

# FY 2014 Preliminary Classification Information



Presented by the Reading Board  
of Assessors  
November 5, 2013

# Required Actions by BOS

- Selection of a Minimum Residential Factor.
- Selection of a Discount for Open Space.
- Granting of a Residential Exemption.
- Granting of a Small Commercial Exemption.

# Minimum Residential Factor

- Reading has never adopted a split tax rate.
- The MRF will be 1.
- The anticipated tax rate is  $\$56,536,797 / \$3,829,312,775 = 0.01476 \times 1000 = \$14.76$
- Single Tax Rate \$14.76 est.

For your information, the average single family home value for fiscal year 2014 is **\$446,100**.

In consideration of that value, the table below summarizes the anticipated FY 2014 average tax bill amounts at various shift intervals.

<b>CIP SHIFT</b>	<b>MRF</b>	<b>RES %</b>	<b>RES TAX RATE</b>	<b>EST 2014 BILL</b>
1	100	90.8536	\$14.76	\$6,584
1.1	98.9933	89.939	\$14.62	\$6,522
1.2	97.9866	89.0243	\$14.47	\$6,455
1.3	96.9799	88.1097	\$14.32	\$6,388
1.4	95.9731	87.1951	\$14.17	\$6,321
1.5	94.9664	86.2804	\$14.02	\$6,254

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Average single family tax bill history from 2003 to present.

Fiscal Year	Single Family Assessed Values	Single Fam Parcel	Single Family Avg Value	Residential Tax Rate	Avg Single Family Tax Bill	Percent Change
2003	2,295,207,400	6,473	354,582	11.49	4,074	
2004	2,532,435,800	6,470	391,412	12.23	4,787	17.50%
2005	2,722,599,400	6,483	419,960	12.57	5,279	10.28%
2006	2,912,273,100	6,490	448,732	12.08	5,421	2.69%
2007	2,994,759,900	6,487	461,656	12.07	5,572	2.79%
2008	2,933,909,900	6,490	452,066	12.6	5,696	2.23%
2009	2,882,787,600	6,501	443,438	13.21	5,858	2.84%
2010	2,816,270,800	6,505	432,939	13.75	5,953	1.62%
2011	2,880,796,500	6,508	442,655	13.8	6,109	2.62%
2012	2,895,475,600	6,514	444,500	14.15	6,290	2.96%
2013	2,816,675,700	6,516	432,300	14.94	6,459	2.68%
2014	2,910,595,200	6,524	446,100	14.76	6,584	1.93%

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The average commercial property valuation for fiscal year 2014 is **\$1,439,700**.  
 The table below summarizes the anticipated FY 2014 average commercial tax bill amounts.

<b>CIP SHIFT</b>	<b>MRF</b>	<b>CIP %</b>	<b>CIP TAX RATE</b>	<b>EST 2014 BILL</b>
1	100	9.1464	\$14.76	\$21,250
1.1	98.9933	10.061	\$16.24	\$23,381
1.2	97.9866	10.9757	\$17.72	\$25,511
1.3	96.9799	11.8903	\$19.19	\$27,628
1.4	95.9731	12.8049	\$20.67	\$29,759
1.5	94.9664	13.7196	\$22.15	\$31,889

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# Commercial Property Value Breakdown for FY 2014

