are moving towards increased self-sufficiency, engaging in treatment, work, school and other services. Because participants pay rent of up to \$100/ week or \$5200/ year they must have income either through work or SSI/SSD. 60% of people have lived there between 6 months and 2 years. Participants also make commitments to their peers and housemates. The peer model of education and support is coupled with house meetings, chores and shared space. Finally, participants also agree to be good neighbors and SMOC works with participants to keep the building and property well maintained. Professional staff that is available around the clock for maintenance as well as personal problems or crises supports the peer model.

We know that participants in sober housing are also diverse but all are working towards rebuilding their lives³:

- Most participants (82%) were homeless at some point
- About 1/3 were chronically homeless
- One third came directly from a shelter program
- A quarter came from a residential treatment program
- Half are women and half are men
- More than half have experienced domestic violence (including two-thirds of the women)
- More than a third were victims of a crime at some point in their lives
- More than half have children and 1/3 of these see their children at least once a week

³ In March 2006, SMOC conducted a point-in-time survey of all participants in Sober Housing. Information was able to be compared with the information on shelter guests

- 70% have health insurance and two-thirds have a regular doctor
- 37 % have a chronic illness
- Nearly half have been to college

SMOC knows that the sober housing program works as a housing option for people who are homeless. Fundamentally, although only 1/3 come directly from shelter, more than 80% were homeless at some point. SMOC also knows that many people who are classified as "chronically homeless" can live in this sober housing model. Sober housing reduces the impact on various systems of care and increases public safety by reducing contact with the criminal justice system.

SMOC's Plan to End Homelessness:

Because SMOC believes that the shelter system is fundamentally problematic, the agency seeks to shut its shelters down over a two-year period. The fundamental elements to transforming the system are: More single-person-occupancy housing; money, (economic development and short-term subsidies) to cover housing costs of \$5200/ year; and, an integrated support system for homelessness prevention, stabilization, substance abuse treatment on demand and specialized services for a sub-category of the chronically homeless that are resistant to treatment or services.

The shelter system would be replaced by a Housing Resource Center that would be the primary focus of services. The resource center would be the place for intake, screening, assessment, homeless diversion stabilization and services for people who are in a current crisis of homelessness and for those already engaged in SMOC's housing continuum. There would be a wide range of services provided by professional staff including case managers/ service coordinators, employment specialists, housing specialists, behavioral health clinicians and medical staff.

SMOC has been developing a new database system that would collect centralized information about people using services. This would enable better coordination of services and an ability to measure outcomes.

From services and support at the resource center, some people would avoid homelessness altogether or would receive assistance to return to their "home community." Some people would receive an immediate referral for detoxification services or medical or psychiatric hospitalization. Some people, depending on history, income, addiction, mental health and other variables, may be able to go directly into a sober, affordable or transitional housing program. For those who could not be immediately placed, they would become guests in a 20 bed, 10-day emergency placement facility for further assessment and determination of needs.

Additional housing options and resources, coupled with treatment-on-demand and an economic development plan that puts people to work immediately are the critical elements for rapid re-housing that would be sustainable within the context of SMOC's housing development model.

Integrated throughout the model, would be a system of evaluation and an integration of evidence-based practices. SMOC would measure outcomes of various points in the system. Specifically, SMOC expects that:

- New system will be cost-effective and beneficial
- Prevention: People will be prevented from becoming homeless and entering the system
- Treatment on demand: People will access substance abuse and mental health treatment
- Shelter stays will be reduced: People will move into housing
- Individual shelters will be closed first in Framingham, next in Marlboro and then in Ashland

Stage 1: Reduce Shelter Capacity from 94 -56

The first stage would begin immediately after the opening up of two properties that SMOC owns but are awaiting permits.

The new properties would create 15-20 units of new sober and affordable housing units in Metrowest area. SMOC would move “sober” guests out of shelter into new housing. The agency would immediately cease shelter operations on Irving Street and transform that space into a Housing Resource Center and relocate existing staff. From the resource center, people that don’t really need shelter would be diverted to avoid homelessness. Others would go through an intake process and enter SMOC’s continuum of housing and care. SMOC would transform another shelter that is away from downtown into a short-term (10-day) emergency placement system for further assessment and placement.

Additionally, SMOC seeks to expand the “Housing First” model to serve an additional 7 to 10 treatment resistant individuals and also to implement an economic development initiative to create immediate entry-level jobs so that people can access income to be able to afford a modest rent.

Stage 2: Reduce Shelter Capacity from 56 to 38

Stage 2 would begin one year following the implementation of stage 1.

SMOC seeks to create an additional 15 units of supported and affordable housing in Metrowest Region and also to convert Roland’s House in Marlboro to Supported Sober Housing.

The Turning Point program (10-day emergency placement) would be reduced from 20 beds to 15. Simultaneously, SMOC would seek to expand the Economic Development Initiative. Finally, there would be an internal assessment and revamping of the resource center and the entire triage system that would use 10 months of operational data and information, feedback from staff and focus groups with clients.

Stage 3: Close all shelters other than a 10 bed, 10-day emergency placement program
Stage 3 would begin two years following implementation of stage 1.

SMOC would create additional 15-20 new units of supported and affordable housing in the Metrowest region and convert Shadows and Meadows programs in Ashland to supported housing program for women.

The new housing will allow the emergency placement capacity to be reduced from 15 to 10 beds. SMOC would continue to measure outcomes and improve all aspects of the new design. We would measure the effectiveness of diversion based on the number of people that don't really need shelter, don't ever enter system. The number of transitional or permanent placements would measure the effectiveness of the emergency placement program. Finally, the number of people able to sustain housing would measure housing stability.

Summary of the Plan

The plan as it is envisioned would benefit the community, clients, and the entire Commonwealth of Massachusetts. The primary and most obvious benefit to the community is that the downtown shelter would be eliminated permanently. The plan would reduce the utilization of expensive systems of care including hospitals. Fundamentally, the plan is good public policy and promotes good public health. SMOC clients would have more dignity, homelessness would be diverted entirely or dramatically reduced and finally, economic development and self-sufficiency are increased.

The Commonwealth benefits because we would be at the forefront of National movement to end homelessness and this creates a model that is measurable and replicable.

Key Factors of Success and Support

To make this work, SMOC seeks to build on existing partnerships and forge new ones. There needs to be partnership and On-Going Dialogue between SMOC and community officials, neighbors, state officials, business leaders, foundations, the United Way and others.

Specifically SMOC seeks:

- **Department of Transitional Assistance (DTA):**
 - Pilot prevention funding
 - Amend existing contracts to support conversion strategy
- **Department of Mental Health (DMH) and DTA:**
 - Expansion of funding for Chronically Homeless and subset of treatment -resistant population
 - Housing and service integration
- **Department of Public Health (DPH):**
 - Expansion of treatment options
 - In-patient and supported housing
- **Department of Housing and Community Development:**
 - Continued support of SPO housing development

- **Department of Youth Services and Department of Social Services:**
 - Expand housing and service programs for those aging out of foster care & other young adults (18-24 years olds)
- **Department of Corrections and Executive Office of Public Safety:**
 - Expansion of housing and program services for reentry population to increase public safety
 - Explore creating short term rental subsidy programs
- **Massachusetts Behavioral Health Program:**
 - Expansion of chronically homeless case management system to serve 40 individuals
- **Chamber of Commerce and Business Leaders:**
 - Partnerships with economic development initiative (*Ready, Willing and Able*).
 - Access to business foundations for start-up funds
- **United Way and the Metrowest Community Healthcare Foundation**
 - Funding for triage, prevention and stabilization at the Housing Resource Center

Next Steps

- Internal meetings with Continuum Staff to implement Phase I
 - Establish a start date
- Seek and obtain support from stakeholders for the implementation of the Plan

Conclusion

SMOC's plan to end homelessness for single adults in the Metrowest region is bold yet manageable. It is in keeping with innovative thinking and planning that is occurring throughout the entire country on confronting homelessness. It creates a closed loop within SMOC's continuum of housing and care with a variety of housing options, homeless prevention, stabilization and integration of services. The system will be outcome-driven and will use evidence-based practices creating a model that is sustainable and replicable. Above all, this new system will provide a dignified approach to individuals in crisis while increasing public safety and public health.