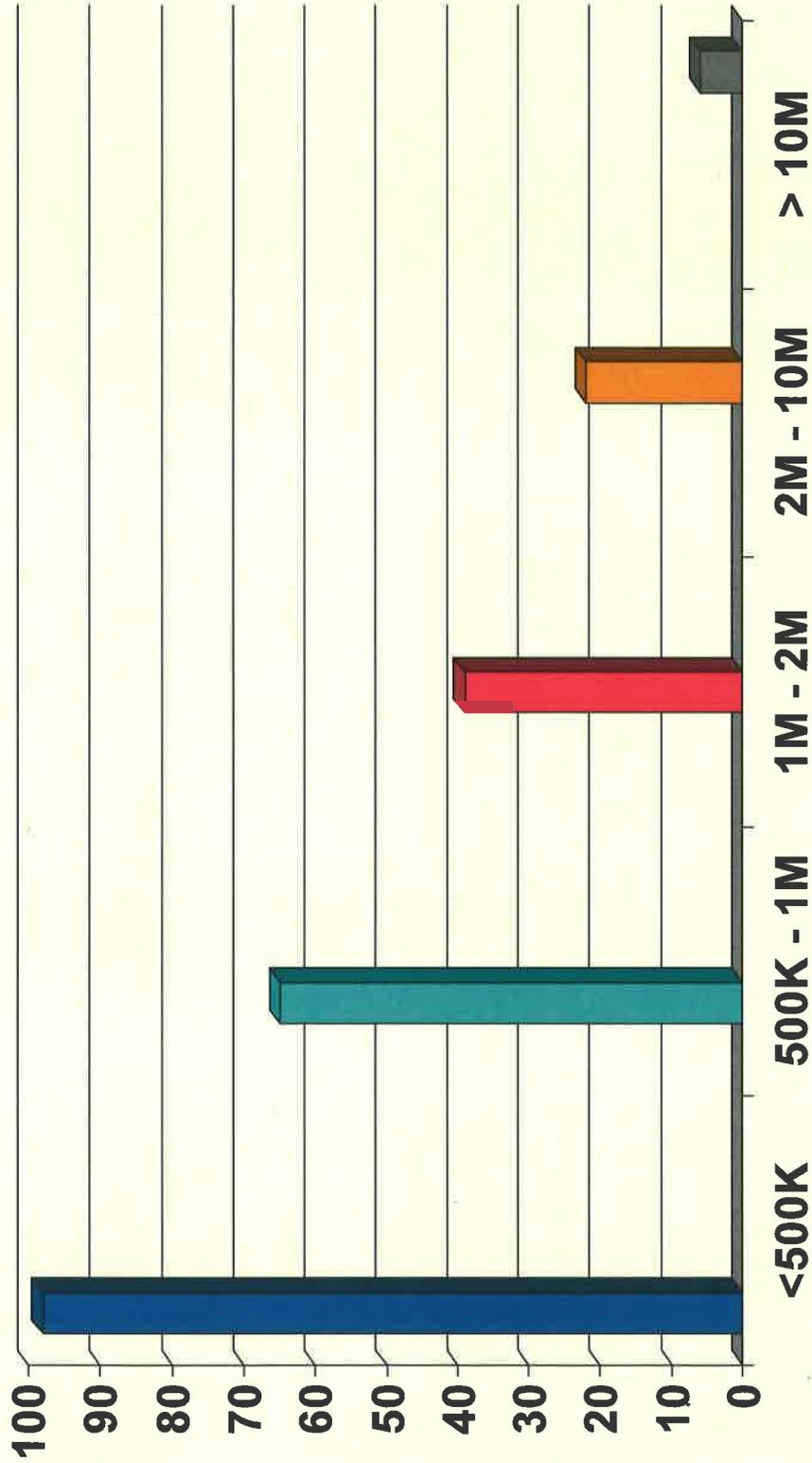
98 properties < \$500K

65 from \$500K - \$1M

39 from \$1m to 2M

22 from 2M to 10M

6 Properties above \$10M



Average commercial tax bill history from 2003 to present.

Fiscal Year	Total Commercial Value	Comm. Parcels	Average Commercial Value	Tax Rate	Average Commercial Tax Bill	Percent Change
2003	156,623,500	175	\$894,991	11.49	10,283	
2004	155,560,000	176	\$883,864	12.23	10,810	5.12%
2005	186,339,900	178	\$1,046,853	12.57	13,159	21.73%
2006	219,005,200	179	\$1,223,493	12.08	14,780	12.32%
2007	236,516,816	198	\$1,194,529	12.07	14,418	-2.45%
2008	256,582,400	203	\$1,263,953	12.6	15,926	10.46%
2009	262,919,463	206	\$1,276,308	13.21	16,860	5.87%
2010	270,816,033	205	\$1,321,054	13.75	18,164	7.74%
2011	319,506,376	204	\$1,566,208	13.8	21,614	18.99%
2012	320,481,055	205	\$1,563,322	14.15	22,121	2.35%
2013	300,063,400	199	\$1,507,856	14.94	22,527	1.84%
2014	285,068,700	198	\$1,439,700	14.76	21,250	-5.7%

# Discount for Open Space

- MGL C59, sec 2A defines class 2 open space as: “land which is not otherwise classified and which is not taxable under provisions of Chapters 61A or 61B, or taxable under a permanent conservation restriction, and which land is not held for the production of income but is maintained in an open or natural condition and which contributes significantly to the benefit and enjoyment of the public.”
- An exemption of up to 25% could be adopted for property classified as Class 2 Open Space.
- Reading has never adopted a discount for Class 2 Open Space.