Welcome Why Are We Here Today?

To Talk About Homelessness and
How We Can Work Together To End It

This Presentation Will:

- Introduce SMOC's Continuum of Housing and Care
 - Describe how the current shelter system fits
 - Identify the problems and gaps
 - Lay out a vision
- Describe a plan to end shelter as we know it
 - Talk about what's needed to get there

1

Who Are The Stakeholders?

- Staff from SMOC's Housing Continuum and Supportive Service Programs
- Strategic Partners and Stakeholders
 - State officials: DTA, DHCD, DPH, DOC, DMH, Probation
 - Local Town Officials
 - The United Way
 - Metrowest Community Healthcare Foundation
 - Members of the business community
 - Chamber of Commerce
 - Banks
 - Community Leaders

2

Background and History

- Homelessness has become an accepted aspect of urban landscapes throughout the country
- Research-Driven policy-shift from HUD, Interagency Council on Homelessness & Communities Throughout the Country to:
 - Planning process to end "Chronic Homelessness"
- SMOC plan to end both "chronic" and "episodic" homelessness
- Op-Ed Article in the Metrowest Daily in January Announced that SMOC Wants to Close Our Shelters

Cuddy: SMOC official issues challenge to close homeless shelters
By James T. Cuddy / Guest Columnist
Sunday, January 22, 2006
In Framingham recently, a woman burned to death in a dumpster. Her life ended in a container, on a side street adjacent to downtown, within walking distance of the Common Ground Shelter. Police were not immediately able to identify the body, did not suspect foul play, and theorized that "Jane Doe" was...

3

Background and History:

Evolution of Homelessness in Metrowest

- 1986: Roland's House opened as the Greater Marlboro Shelter in response to the death of a homeless man in Hudson
- 1987: Turning Point was opened by SMOC
- 1990:
 - SMOC took over operations of The Marlboro Shelter
 - The Overflow Shelter was opened as a seasonal emergency shelter operated by the Interfaith Clergy Association in Framingham
- 1993: Shadows opened as an emergency sober shelter program for women
- 1995:
 - At their request, SMOC began working with the clergy in Framingham at the Overflow Shelter
 - SMOC opens Meadows, a shelter program for women exiting criminal justice system
- 1996: Shadows became part of SMOC
- 1996: Two men died while staying warm in a truck "in the weeds" section of Framingham. The Overflow shelter was not yet opened for the season
- 1998: SMOC took over operations at the Overflow Shelter. Due to demand, the overflow shelter began year-round operations
- 2003: The Framingham Detox closed

4

Background and History:

Evolution of Homelessness in Metrowest - Continued: Capacity

94 beds total/night

- Turning Point (Framingham):
 - 18 sober beds - men
- Roland's House (Marlboro):
 - 18 sober beds - men and women
- Shadows (Ashland)
 - 10 sober beds - women only
- Meadows (Ashland)
 - 8 Sober program beds - women only
- Overflow/Common Ground (Framingham)
 - 40 beds - men and women
 - Sober and "active"

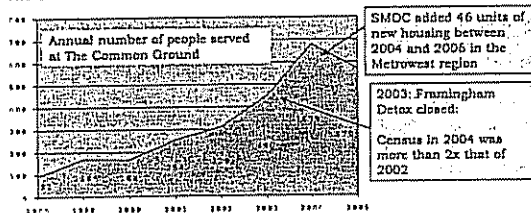


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Background and History:

Evolution of Homelessness in Metrowest - Continued: Occupancy

- Turning Point, Marlboro, Shadows and Meadows shelters have been operating at a combined maximum capacity of 54 people/night for years
- The Common Ground shelters the "overflow" of the system:



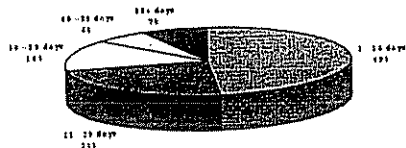
FY '05, nearly 1000 clients served in all shelters

6

Background and History:

Evolution of Homelessness in Metrowest - Continued:
Individuals' Shelter Utilization: The Common Ground

- Nearly half of the guests at the Common Ground Shelter spend less than 10 days in shelter
- Only 7% utilize the shelter for more than 90 days



7

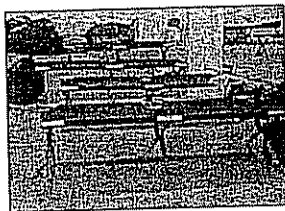
Who Uses SMOC's Housing Continuum? Information from SMOC's Point-In-Time Snap Shot of Shelter Guests and SMOC Data

Diverse -- Each person has her or his own story

- 44% are "chronically homeless"
- More than 2/3 have at least a high school diploma/GED and 25% have been to college
- Nearly 1/3 are working & almost 1/2 have significant work history
- Many people receive disability benefits
- 69% identify as White, 13% as African American & 16% as Hispanic
- 79% are between 35 and 54 but serve people of all ages
- 2/3 identify as being in recovery from drug or alcohol addiction -- 1/3 of these report at least 6 months since last consumption
- 59% have health insurance
- 29% have a chronic illness
- 71% of the women have experienced domestic violence and it was the cause of homelessness for 38% of all of the women

What is Wrong With Today's Shelter?

- Everyone deserves a home, a place of their own to live
- Co-ed environments can be intimidating for women
- The environment is not conducive to human dignity
- There is a lack of privacy
- It is not a solution, people are "in limbo"



9

SMOC's Continuum of Housing & Care in the Metrowest Region: An Overview

More than 400 housing units for single
adults in Metrowest today

- Multiple internal and external entry points
 - shelters & structured residential programs
- Variety of housing options for men and women:
 - "Pre" Sober Housing: 50
 - Residential programs: Post-Detox; Serenity House; etc
 - "Maggie's Place"
 - Sober Housing: 300 units:
 - Largest housing stock
 - Some specialized populations -- veteran's, young adults, women only, men only, subsidized units
 - Affordable/Transitional Housing: 64 units
 - "Housing First": up to 24 units

10

Background and History:

Evolution of Homelessness in Metrowest - Continued:
Funding

Funding for shelters:

- Department of Transitional Assistance (DTA)
- DTA - Emergency Shelter Grant
- United Way
- Metrowest Community Healthcare Foundation
- FEMA
- Fundraising (Golf Tournament & Evening of Giving)

Funding for other housing continuum programs:

- Department of Public Health
- Department of Housing and Community Development
- Department of Mental Health
- Mass. Behavioral Health Partnership
- U.S. Department of Housing and Urban Development
- Community Economic Development Assistance Corporation

11

SMOC's Housing Continuum

Housing Development Overview - Financing Strategy

- In order to develop these critically needed incremental units and to keep them affordable, SMOC partners with a diverse set of funders:
 - First Mortgages from Local Commercial Lenders
 - Development Grants or Deferred Mortgages from:
 - Mass Department of Housing and Community Development (DHCD)
 - Community Economic Development Assistance Corporation (CEDAC)
 - U.S. Department of Housing and Urban Development (HUD)
 - Federal Home Loan Bank (FHLB)
- Key elements to make the project economically viable are:
 - Rental structure typically ranging from \$70 to \$100 per week
 - Key project financing elements include Interest Rate, Term, Amortization Schedule

SMOC's Development projects typically cost in the range of \$700,000 to \$2,000,000

Typical Debt Load ranges from \$15,000 to \$30,000 per unit

Typical Capital Subsidy ranges from \$30,000 to \$80,000 per unit

12

SMOC's Housing Continuum

Housing Development Overview - Financing Strategy - Continued

Typical Development Project - "Larry's Place", Birmingham

Project Description: To provide 19 units of affordable housing for low-income and formerly homeless veterans

- Rent \$90 per week

Funders:

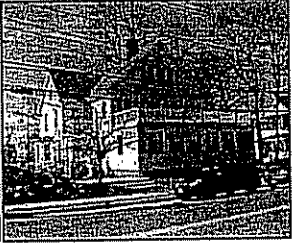
- Natuck Federal Savings Bank
- HUD (McKinney Grant)
- DHCD (Housing Innovations Fund Grant)

Total Development Cost \$1,090,000

Total Development Cost Per Unit \$57,368

Debt Per Unit \$16,924

Capital Subsidy Per Unit \$40,444



13

SMOC's Housing Continuum

Sober Housing Program: An Overview


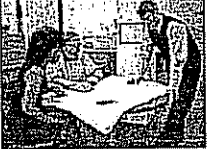
- **Commitment to self:**
 - Contract to be moving towards increased self-sufficiency, engaging in treatment, work, school and other service
 - 60% of people have lived there between 6 months and 2 years
 - Participants pay up to \$100/ week (\$5200/ year) Below Market Rate
- **Commitment to peers and "housemates:"**
 - Peer model of education and support around recovery & life skills
 - 12-19 people, generally co-ed, support and help one another
 - Weekly House Meetings and Chores
 - Shared kitchen, bathrooms and common space
- **Commitment to neighbors and community:**
 - Agreement to be a good neighbor
 - House and property are well maintained

14

SMOC's Housing Continuum

Sober Housing Program: An Overview - Continued

- **Professional management and support**
 - Resident House Managers
 - Housing Coordinators
 - Program Manager
 - Director of Housing
 - Facilities and Maintenance
- **Successfully in operation for over 20 years**

Who Uses SMOC's Housing Continuum? Information from SMOC's Point-In-Time Snap Shot of Sober Housing Participants

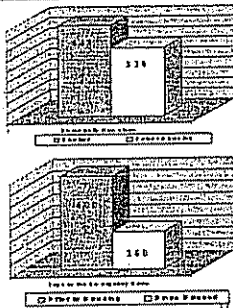
- Most participants (82%) were homeless at some point
- About 1/3 were chronically homeless
- One third came directly from a shelter program
- A quarter came from a residential treatment program
- Half are women and half are men
- More than half have experienced domestic violence (including two-thirds of the women)
- More than a third were victims of a crime at some point in their lives
- More than half have children
 - A third of these see their children at least once a week
- 70% have health insurance and two-thirds have a regular doctor
- 37 % have a chronic illness
- Nearly half have been to college

*All Are Building or Rebuilding Their Lives
and Have Dreams for Themselves and Their Families*

SMOC's Housing Continuum Sober Housing Works!

Examples:

- Sober Housing houses chronically & episodically homeless:
- 70% Reduction in Emergency Room Visits:
- Criminal Justice Involvement Virtually Disappears
 - Approximately 3/4 of the participants have had some contact with the criminal justice system
 - Since living in SMOC Sober Housing, of all participants, only two have had any contact with the criminal justice system



SMOC's Housing Continuum Affordable Housing

- Broadens SMOC's housing options to include those for whom addiction is not an issue
- Need for basic affordable housing -- Single Person Occupancy



SMOC's Housing Continuum "Housing First"

Some people who are homeless continually struggle with sobriety and can not maintain it

- National housing and case management model
- Cost-saving
- Good neighbor policy still applies
- Society's laws still apply
- Housing stability is precursor to sobriety for some
- Funded through the Department of Mental Health and Mass. Behavioral Health Partnership



19

What Are The Obstacles? Designed Continuum of Housing and Care

1. Single-Person Occupancy Housing
 - Insufficient number of units
 - Supportive and Independent
2. Money
 - Model requires \$5200/ year for rent and utilities
 - Job or Subsidy
3. Integrated Support Service System
 - Prevention
 - Stabilization
 - Treatment on demand
 - Subcategory of "treatment-resistant" people

20

Replace Shelter System With...

- Continued creation of supportive and affordable housing system
- A new Housing Resource Center
- A 10-day emergency placement program
- New database system and technology
- Economic development initiatives
- Enhanced integration of support services

21

The Housing Resource Center

- Professional office for:
 - Intake
 - Assessment
 - Homeless diversion
 - Health care
 - Stabilization
 - Career center
 - Behavioral Health Services
- Staffing includes:
 - Case Managers/ Service Coordinators
 - Housing specialists
 - Employment specialists
 - Health care professionals
 - Mental health / Substance abuse treatment clinicians

22

Outcomes and Expected Results

Evidence-Based Practices:

SMOC will create a feedback and evaluation loop to measure success of programs and interventions and improve system as it evolves

- New system will be cost-effective and beneficial
- Prevention: People will be prevented from becoming homeless and entering the system
- Treatment on demand: People will access substance abuse and mental health treatment
- Shelter stays will be reduced: People will move into housing
- Individual shelters will be closed in Framingham, Ashland and Marlboro

23

SMOC's Plan

Stage 1: Shelter Capacity Reduction from 94 - 56
Timeline: Immediately Following Opening of New Housing

- Cease shelter operations on Irving Street, close the Common Ground Shelter
- Open 15-20 new sober and affordable housing units in Metrowest area
- Move "sober" guests out of shelter into new housing
- "Divert" people that don't really need shelter
- Expand "Housing First" model
- Create a Housing Resource Center at Irving Street & relocate existing staff
- Implement intake, triage, prevention and stabilization system
- Restructure Turning Point Shelter
- Implement Economic Independence Initiative

24

SMOC's Plan - Continued

Stage 2: Reduce shelter capacity from 56-38
Timeline -1 year following implementation of Stage 1

- Convert Roland's House in Marlboro to Supported Sober Housing
- Create an additional 15 units of supported and affordable housing in Metrowest Region
- Downsize Turning Point 10-day program from 20 beds to 15
- Expand Economic Development Initiative
- Assess and revamp intake and triage system using:
 - 10 months of operational data and information
 - Feedback from staff
 - Focus groups with clients

25

SMOC's Plan - Continued

Stage 3: Timeline -- Two years following implementation

- Convert Shadows and Meadows in Ashland to supported housing program for women
- Create an additional 15-20 new units of supported and affordable housing in the Metrowest region
- Downsize Turning Point 10-day program from 15 to 10 beds
- Measure outcomes and improve program:
 - Diversion: People that don't really need shelter, don't ever enter system
 - Emergency placement: Measure effectiveness based on # of transitional or permanent placements
 - Housing stability: Measure number of people able to sustain housing

26

Summary

- **Benefits to the community**
 - No downtown shelter
 - Good public health
 - Good public policy
 - Reduction of utilization of systems of care
 - Improved public safety
- **Benefits to clients**
 - More dignity
 - Homelessness diverted or dramatically reduced
 - Economic development and self sufficiency are increased
- **Benefits to the Commonwealth**
 - Forefront of National movement to end homelessness
 - Create model that is measurable and replicable

27

Key Factors to Success

- An Understanding and Support of SMOC's Plan
- Partnership and On-Going Dialogue between:
 - SMOC
 - Community Officials
 - Neighbors
 - State Officials
 - Business Leaders
 - Foundations
 - United Way
 - Others

28

Required Support: The Commonwealth

- Department of Transitional Assistance (DTA):
 - Pilot prevention funding
 - Amend existing contracts to support conversion strategy
- Department of Mental Health (DMH) and DTA:
 - Expansion of funding for chronically homeless individuals and subset of treatment-resistant population
 - Housing and service integration
- Department of Public Health (DPH):
 - Expansion of treatment options
 - In-patient and supported housing
- Department of Housing and Community Development:
 - Continued support of SPO housing development
- Dept. of Youth Services and Dept. of Social Services:
 - Expand housing and service programs for those aging out of foster care & other young adults (18-24 years olds)

29

Required Support - continued

- Department of Corrections (DOC), County Corrections and the Executive Office of Public Safety:
 - Expansion of reentry programs and systems to increase public safety
 - Explore creating short term rental subsidy programs
- Mass Behavioral Health Program:
 - Expansion of chronically homeless case management system to serve 40 individuals
- Health care integration and expansion through partnership with Great Brook Valley
- Chamber of Commerce and Business Leaders:
 - Partnerships with *Ready, Willing and Able*
 - Access to business foundations for start-up funds
- United Way & Metrowest Community Healthcare Foundation
 - Funding for triage, prevention and stabilization

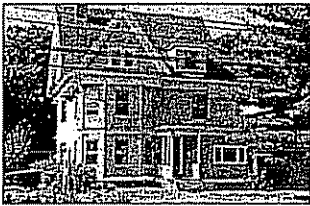
30

Next Steps

- Internal Meetings with Continuum Staff to implement Phase I
 - Establish a start date
- Seek and obtain support from stakeholders for the implementation of the Plan

31

SMOC South Middlesex Opportunity Council



**Home... it
all begins here**

32

10/1/01

Exhibit 87

Stop SMOC
www.smocingham.org

Shelter change in the long term	Friday, September 29, 2006
<u>D. Craig MacCormack 508-626-4429</u>	<u>Metrowest Daily News</u>

FRAMINGHAM -- SMOC officials said yesterday they aren't turning their backs on alcoholics by closing the downtown wet shelter, but will no longer offer a long-term option after Oct. 16.