# Residential Exemption

- BOS may adopt a Residential Exemption for residential properties in town that are owner occupied.
- Amount up to 20% of the average assessed value of ALL residential properties, including vacant land.
- Adopting this would raise the res tax rate to \$18.03 for the \$14.76 est. This would apply to all res properties before the exemption which is estimated to be approx. \$1500 off for all owner occupied residential properties. The est. break-even point is \$470,100 and a tax amount of \$6940.
- Adopted by only 13 communities including Boston, Chelsea, Cambridge & Waltham.
- Since the shift is only in the res class, higher valued homes will pay for the exemption to those homes of lower value.

# Small Commercial Exemption

- Up to 10% of prop value for commercial properties only. (No industrial or personal property).
- Total Property Value less than \$1,000,000
- Not more than 10 employees as certified by the Dept. of Employment & Training.
- One business in a building of several would qualify only if all other businesses qualified.
- Exemption goes to the real estate owner and not the business owner.
- Less than a dozen communities in the Commonwealth have adopted this exemption.

## Neighboring Communities / FY 2013

Community	Res%	Split	Shift	Avg. S. F. Tax Bill	Tax Rate /\$1000
Lynnfield	91.54	Yes	1.09	\$7,573	14.82
No. Reading	87.10	No	1.0	\$7,257	16.04
Stoneham	88.13	Yes	1.50	\$4,970	13.06
Wakefield	84.39	Yes	1.75	\$4,935	12.29
Wilmington	74.44	Yes	1.75	\$4,756	13.61
Woburn	69.70	Yes	1.75	\$3,553	10.40
<b>READING</b>	89.88	No	1.0	\$6,458	14.94

Only Lynnfield has a CIP sector less than 10%.

## Middlesex League / FY2013

Community	Res%	Split	Shift	Avg. S.F. Tax Bill	Tax Rate /\$1000
Arlington	93.74	No	1.0	\$6842	13.61
Belmont	94.33	No	1.0	\$10,359	13.33
Burlington	63.93	Yes	1.67	\$4,536	11.85
Lexington	86.62	Yes	1.70	\$10,906	15.20
Melrose	93.99	Yes	1.48	\$5,212	13.03
Stoneham	88.13	Yes	1.50	\$4,970	13.06
Wakefield	84.39	Yes	1.75	\$4,935	12.29
Watertown	81.18	Yes	1.75	Res Ex	14.68
Wilmington	74.44	Yes	1.75	\$4,756	13.61
Winchester	94.65	No	1.0	\$9,839	12.77
Woburn	69.70	Yes	1.75	\$3,553	10.40
<b>READING</b>	89.88	No	1.0	\$6,458	14.94

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**Largely Residential Comparable Communities  
Fiscal Year 2013 Data**

<b>Community</b>	<b>Res%</b>	<b>Split</b>	<b>Shift</b>	<b>Avg. S.F. Tax Bill</b>	<b>Tax Rate /\$1000</b>
Arlington	93.74	No	1.0	\$6842	13.61
Belmont	94.33	No	1.0	\$10,359	13.33
Concord	90.68	No	1.0	\$11,802	14.07
Lincoln	96.23	Yes	1.3	\$13,742	14.41
Lynnfield	91.54	Yes	1.09	\$7,573	14.82
Melrose	93.99	Yes	1.48	\$5,212	13.03
Milton	95.83	Yes	1.50	\$7,471	14.70
Sudbury	92.93	Yes	1.28	\$11,205	17.99
Wakefield	84.39	Yes	1.75	\$4,935	12.29
Winchester	94.65	No	1.0	\$9,839	12.77
<b>READING</b>	89.88	No	1.0	\$6,458	14.94

**Reading had the third lowest average single family tax bill of those listed.  
All communities except Wakefield had a 1.5 shift capacity.**

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**Office of the Town Manager**  
**16 Lowell Street**  
**Reading, MA 01867**

**781-942-9043**  
**[townmanager@ci.reading.ma.us](mailto:townmanager@ci.reading.ma.us)**  
**[www.readingma.gov/town-manager](http://www.readingma.gov/town-manager)**

**To:** Board of Selectmen  
**From:** Bob LeLacheur  
**Date:** October 31, 2013  
**RE:** Regional Assessing with Wakefield

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Over a year ago we entered into an agreement with Wakefield to share their Appraiser, Victor Santaniello, until December 31, 2013. Prior to that date we would then decide whether to formalize that relationship through votes of both Town Meetings in November as is required by current state law, or to abandon the arrangement and find another solution.

The key to any regional arrangement is flexibility of all parties concerned. In that spirit I ask the Board to approve a third option we had not foreseen – to simply renew the existing agreement for one more year. As I have previously mentioned to you, at the advice of the MA DOR the very old legislation that treats regional assessing arrangements differently is under review by the state and is likely to change. If it becomes similar to other regional agreements, we will not need the approval of our Town Meetings. Thus renewing the agreement for an additional year will allow us all to evaluate any new options that arise.

In the strongest terms I want to express our gratitude to Wakefield Town Administrator Steve Maio and the Reading Board of Assessors (Frank Golden, Fred McGrane and Bob Quinn), and our appreciation for the excellent work done by Victor Santaniello, Pat Sullivan, Joanne Fitzpatrick and Theresa Galasso over these past 16 months. They have completed large home inspection projects on time and under budget; a major financial systems conversion; and at your next meeting will preview the results of the strenuous DOR triennial revaluation.

I would ask in your motion to approve the agreement as presented but to give the Town Manager the right to make minor changes, depending on further input from Wakefield Town Counsel, as we have done in our other regional arrangements.

This regional Assessing arrangement has worked out well for both communities!

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INTER-MUNICIPAL AGREEMENT  
BETWEEN THE TOWN OF READING AND THE TOWN OF WAKEFIELD  
DIRECTOR OF THE ASSESSING DEPARTMENT

THIS AGREEMENT dated as of this \_\_\_\_\_ day of \_\_\_\_\_, 2013 ("Agreement") by and between the Town of Reading, a Massachusetts municipal corporation having a usual place of business at Town Hall, 16 Lowell Street, Reading MA 01867, acting by and through its Board of Selectmen ("Reading"), and the Town of Wakefield, a Massachusetts municipal corporation having a usual place of business at 1 Lafayette Street, Wakefield, Massachusetts 01880, acting by and through its Board of Selectmen ("Wakefield").

WITNESSETH THAT:

WHEREAS, Reading and Wakefield desire to share the services and costs associated with a Director of the Assessing Department; and

WHEREAS, each of the parties has obtained authority to enter into this Agreement pursuant to G.L. c. 40, s 4A;

NOW, THEREFORE, in consideration of the premises set forth above and for other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the parties hereto, intending to be legally bound, hereby agree under seal as follows:

1. Director of Assessing: During the Term of this Agreement, Reading and Wakefield shall assume their respective shares of the costs associated with a shared Director of Assessing. Notwithstanding any other provision of this Agreement to the contrary, Reading and Wakefield shall maintain separate Boards of Assessors which shall be vested with the authority for setting policy within their respective communities.

2. Term. The term of this Agreement shall commence on the date of execution hereof, and shall expire on January 1, 2015, unless earlier terminated as set forth herein. The parties shall review their contractual relationship every 12 months, the terms of which are set forth herein, to ensure that this Agreement continues to satisfy the needs and objectives of each community.

3. Identity of Director of Assessing. The parties shall share the services and costs of the incumbent Director of the Assessing Department of Wakefield, Victor Santaniello, or a successor hired through the standard personnel practice of Wakefield in consultation with Reading.