Gerard Desilets, planning director for the South Middlesex Opportunity Council, said the social service agency will place clients in its Turning Point Shelter for one or two nights in emergencies, but the long-term goal is to get them in situations that will be more beneficial to their recovery.

That means finding a more permanent housing setup in one of SMOC's 20 other programs, which include about 500 beds.

"It's important that no one is ever left at serious risk," said Desilets. "But, we can't continue putting people in cots and expect them to fully be able to recover from whatever is afflicting them."

In June, SMOC announced a three-year plan aimed at ending homelessness. The first phase of that plan includes closing the shelter at 105 Irving St. and converting SMOC headquarters at 300 Howard St. into a resource center where its clients can get help finding jobs, homes and other tools for recovery.

Executive Director Jim Cuddy said the agency plans to close one shelter per year as part of the plan.

The demand for beds at the wet shelter generally increases in the winter, said Desilets, but with it being closed, he expects police will bring anyone who needs SMOC's help to Turning Point for a brief stay, after which the person is likely to be asked to enter a detoxification center.

Because no such offering exists in Framingham, Desilets expects most clients who are actively battling alcoholism would go to centers in Westborough or Worcester. Selectman Ginger Esty said she sees SMOC's decision, announced Wednesday, as a major victory in the fight to limit the number of social service agencies that take root in town.

Hopkinton residents recently won a Land Court decision against MetroWest YMCA, which hoped to use Dover Amendment protection to build a health club. Esty expects more towns to fight projects aiming to use the Dover Amendment.

"There are other things that can be questioned," she said, pointing to Wayside Youth and Family Support Network's proposed project on Lockland Avenue that is being fought in court. "There will be more challenges."

Esty believes the threat of legal action was enough to make SMOC back down.

"I believe they've made the right decision for themselves," she said. "They avoided a test case that would affect siting for similar buildings across the state. They've had pressure before, which they've ignored, so there has to be another reason why they're closing that shelter at this point."

Desilets, though, pointing to SMOC's plan to end homelessness as the sole reason behind the move. "Regardless of

any legal discussion, the more important part of this is ending homelessness," he said.

Cuddy laughed at Esty's assertion.

"It's not right to take the government's money unless you have a plan," he said. "We've been working on this plan for a lot longer than the recent brouhaha about this shelter."

Send comments to:  hjw2001@rcn.com


Stop SMOC
www.smocingham.org

Exhibit 88

<p align="center">Stop SMOC www.smocingham.org</p>
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Memo: Shelter not protected by law	Thursday, October 5, 2006
D. Craig MacCormack 508-626-4429	Metrowest Daily News
<p>FRAMINGHAM -- A memo from the town's former building commissioner to town officials saying the Common Ground Shelter did not deserve Dover Amendment protection was sent the same day SMOC announced it was closing the shelter.</p> <p>Joe Mikielian, who is now code enforcement officer in Worcester, sent a two-page memo Sept. 27 to Town Manager Julian Suso, Town Counsel Chris Petrini and Mike Foley, who was elevated to acting building commissioner when Mikielian left his Framingham position Friday.</p> <p>Mikielian wrote "there was very little testimony, documents, or evidence presented...that clearly indicated that 'educational' programming is the primary function or dominant purpose" at Common Ground.</p> <p>"The primary purpose...is to offer shelter to individuals who may or may not be presently intoxicated or under the influence of drugs," Mikielian wrote. "Education is only ancillary."</p> <p>The memo, in which Mikielian said the shelter was not worthy of Dover Amendment protection, marked a reversal of Mikielian's original opinion of SMOC's plans, which allowed the controversial downtown wet shelter to open several years ago. On the same day of Mikielian's memo, SMOC said it would close the shelter Oct. 16.</p> <p>Selectman Ginger Esty said last week following SMOC's announcement that the agency was closing the shelter to avoid a legal fight with the town, one that could set the stage for them to be forced to close others in the region.</p> <p>SMOC officials, though, shot back, saying the closure is part of a long-term plan to end MetroWest homelessness by replacing cot-filled warehouses with more stable housing options for people in need.</p> <p>The agency hopes to close one shelter per year under the plan it revealed this summer. The housing-first approach has taken hold nationally and looks at the lack of stable housing as the catalyst for some people getting involved in alcohol and drug abuse, rather than the other way around.</p> <p>Executive Director Jim Cuddy said earlier in the day he had not seen the memo from Mikielian. After the Daily News sent him a copy, he said he "disagree(d) with (Mikielian's conclusion)."</p> <p>"I believe (the shelter) is educational and protected not only under the Dover Amendment, but also by the Americans with Disabilities Act," said Cuddy.</p> <p>Cuddy was surprised at Mikielian's reversal, saying he had met with him and other town officials the week before announcing the shelter would close and never heard Mikielian mention he felt differently about the program.</p> <p>"I don't know why he decided what he did," said Cuddy. "I knew he was doing an investigation, but he didn't mention his opinion when we met."</p> <p>Efforts to reach Suso and Mikielian yesterday were unsuccessful.</p> <p>Selectmen Chairman Dennis Giombetti said yesterday he believes it was "just a coincidence" that SMOC's announcement came on the same day as Mikielian's memo, but he believes the social service agency was intimidated by the possibility of a lawsuit.</p>	

"I'm sure (Mikielian's reversal) was a factor, because I'm sure that's what they expected," said Giombetti. "They had said they were planning to close the shelter, but I don't think (what Mikielian wrote) was a surprise."

Send comments to:  hjw2001@rcn.com

Stop SMOC
www.smocingham.org

Exhibit 89



TOWN OF FRAMINGHAM
Inspectional Services Division
Department of Building Inspection
Memorial Building, Room 203
150 Concord Street
Framingham, Massachusetts 01702-8368

Michael F. Foley, C.B.O.
Building Commissioner

Telephone: 508-532 5500
Fax: 508-628-1362
Email: Building.Dept@FraminghamMA.gov

September 18, 2007

James Hanrahan
Bowditch & Dewey, LLP
175 Crossing Boulevard, Suite 500
Framingham, MA 01702

Re: 90 Lincoln Street,
Framingham, MA

Dear Attorney Hanrahan,

Please accept this letter on behalf of your client South Middlesex Non-Profit Housing Corporation ("SMNPHC") and South Middlesex Opportunity Council ("SMOC") in regards to their building permit application submitted to this office on July 11, 2007 and the submittal of additional information on August 16, 2007 in response to the request made by this office.

The Building Permit Application, the letter attached and the Town of Framingham Zoning Map indicate the property is located within a (B) Business Zoning District. The structure is one of three buildings located on one lot. The structure is (2 1/2) two and half story and of wood frame construction. The present use of the property is Non-Medical Offices and the proposed use is 19 single person/room occupancies (SRO/SPO). The plans prepared by Albert David Fine, Fine Associates submitted with the application indicate the change in the building use classification from a (B) Business use to (R-4) Group Home.

The cover letter of July 11, 2007 submitted with the building permit application requested this office review application and:

- (1) Determine that the proposed project is a non-profit educational use subject to the protection of MGL c 40A § 3 ('the Dover Amendment')
- (2) Determine that the proposed use is not a change of use contemplated by section 1 D. 6 of the Framingham Zoning By-Law (the "Zoning By-Law") or in the alternative approve a change of use for the Property, without referring this project to the Zoning Board of Appeals (the "ZBA") for a Special Permit for a change in use; and
- (3) Issue a Building Permit, without referring this project to the Planning Board for Site Plan Review

Determine that the proposed project is a non-profit educational use subject to the protection of MGL c. 40A § 3 ("the Dover Amendment")

I have reviewed the language of MGL c. 40A § 3 in specific where it reads:

No zoning ordinance or by-law shall regulate or restrict the interior area of a single family residential building nor shall any such ordinance or by-law prohibit, regulate or restrict the use of land for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies of politic or by a religious sect or denomination, or by a non-profit educational corporation;

The Articles of Organization for "SMOC" indicate the purpose in which it was established in 1965

The purpose of this corporation are to mobilize and utilize resources both private and public for the creation of opportunity for education and training opportunity to work, and the opportunity to live in decency and dignity for everyone in the community regardless of race, creed or color.

The Articles of Organization for "SMOC" were further amended in 1981 where it appears:

Said corporation is organized exclusively for charitable, religious, educational and scientific purposes, including, for such purposes the making of distribution to organizations that qualify as exempt organizations under section 501 (c) (3) of the Internal Revenue Codes of 1954.

The Article of Organization for "SMNPHC" indicates the purpose in which it was established in 1986;

To mobilize and utilize resources, both public and private, in order to provide opportunities for education, training, vocational rehabilitation, care and treatment, and shelter for individuals and families, regardless of race, creed, color and age;

To acquire, hold, sell, lease and otherwise manage real and personal property for the use of the South Middlesex Opportunity Council Inc , and any or all of its affiliates. agents or employees, such use to be limited to furthering shelter, housing, care, education ,treatment and rehabilitation.

In addition to the Articles of Organization and at the request of this office you and your client provided some additional information of general descriptions of educational/training that may be offered to residents you are seeking to occupy these 19 single person rooms. This office further requested information on funding sources such as grants and contracts from other governmental sources to assist in determining exempt use status, which in your letter you declined to submit, stating that the towns request for the information implied discrimination on the part of the town. I can assure you that there was no such discriminatory intent

When this office makes a determination that a use qualifies as being permitted or exempt in accordance to the Town of Framingham Zoning By-Law reference to permitted uses, this office considers the organization and their qualifications. In view the Articles of Organization for "SMOC" and "SMNPHC" the purposes of the corporations and their non-profit status. "SMOC" and "SMNPHC" do appear to qualify as organization(s) meeting the criteria established in MGL c. 40A § 3.

This office also considers the principal, primary purpose of the use and the land and structure in which the primary use will be conducted on/within. In review of the plans presented to this office, the first (1st) floor illustrates seven (7) bedrooms, a kitchen, a living room, two (2) bathrooms of which one (1) is Handicap Accessible, large foyer and two (2) sets of stairs leading to the second (2nd) floor. The 2nd floor illustrates 7 bedrooms, 2 bathrooms and a sitting room (possible bedroom) and two (2) sets of stairs to the 3rd floor. The 3rd floor illustrates 5 bedrooms, 1 bath and a sitting room that provides access to bedroom #19.

The plans do not illustrate any common area where the residents may dine together, any area designated for educational and training. Moreover, the supplemental information which you submitted in response to the request by this office also does not demonstrate that the primary use of the property will be an educational use. Therefore this office does not determine the proposed use of the building and lands located at 90 Lincoln Street to qualify as an exempt use pursuant to MGL 40A § 3 (the Dover Amendment).

Determine that the proposed use is not a change of use contemplated by section I.D. 6 of the Framingham Zoning By-Law (the "Zoning By-Law") or in the alternative approve a change of use for Property, without referring this project to the Zoning Board of Appeals (the "ZBA") for a Special Permit for a change in use; and

The Town of Framingham Zoning By-Law § III.C.5.b. (5): Permits as of right offices for Business and Professionals within the (B) Business Zoning District. Where the present use is Non-Medical Offices, this use is consistent with the permissible uses for this zoning district and does not qualify as a Non-Conforming use and therefore does not qualify for a Special Permit pursuant to § I.D.6.

Issue a Building Permit, without referring this project to the Planning Board for Site Plan Review.

The plans prepared by Albert David Fine, Fine Associates indicate the Building Use Classification as R-4 (Group Residence). 780 CMR 423.2 defines a Group Residence;

A group residence is a premise licensed by or operated by an agency of the Commonwealth of Massachusetts or subdivision thereof, as a special residence for those who are capable of self-preservation in the following categories; (1), (2) & (3) ... see section

This office does not concur with Mr. Fine's Building Classification for Use, due in part to the applicants' reluctance to submit information supporting this proposed use when requested and the manner in which the proposed plan shows the building to be designed for its intended use, further this office's review of the plans illustrate a use more consistent with 780 CMR 310.4 Use Group R-2; Boarding House.

This use group shall include all multiple dwellings having more than two dwelling units, except as provided for in 780 CMR 310.5 for multiple single dwelling units, and shall also include all boarding houses and similar buildings arranged for shelter and sleeping accommodations in which the occupants are primarily not transient in nature.

780 CMR 310.2 Definitions; Dwellings:

Boarding House: A building arranged or used for lodging for compensation with or without meals and not occupied as a single unit

The Town of Framingham Zoning By-Law § III .C.5.c.(6); Requires the granting of a Special Permit from the Zoning Board of Appeals for Hotel, Boarding and Lodging House use located within the (B) Business Zoning District with a gross floor area less than 8,000 square feet. According to the plans submitted the gross floor area is 6,588 square feet therefore a Special Permit would be required.

The present use of the property is Non-Medical Offices occupying 6,588 gross square feet. The Town of Framingham Zoning By-law Off Street Parking section IV.B 1.A; requires a minimum of 1 parking space per 250 square feet of gross floor area for Non-Medical Office use (6,588/250) or 26 parking spaces. The proposed use as R-2 Lodging/Boarding House requires a minimum of 1.25 parking spaces per unit plus 1 parking space per 2 employees. The additional information submitted to this office on August 16, 2007 indicates that there will be a minimum of six (6) full time staff members, (Housing and Assistant Housing Manager one person for 8 hrs 24/7) and possibly an additional seven (7) staff members who may or may not visit the property. The Town of Framingham Zoning By-Law parking requirements for 13 employees and 19 units' x1.25) requires a minimum of 31 parking spaces a net increase of 5 additional parking spaces.

The Town of Framingham Zoning By-Law § IV I. 2. d); requires Site Plan Review approval through the Planning Board for any substantial change in use of an existing structure which requires 5 or more off street parking spaces.

Conclusion

This office is not prepared to approve the building permit application for 90 Lincoln Street to change the use from Non-Medical Office to Single Person Occupancy. This office has determined that based on the proposed plans for the change in use and insufficient documentation supporting an educational/ training environment as the primary purpose for the use of this building and land. The proposed change in use does not qualify as an exempt use pursuant to MGL c 40A §3. This office does not consider the use classification provided by the applicant and Albert David Fine, Fine Associates to be consistent with the Mass State Building Code 780 CMR 310.1; Residential Use Groups 310.6 R-4 one and two family. This office has determined based on the plans submitted and occupancy as 19 Single Person Rooms, to be a Boarding House a Residential Use Group Classification R-2 780 CMR 310.4.

Where this office has determined the proposed use to be a Boarding House and to be located within the (B) Business Zoning District a Special Permit for this use from the Zoning Board of Appeals is required. Where this is a change in use from Non-Medical Offices to Boarding House requiring 5 additional parking spaces from the previous use, Site Plan Review is required from the Planning Board. Where the use is a Boarding/Lodging House a license issued by the Board of Selectmen is required, pursuant to MGL c 140 § 22. Further the Framingham Fire Department has not approved the plans as submitted due to insufficient information per 780 CMR 903.1.1 Fire Protection Construction Documents and 780 CMR 903.1.2 Plans.