4. Compensation. Wakefield shall pay the salary and benefits of the Director of Assessing. Reading shall contribute its share of the associated costs for this position by paying to Wakefield a variable sum, as required by the terms and conditions of this Agreement in Appendix I (and as amended from time to time), per fiscal quarter during the Term, each payment to be due and payable within fifteen (15) days after the commencement of such fiscal quarter (i.e., after 7/1, 10/1, 1/1 and 4/1). Wakefield shall adjust the compensation it pays said position as it may be required to do in accordance with any collective bargaining agreements and standard personnel practices and shall give prompt written notice to Reading of any such adjustment. Reading shall adjust its quarterly payments accordingly. In the event that any collective bargaining agreement requires Wakefield to make a lump sum payment to any of the aforesaid position reflecting a retroactive salary increase during the Term, Wakefield shall promptly give written notice thereof to Reading and Reading shall, within sixty (60) days thereafter, pay Wakefield one-half (1/2) such amount to the extent that the retroactive pay period includes any part of the term hereof.

5. Other Collective Bargaining Agreement Benefits. Wakefield shall provide the Director with all benefits to which he is entitled under standard personnel practices. Both parties agree to allow the Director to enjoy such vacation, sick days, personal days and other leave as he may be entitled to receive under such

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agreement and under standard personnel practices of Wakefield. Neither party shall make any demand on the Director or take any action with respect to the Director that is in violation of his rights under standard personnel practices of Wakefield or under any applicable legislation.

6. Retirement and Workers Compensation Benefits. The Director will remain a member of the Wakefield Contributory Retirement System. Upon retirement, Reading will be assessed a share of the cost of pension plans reflecting any concurrent time the Director spent working for Reading hereunder pursuant to applicable Massachusetts General Laws. At the end of each fiscal year, Reading shall reimburse Wakefield for its workers' compensation costs associated with the employment of the Director, such reimbursement to be equal to the product of Reading's contribution to the Director's salaries during such year multiplied by the rate paid by Wakefield for workers' compensation insurance for the Director for such year. Reading shall also reimburse Wakefield for its health insurance, life insurance, and Medicare costs associated with the Director, said reimbursement to be equal to the proportion of Reading's contribution to the Director's compensation.

7. Duties. The Director shall perform his duties as required by the respective local laws and regulations of Wakefield and Reading. Attached as Appendix II to this document is a "Assessing Employee Task List - Date: June 18, 2012; Position: Director of Assessing" to provide guidance as to the expectations of the duties as they pertain to Reading. Also attached as Appendix III is the Organizational Chart for Reading which details the administrative structure within which the Assessing Division falls within Reading. This organizational chart may be changed by Reading from time to time. Wakefield and Reading shall provide the Director with office space and office equipment for work within their respective communities. The Director shall work primarily in the office space provided by Wakefield and shall maintain regular, public office hours in Reading, such office hours to be mutually agreed upon by the parties.

8. Car. The Director will be reimbursed for any mileage used during the performance of services hereunder directly by the community in which said services are performed. All mileage reimbursement shall be paid at the rate then governing in the community receiving said services.

9. Indemnification. Wakefield shall hold Reading harmless from any and all claims related to employment or employee benefits, collectively bargained or otherwise, made by the Director prior to the commencement of the term of this Agreement. Reading shall indemnify and hold harmless Wakefield and each and all of its officials, officers, employees, agents, servants and representatives from and against any claim arising from or in connection with the performance by the Director of his duties in or for Reading including, without limitation, any claim of liability, loss, damages, costs and expenses for personal injury or damage to real or personal property by reason of any negligent act or omission or intentional misconduct by the Director while in or performing services for Reading. Similarly, Wakefield shall indemnify and hold harmless Reading and each and all of its officials, officers, employees, agents, servants and representatives from and against any claim arising from or in connection with the performance by the Director of his duties in or for Wakefield, including without limitation, any claim of liability, loss, damages, costs and expenses for personal injury or damage to real or personal property by reason of any negligent act or omission or intentional misconduct by the Director while in or performing services for Wakefield. Such indemnification shall include, without limitation, current payment of all costs of defense (including reasonable attorneys fees, expert witness fees, court costs and related expenses) as and when such costs become due and the amounts of any judgments, awards and/or settlements, provided that (a) Wakefield and Reading shall each have the right to select counsel to defend against such claims, such counsel to be reasonably acceptable to the other party and its insurer, if any, and to approve or reject any settlement with respect to which indemnification is sought; (b) Each party shall cooperate with the other in all reasonable respects in connection with such defense; and (c) neither party shall be responsible to pay any judgment, award or settlement to the extent occasioned by the negligence or intentional misconduct of any employee, agent, official or representative of the other party other than the Director. By entering into this Agreement, neither of the parties have waived any governmental immunity or limitation of damages which may be extended to them by operation of law including, but not limited to, G.L. c. 258 the Massachusetts Tort Claims Act.