90 Lincoln Street

If you are aggrieved by a decision or interpretation made by this office you have a right of appeal pursuant to Mass State Building Code 780 CMR 122.0 and the Town of Framingham Zoning By-Law § V D 2 a (2).

Any questions or concerns with the information provided, please contact this office at (508) 532-5500

Respectfully



Michael Foley, CBO
Building Commissioner

Cc: Julian Suso, Town Manager
Christopher Petrini, Town Counsel
John Grande, Administrator to Planning Board
Eugene Kennedy, Administrator to Zoning Board of Appeals
Board of Selectmen, Lodging House/Boarding House License
Brian Mauro, Marshal Framingham Fire Department

Exhibit 90

ARTICLE 12

I move that Town Meeting vote to amend Article V of the town bylaws, Health and Safety, by adding the following new section, Bylaw Concerning Lodging Houses:

Section 24. Bylaw Concerning Lodging Houses

24.1 Purpose

This Bylaw is intended to supplement the provisions of G.L. c. 140, § 22, et seq., and all other statutes and State regulations pertaining to lodging houses, for the purpose of ensuring the maintenance and protection of the health, safety and welfare of all persons and the health, safety and general welfare of the public.

24.2 Definitions

1) **Lodging House:** Every dwelling or part thereof which contains one or more rooming units in which space is let or sublet for compensation by the licensee, owner or operator to four or more persons not within the second degree of kindred to the person compensated. The term Lodging House shall include but not be limited to boarding houses, rooming houses, inns, bed and breakfast establishments, dormitories, fraternity houses, sober houses and other similar dwelling places, but shall not include dormitories of charitable or philanthropic institutions or convalescent or nursing homes licensed under section seventy-one of chapter one hundred and eleven or rest homes so licensed, or group residences licensed or regulated by agencies of the commonwealth.

2) **Lodger:** A lodger is any person residing in a rooming unit including any person listed as a lodger on any lease agreement for said unit.

3) **Rooming Unit:** The room or group of rooms let to an individual or household for use as living and sleeping quarters.

4) **Licensee:** That person (s) or entity listed on the lodging house license and the owner (s) of the land and building where the lodging house is operated.

24.3 Responsibilities of Licensee

The licensee shall be responsible for the proper supervision, operation and maintenance of the lodging house in accordance with the requirements of this

Bylaw and of all other pertinent State laws, regulations and other Town By-laws. The appointment of an agent shall in no way relieve the licensee from responsibility for full compliance with all the foregoing laws and regulations. This Bylaw and the penalties imposed by them shall apply with equal force to the keeper of any lodging house required to be licensed.

24.4 Agent (s)

If the licensee, because of health, other employment, non-residence on the premises, frequent or extended absences from the premises or other reasons, is unable to exercise proper supervision of the premises, he/she shall designate one or more agent (s) to carry out all or part of his/her responsibilities. The owner of any lodging house that contains twelve (12) or more units shall be required to have an agent residing on the premises. Upon the recommendation of the Chief of Police for reasons of public safety, the Board may require the owner of a lodging house that contains less than twelve units to have an agent residing on the premises. Based on the qualifications of the agent(s) designated and the extent of their responsibilities, the Board may require that more than one agent be provided. If, for any reason, an agent ceases to exercise his/her responsibilities, the licensee shall at once notify the Board of Selectmen and take immediate steps to provide proper interim supervision and obtain a suitable replacement.

The agent (s) shall be available on a 24-hour basis and must post his/her telephone or beeper number in a conspicuous place inside the Lodging House. The agent must also notify the Selectmen's Office, Police Department, Health Department, Fire Department and Building Department Of his/her beeper or telephone number.

24.5 Registers, Card Files and Rosters

The licensee of every lodging house shall keep or cause to be kept, in a permanent form, a register. Such register shall contain the true name or name in ordinary use and the last residence of every person engaging or occupying a private room together with a true and accurate record of the room assigned to such person and of the day and hour of check-in and checkout. The entry of the names of the person engaging a room and the lodgers of said room shall be made by said person engaging said room or by any lodger thereto. Until the entry of such name and the record of the room have been made such person shall not be allowed to occupy privately any room upon licensed premises.

In addition, each licensee shall keep or cause to be kept a card file or database containing current information on each lodger including full name, date and time of registration, room number, former address, registration number, state of registration, and make of automobile, and the name and telephone number of the person to be notified in case of emergency. These cards should be kept for a minimum of one year after departure of the lodger. The register, card file, and roster required in this section shall be available for inspection at all times by the Board of Selectmen, its agent(s), the Building Commissioner and his designee(s), the Director of Public Health and his designee(s), and any officer of the Framingham Police Department.

24.6 Minimum Standards

This Bylaw sets forth the minimum standards intended for the maintenance and enforcement required for the protection of health, safety and welfare of all persons concerned. If there is any conflict with state or local law the stricter provision shall apply to the extent legally permissible.

All lodging houses shall comply with the requirements of Article II of the State Sanitary Code, Minimum Standards of Fitness for Human Habitation, and to the requirements of this Bylaw, whenever they are in addition to or more stringent than the requirements of Article II of said code.

All lodging houses in which meals are served to lodges shall comply with the requirements of Article X of the State Sanitary Code, Minimum Sanitation Standards for Food Establishments, or to such additional standards as may be approved in writing by the Director of Public Health.

24.7 Bathroom Facilities

Bathroom facilities, as required by the Sanitary Code, shall be located on the same floor as the individuals who are to use them.

24.8 Lighting and Electrical Facilities

The electrical service to the building shall conform with the rules and regulations issued by the Commonwealth of Massachusetts, Department of Public Safety, Board of Fire Prevention Regulations, known as the Massachusetts Electrical Code, which is incorporated herein by reference. Specific questions regarding the requirements of the Massachusetts Electrical Code may be directed to the Town of Framingham Electrical Inspector.

24.9 House Rules & Supervision:

Licensees and their agent (s) must:

1. Exercise due care in the selection of lodgers.
2. Inspect all common areas at least daily and all occupied rooms at every change of lodger to insure that all such areas are in a clean and orderly condition and without violation of regulations pertaining to obstruction of egress, cooking in rooms, and other health and safety hazards. A schedule of inspections must be posted at least forty-eight hours prior to said inspection. Posting of the schedule for inspections shall not apply in the case of an emergency.
3. Institute and enforce such house rules as are necessary to prevent the lodging house from being a cause of nuisance or annoyance to the neighborhood.
4. Ensure that House Rules are in writing and at a minimum contain rules adequate to address the following matters:
 - a. Noise Control including use of audio or other equipment which may disturb the peace ;
 - b. Disorderly behavior;
 - c. Adherence to this Bylaw and the consequences for repeated violations;
 - d. Proper garbage disposal; and
 - e. Cleanliness of rooming units and common areas.
5. File a copy of the House Rules with the Board of Selectmen as part of the Licensee's license application or renewal thereof.
6. Post a copy of the House Rules in a common area of the lodging house.

7. Provide every lodger who intends to remain for thirty (30) days or more with a copy of the house rules.
8. Meet with the lodgers at least annually to discuss house rules.
9. Take whatever steps necessary to stop Lodger(s) from repeatedly violating
house rules or the requirements of this Bylaw, up to and including eviction.

24.10 Housekeeping

It shall be the duty of the licensee and/or his/her agent to provide or cause to be provided:

1. Daily cleaning of all common bathroom facilities and of community kitchen or
laundry facilities,
2. Cleaning of all occupied rooms and private bathroom facilities at the change of each lodger or as otherwise necessary for sanitary purposes.
3. Cleaning, as necessary, of all other common areas.