10. Termination. This Agreement may be terminated by either party for any reason or no reason on thirty (30) days written notice to the other. No such termination shall affect any obligation of indemnification that may have arisen hereunder prior to such termination. The parties shall equitably adjust any payments made or due relating to the unexpired portion of the Term following such termination.

11. Assignment. Neither party shall assign or transfer any of its rights or interests in or to this Agreement, or delegate any of its obligations hereunder, without the prior written consent of the other.

12. Severability. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, illegal or unenforceable, or if any such term is so held when applied to any particular circumstance, such invalidity, illegality or unenforceability shall not affect any other provision of this Agreement, or affect the application of such provision to any other circumstances, and this Agreement shall be construed and enforced as if such invalid, illegal or unenforceable provision were not contained herein.

13. Waiver. The obligations and conditions set forth in this Agreement may be waived only by a writing signed by the party waiving such obligation or condition. Forbearance or indulgence by a party shall not be construed as a waiver, nor limit the remedies that would otherwise be available to that party under this Agreement or applicable law. No waiver of any breach or default shall constitute or be deemed evidence of a waiver of any subsequent breach or default.

14. Amendment. This Agreement may be amended only by a writing signed by both parties duly authorized thereunto.

15. Governing Law. This Agreement shall be governed by and construed in accordance with the substantive laws of the Commonwealth of Massachusetts, without regard to the conflicts of laws provisions thereof.

16. Headings. The paragraph headings herein are for convenience only, are no part of this Agreement and shall not affect the interpretation of this Agreement.

17. Notices. Any notice permitted or required hereunder to be given or served on either party by the other shall be in writing signed in the name of or on behalf of the party giving or serving the same. Notice shall be deemed to have been received at the time of actual receipt of any hand delivery or three (3) business days after the date of any properly addressed notice sent by mail as set forth below.

a. To Reading. Any notice to Reading hereunder shall be delivered by hand or sent by registered or certified mail, return receipt requested, postage prepaid, to:

Robert W. LeLacheur, Jr. CFA  
Town Manager  
Town Hall  
16 Lowell Street  
Reading MA 01867

or to such other address(es) as Reading may designate in writing to Wakefield.

b. To Wakefield. Any notice to Wakefield hereunder shall be delivered by hand or sent by registered or certified mail, return receipt requested, postage prepaid, to:

Steve Maio  
Town Administrator

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Wakefield Town Hall  
1 Lafayette Street  
Wakefield, Massachusetts 01880

or to such other address(es) as Wakefield may designate in writing to Reading.

18. Complete Agreement. This Agreement constitutes the entire agreement between the parties concerning the subject matter hereof, superseding all prior agreements and understandings. There are no other agreements or understandings between the parties concerning the subject matter hereof. Each party acknowledges that it has not relied on any representations by the other party or by anyone acting or purporting to act for the other party or for whose actions the other party is responsible, other than the express, written representations set forth herein.

19. Financial Safeguards. Wakefield shall maintain separate, accurate and comprehensive records of all services performed for each of the parties hereto. Wakefield shall maintain accurate and comprehensive records of all costs incurred by or on account of the Assessing Department, and all reimbursements and contributions received from Reading. Periodic financial statements must be issued to each party. On an annual basis, the parties' Financial Officers shall jointly audit the accounts of the Director of the Assessing Department for accounting consistency and reliability.