24.11 Storage, Collection & Disposal of Waste

The Licensee and his/her agent (s) shall comply with the Town of Framingham's Regulations Governing the Handling, Storage Collection and Disposal of Waste and all other state or local laws pertaining to the proper storage, collection and disposal of waste. Responsibilities of the Licensee and Agent (s) include but are not limited to following:

1. Storing waste in watertight, rodent-proof receptacles with tight fitting covers.
2. Providing as many receptacles as are sufficient to contain accumulation of all
waste before final collection.
3. Locating waste containers in an area where objectionable odors will not enter
any dwellings, preferably in the rear of the building.

4. Informing all lodgers of the rules regarding proper storage, collection and disposal of waste.
5. Placing waste for collection in the designated location no earlier than 6:00 am on the day of the scheduled collection.
6. Removing all empty containers of any kind from the area of collection no later than midnight of the collection day.

24.12 Egress Facilities

There shall be at least two separate and adequate ways of egress from each occupied story of a lodging house. The number and location of such ways of egress shall allow every lodger to reach the outside at ground level by a second way of egress if the principal or customary egress is blocked by fire or smoke, or is otherwise obstructed.

At least one of the required ways of egress shall be a protected interior egress and additional required ways of egress shall be either protected interior egress or approved fire escapes, in accordance with Section 24.14 hereof, that lead to a place of safety.

24.13 Protected Interior Egress

A protected interior egress shall be:

An interior stairway including all halls or corridors connecting the flights of stairs or leading to an exterior door at ground level, or providing access from any room, group of rooms, or apartment, which interior stairway is provided with an automatic sprinkler installation approved by the Building Commissioner.

24.14 Approved Fire Escape

An approved fire escape shall be an exterior stairway with balconies or landing at each floor, and having clear egress to a street, way or place of safety at ground level. Stairs, balconies and landings shall be constructed of non-combustible materials and landings shall be 2 feet in width of passage. Balconies and landings shall be not more than 9 inches below the top exterior doorsills with which they connect.

1. Access from any occupied story to an approved fire escape shall be through a door with approved hardware, T-turn knob, lever or push bar which by one operation will release the door from the inside. Doors shall be a minimum of 5 feet in height and 24 inches in width or as otherwise approved by the Building Commissioner, and shall open in the direction of egress so as to allow clear passage. If the top of the doorsill is more than 18 inches above the floor, approved steps permanently attached to the structure shall be provided. No storm or screen door shall be used in such locations. Except as above provided no devices that require unlocking from inside shall be used. Access to fire escapes shall be from a common hall or corridor, or otherwise accessible room, not a toilet or bathroom. Such common or accessible room shall lead directly to the aforementioned common hall or corridor having a door with hardware allowing release by one operation with no locking device, permitting opening at all time in the direction of egress.
2. No private room shall be used as access to a required fire escape unless the door to the room is equipped with an emergency exit lock of a type and model specially approved by the Building Department. No obstruction shall be permitted in the path of egress to a fire escape.
3. Fire escapes are to be used for emergency purposes only. Use of fire escapes for general access to rooms is strictly prohibited.

24.15 Exit Signs

Continuously illuminated red signs bearing the word "EXIT" in plain block letters at least 5 inches high shall be provided over the doors opening into stairways or leading to fire escapes, and at every change of direction of a corridor or hallway leading to such egress doors.

24.16 Emergency Lighting

Approved emergency lighting shall be provided along ways of egress. The number, type and location of emergency lighting units shall be as designated by the Building Commissioner.

24.17 Basements and Basement Stairs

Basements and cellars shall be protected by automatic sprinklers. An automatic sprinkler shall protect interior stairs leading from a basement or cellar to the floor above. Any new licenses/buildings and/or change in use of a building or structure for the uses as a lodging house shall require the installation and maintenance of an automatic fire suppression system which shall be provided throughout all buildings or spaces of lodging houses in accordance with 780 CMR 906.2.1 or 906.2.2.

24.18 Portable Fire Extinguishers

Portable fire extinguishers of a type and capacity approved by the Chief of the Fire Department, shall be provided for each story and basement, one for each 2500 square feet of the floor area or portion thereof and maintained in a fully charged and operable condition at all times and kept in their designated places when not being used.

Such fire extinguishers shall be inspected and serviced annually and after use in accordance with NFPA 10. Fire extinguishers shall be conspicuously located where they will be readily accessible and immediately available in the event of fire. Preferably they shall be located along normal paths of travel, including exits from areas. Fire extinguishers shall not be obstructed or obscured from view.

Portable fire extinguishers other than wheeled types shall be securely installed on the hanger or in a bracket shall be securely and properly anchored in the bracket supplied, placed in cabinets or wall recesses. The hanger or bracket shall be securely and properly anchored to the mounting surface in accordance with the manufacturer's instructions.

24.19 Vertical Openings

All vertical openings, including stairs other than the required stairs, dumbwaiters, vent shafts, and laundry chutes, shall be provided with sprinklers.

24.20 Hazardous Areas and Combustible Storage

The Building Commissioner or the Fire Chief may require that kitchens, work shops, heater rooms, storerooms containing combustible materials, or other areas constituting a special hazard be protected by automatic sprinklers, fire resistive construction, additional approved portable fire extinguishing equipment, or other means as directed. Combustible or flammable material shall not be placed, stored or kept in any portion of an exit or elevator car or hoist way or at the bottom of a stairway, fire escape or other means of escape.

24.21 Cooking in Rooms

The use of electric hot plates, gas plates, stoves using sterno or other fuel, electric percolators, grills, and toasters, are prohibited in any room other than a kitchen approved by the Building Commissioner.

Lodgers may use microwaves in their rooming units with the approval of the Licensee. The use of appliances for the preparing or serving of food shall not be permitted in rooms used for sleeping.

24.22 Portable Heaters

The use of portable heaters is strictly prohibited.

24.23 Heating Systems

The owner shall provide and maintain in good operating condition the facilities for heating every habitable room and every room containing a toilet, shower or bathtub to such temperature as required by the State Health code.

Central heating systems shall be provided with all the safety devices required for new installations under all applicable laws, by-laws, and regulations of any authority having jurisdiction thereof. The heater should be located in an area suitably ventilated to ensure the safe operation of the heater or burner.

24.24 Maintenance

1. The building and all parts thereof shall be kept in good general repair and properly maintained. All exterior surfaces shall be kept painted where necessary for the purposes of preservation of structural elements or appearance. Interior walls and ceilings shall be periodically refinished in order to maintain such surfaces free from stains, marks or visible foreign matter.
2. All outdoor areas not devoted to walks and drives or otherwise paved shall be landscaped and adequately maintained to prevent overgrowth of unsightly conditions.
3. Outdoor walks, drives and exterior ways of egress shall be kept unobstructed,

free of litter, and clean. Accumulation of ice and snow shall be removed from such areas, including required ways of egress to provide safe walking surfaces and shall be removed.

4. The exterior front entrance will be provided with adequate illumination and the property address number will be maintained in a clear visible location on or near the front entrance.

24.25 Automatic Fire Alarm System

All lodging house shall be protected throughout with an adequate system of automatic sprinklers in accordance with the provisions of the state building code. Fire protection systems shall not be disconnected or otherwise rendered unserviceable without first notifying the fire department. The design, installation and performance of required fire warning systems, pursuant to M.G.L. c.148, sec. 26C, shall be in accordance with NFPA 72.

24.26 Care and Maintenance of Fire Protection System

The Licensee shall be responsible for the care and maintenance of all fire protection systems, including equipment and devices, to insure the safety the safety and welfare of the lodgers. If required fire protection systems are temporarily out-of service for maintenance or repair, the licensee or his/her agent (s) shall immediately advise the fire department and shall diligently restore the system to working order. Installation of, or modification to, any automatic fire protection system shall require a permit from the Chief of the Fire Department or his/her designee.

Aisles, floors, halls, stairways, fire escapes, doors and windows shall be kept in good repair and ready for use, and shall be kept properly lighted.

No person shall shut off, disconnect, obstruct, remove or destroy, or cause or permit to be shut off, disconnected, obstructed, removed or destroyed, any part of any sprinkler system, water main, hydrant or other device used for fire protection in any building owned, leased or occupied by such person under his control or supervision, without first procuring a written permit to do so from the Chief of the Fire Department or his/her designee.

24.27 Egress From and Access to a Building

Any obstacle, which may interfere with the means of egress or escape from any building or other premises, or with the access of any part of said building or premises by the fire department in the case of fire, shall be removed from aisles,

floors, halls, stairways and fire escapes. Doors and windows designated as exits shall be kept clear at all times.

No person shall at any time place encumbrance of any kind before or upon any fire escape, balcony or ladder intended as a means of escape from fire. The means of egress from each part of the building, including stairways, egress doors, and any panic hardware installed thereon, aisles, corridors, passageways and similar elements of the means of egress, shall at all times be maintained in a safe condition and shall be available for immediate use and free of all obstructions.

All exterior bridges, steel or wooden stairways, fire escape and egress balconies shall be maintained in accordance with 780 CMR 1028.0 and shall be examined and or tested, and certified for structural adequacy and safety every five years, by a Massachusetts registered professional engineer, or others qualified and acceptable to the Building Commissioner or his/her designee. The engineer or other party shall after inspection submit an affidavit to the building department.

24.28 Conflict With Other Laws or Regulations

Whenever any provision of this Bylaw is in conflict with another law, by-law or regulation, the more restrictive provision shall apply, unless a contrary intent is clearly stated.

24.29 Certificates of Inspection

The Board of Selectmen may require certificates of inspection certifying compliance with the various requirements of this Bylaw, in addition to the required minimum yearly inspection pursuant to 780 CMR Table 106.

24.30 Severability of Provisions

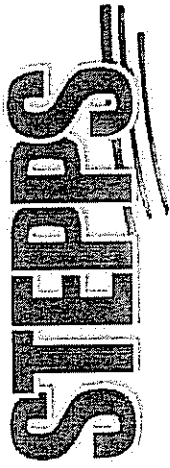
The invalidity of any provision of this Bylaw shall not affect the validity of the remaining sections of this Bylaw, if so declared by a Court of competent jurisdiction.

24.31 Penalty

The Board of Selectmen and its agents including any police officer of the Town of Framingham shall be charged with the authority to enforce the terms of this Bylaw, in addition to the authority provided to the Board of Selectmen pursuant to the provisions of G.L. c. 140, § 22, et seq. to award, restrict, revoke and otherwise regulate licenses to operate lodging houses.

Any person violating any provision of this Bylaw shall be punished by a fine of three hundred dollars (\$300.00) per violation. Each day that the violation continues shall constitute a separate offense. As an alternative to initiating criminal proceedings, the Board of Selectmen Agent may elect to utilize the non-criminal disposition procedure set forth in M.G.L. Ch. 40, § 21D and Article X of the General Bylaws. For purposes of non-criminal disposition, the penalty shall be three hundred dollars (\$300.00) for each offense.

Exhibit 91



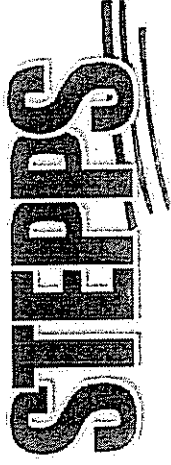
Victory Fund 2007

STEPS was formed in may 2005 to help stop a drug rehab from opening at 517 Winter Street and stem the growth of tax exempt social services in Framingham. Here is a short list of what we have accomplished in just two years:

- ☒ Raised awareness in town regarding the unchecked growth of social services and the problem of the Dover Amendment
- ☒ Helped elect Jason Smith to the Board of Selectmen
- ☒ Helped close the infamous "wet shelter" downtown
- ☒ Helped convince the Town to hire a Human Services Coordinator
- ☒ Helped convince the Town to start a PILOT (Payment in Lieu of Taxes) Program
- ☒ Helped the Town pass a Lodging House Licensing bylaw to combat illegal lodging houses
- ☒ Delayed SMOC for two years and endangered their HHS contract

We have accomplished all this on a shoestring on your behalf. **Now is the time for you to contribute to help finish the job!** Please give your most generous check (made out to STEPPS) to a STEPPS volunteer or mail it to:

Peter C.S. Adams
222 Edgewater Drive
Framingham, MA 01702



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Exhibit 92

-----Original Message-----

From: stepps-bounces@makingpages.org [mailto:stepps-bounces@makingpages.org] On Behalf Of Peter Adams
Sent: Sunday, September 30, 2007 10:28 AM
To: STEPPS
Subject: [STEPPS] Successful neighborhood meeting -- another one coming?

On Sunday, September 16, STEPPS held a neighborhood meeting to keep people up to date with the latest developments in the fight against SMOC's proposed drug rehab shelter at 517 Winter Street. Since a lot of people emailed to let me know they could not attend, I am sending out this recap.

About 40-50 people attended the meeting, and there was some good discussion. We met in the back yard of STEPPS supporter Raj Jhaveri's house, and he was kind enough to provide wine, cheese, and other snacks. (Maybe we should have had the meeting in front to see if any SMOC residents crashed the party!)

STEPPS Communications Director Peter Adams (yours truly) chaired the meeting. We began by going over where SMOC was in the process and what chances we had remaining to stop them. Here's a brief overview:

1. SMOC is currently occupying 517 Winter on a temporary occupancy permit which expires in November. They hope to have their permanent permit by then. We are working in the intervening time to convince the state to revoke their contract and pull their funding.
2. We have been fighting SMOC for over two years and have appeared before the Planning Board, the Zoning Board, the Board of Selectmen, and Town Meeting. But we were limited all this time because most of the process was beyond our influence. Now that the Building Commissioner has made an official decision (the occupancy permit), we can appeal it to the Zoning Board of Appeals (ZBA). That is the next step in the process, and we have made it. This will be our first chance to really make our case in this flawed process.
3. We are appealing to the ZBA on several grounds, including errors in SMOC's application and challenging their use of the Dover Amendment. The Zoning Board has 100 days from the date we filed (September 20) to rule, meaning the hearings might still be going on until December 29. In that case, or if we prevail sooner, SMOC might have to vacate 517 Winter. However, they could go to court and ask for a stay, and the odds are it would be granted. In that case, they would be able to stay at 517 Winter Street until their lawsuit against the town is heard, or indefinitely if the ZBA denies our appeal.
4. If we lose at the ZBA, there is the possibility of us filing a lawsuit; however, the Sucker Pond Neighborhood Association spent almost \$60,000 fighting Wayside on Lockland Avenue and lost. It does not appear we have those sorts of resources available to us, so we are putting all our resources into winning at the ZBA.

There was a spirited Q & A afterwards. Someone asked what happened to the money we collected in 2005 for a lawyer. Basically, we got a tremendous amount from him. He met with us several times and wrote us a detailed brief which was very helpful. (The terms of our agreement with him prevent me from sharing it with you, unfortunately, but it was a pretty detailed overview of the relevant sections of Massachusetts and Framingham laws with some guidance on what areas were the most and least likely to succeed.) What's far more important, though, was the extra effort he took in conferring with Framingham's Town Counsel and helping him design the bylaw that passed in 2005, forcing SMOC to undergo site plan review at the Planning Board. That was a major blow to SMOC, both for 517 Winter and all further projects.

There were a lot of people who questioned whether we could succeed. That's too bad, because groups like ours fail for two main reasons -- people give up, and people don't get involved because they don't think they can make a difference. Well, we have already made a difference! Take a look at the "STEPPS Victory Fund" flyer we handed out at the meeting (see attached) -- it lists some of our successes over the last two plus years, many of which we were told were impossible.

Over the course of the meeting and the following week, we had raised enough money to hire a lawyer, though we still need to raise more to keep him through the course of the ZBA appeal. Remember, you can still make out a check to STEPPS and send it to 395 Winter Street, Framingham 01702.

The meeting was such a success, we are thinking of holding another gathering. If you would be willing to host a STEPPS neighborhood meeting, please let me know.

Many thanks,

peter

--

Peter C.S. Adams

Communications Director

STEPPS (Stop Tax Exempt Private Property Sprawl) <http://www.steps.info> "Enough is enough"