WITNESS OUR HANDS AND SEALS as of the first date written above.

TOWN OF WAKEFIELD  
By its Board of Selectmen

Certificate of available  
appropriation

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\_\_\_\_\_  
Town Accountant

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Approval as to legal form

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\_\_\_\_\_  
Town Counsel

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TOWN OF READING  
By its Board of Selectmen

Certificate of available  
appropriation

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\_\_\_\_\_  
Town Accountant

\_\_\_\_\_

Approval as to legal form

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\_\_\_\_\_  
Town Counsel

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Office of the Town Manager  
16 Lowell Street  
Reading, MA 01867

781-942-9043  
[townmanager@ci.reading.ma.us](mailto:townmanager@ci.reading.ma.us)  
[www.readingma.gov/town-manager](http://www.readingma.gov/town-manager)

**To:** Board of Selectmen  
**From:** Bob LeLacheur  
**Date:** October 31, 2013  
**RE:** Remote Participation

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Remember that the BOS is the local authority that approves this practice, and it must be done on an all-or-none basis for all Boards, Committees and Commissions in Town (this does not include Town Meeting or the Retirement Board). Enclosed is some background material for you to review as you consider adopting Remote Participation for Town public bodies:

- 1.) BOS policies, Article 2 Volunteers, Boards, Committees and Commissions – I would propose adding #9. Remote Participation at the end of this section (1 page);
- 2.) Past BOS Minutes from 3/13/12 and 5/21/13 (2 pages);
- 3.) Attorney General Martha Coakley information: **940 CMR 29.00** Open Meetings, specifically **29.10** Remote Participation (3 pages);
- 4.) Background information from other MA communities (15 pages).

There are mixed opinions on adopting Remote Participation. Neither the MMA nor the AG's office formally track adoption rates, but it is thought to be about 5% of all cities & towns since this practice was allowed over three years ago.

Reasons for adopting the policy are limited to the five reasons allowed by the AG's office: personal illness, personal disability, emergency, military service or geographic distance. BCCs across the Commonwealth that have regularly travelling members and/or those that have had a member with a temporary medical disability are anecdotally the reasons most cited to adopt.

Reasons for not adopting vary, but the most apparent one is that it is a low priority and has not been discussed by many communities. However some communities have discussed and rejected adopting this policy. Reasons include the cost associated with outfitting all public meeting space with proper technology, the notion it is a volunteer's responsibility to be at meetings, the nuances of communication in person versus remotely, the potential for abuses when something more interesting is on TV, and so forth.

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If the Board wishes to adopt Remote Participation, I will make the following suggestions which are in addition to the AG's requirements under **940 CMR 29.10**:

- (1) Remote Participation is adopted on a trial basis through December 31, 2014, so a future Board must reconsider the matter;
- (2) During the trial period, feedback is solicited from all Boards, Committees and Commissions on the pros and cons of the Participation experience;
- (3) Remote Participation is limited to be audio only as that will be far easier and cheaper to provide for all public meeting spaces in the short run. During the trial basis the Town will prepare an inventory of all public meeting spaces and the technology available. It is preferable that all spaces have the same capabilities, but this will be expensive to provide. For example, there are public meetings held in Matera Cabin.
- (4) If technical difficulties arise and persist during a meeting, the remote participant will be declared to have left the meeting and the specific BCC Chair may decide to continue with the Agenda if there is a quorum still physically present;
- (5) All votes must be by roll call if there is a remote BCC participant;
- (6) Any costs associated with remote participation are born entirely by the remote participant;
- (7) In order to participate remotely all handouts or presentations must be made available to all remote participants in advance.

I have prepared a sample Policy for the Board to review and make improvements to. Town Counsel is also reviewing the draft version and will have his comments available prior to your meeting.

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Office of the Town Manager  
16 Lowell Street  
Reading, MA 01867

781-942-9043  
[townmanager@ci.reading.ma.us](mailto:townmanager@ci.reading.ma.us)  
[www.readingma.gov/town-manager](http://www.readingma.gov/town-manager)

**To:** Board of Selectmen  
**From:** Bob LeLacheur  
**Date:** October 30, 2013  
**RE:** DRAFT Remote Participation Policy

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*Insert bold language below in Selectmen's Polices section 2.1 as item # 9.*

**9. All appointed and elected Boards, Committees and Commissions (hereinafter 'public body') are hereby authorized to conduct Remote Participation subject to the requirements of The Massachusetts Open Meeting Law, G.L. c30A, §20(d) and 940 CMR 29.00 section 29.10 and the Additional Regulations listed below. This authorization is on a trial basis and expires on December 31, 2014 if not renewed.**

**Additional Regulations**

- (1) Remote participation is limited to members of a public body and not available to the general public;**
- (2) A member of a public body requesting remote participation must notify the Chair or acting Chair in writing and in advance of the meeting, stating the reasons why;**
- (3) Remote participation is allowed as audio only. The remote audio must be clearly heard in the public meeting space to all participants;**
- (4) The Chair or acting Chair will announce the presence of any remote participants at the start of the meeting;**
- (5) If technical difficulties arise and persist during a meeting, the remote participant will be declared to have left the meeting and the Chair of the public body may decide to continue with the Agenda if there is a quorum still physically present;**
- (6) All votes must be by roll call if there is a remote public body participant;**
- (7) All handouts or presentations must be made available to all remote participants in advance;**
- (8) Any costs associated with remote participation are born entirely by the remote participant.**

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**ARTICLE 2 – VOLUNTEERS, BOARDS,  
COMMITTEES AND COMMISSIONS**

*Adopted/Re-adopted March 30, 2004*

**Section 2.1 - General Provisions for all Boards, Committees and Commissions**

The Board of Selectmen may establish from time to time, standing and/or ad hoc Boards, Committees or Commissions. This section shall apply to any Board, Committee or Commission established as a standing committee by Charter, or established in accordance with Article 4 of the Reading Home Rule Charter, and any applicable Bylaw or State Statute.

The process used will be to establish such a body through the formal process established by Section 4.11 of the Town Bylaws for the development of a policy, rule or regulation.

A Board, Committee or Commission may be established to deal with a short term or an ongoing issue or concern of the Town, and the following conditions shall apply to all such bodies:

1. The Department within which the Board, Committee or Commission falls shall be determined by the policy establishing the body.
2. The number of members of the body shall be established by the policy establishing the body.
3. Every member of each Board, Committee or Commission established and/or appointed by the Board of Selectmen shall physically reside in Reading at the time of his/her appointment and for the duration of his/her term, unless the policy establishing the Board, Committee or Commission specifically waives the residency requirement for one or more members. Every member shall be a registered voter of the Town of Reading, and shall maintain that status during the full term of his/her appointment. The requirement of being a registered voter may be waived by the Board of Selectmen when the Board decides to establish a position and/or appoint an individual to a Board, Committee Commission or Task Force where the individual is or may be less than the legal voting age.
4. In conducting its work, all Boards, Committees and Commissions shall be bound by all of the rules and regulations of the Town of Reading and the Commonwealth of Massachusetts, including but not limited to the Open Public Meetings law.
5. Each Board, Committee and Commission shall report to the Board of Selectmen periodically as required but no less often than once per year.
6. A member who misses three consecutive meetings may be recommended for removal by a majority vote of the Board, Committee or Commission.
7. Members of all Boards, Committees and Commissions are required to act with the highest level of integrity, business ethics and objectivity in all matters. No member of any Board, Committee or Commission may misuse the authority or influence of their position.
8. All members of Boards, Committees and Commissions shall operate in a courteous, respectful, businesslike and efficient manner in all aspects of their duties.

*Adopted 12-13-94, Revised 1-2-96, Revised March 30, 2004*

Ⓐ 9. Remote participation (proposed)

Ben Tafoya noted that the inventory sheet needs additional plain language description. Mark Cardono noted it's pretty straight forward.

Robert Sullivan noted that everything they are talking about tonight will be in the future. John Arena asked if this will deal with people who did not receive notification in the past because they feel trapped. Roberta Sullivan indicated this does not do that.

Ben Tafoya asked if this was done in public meetings and Mark Cardono noted that the meetings were posted open meetings with this topic on the agenda.

The Town Manager noted this is at a good point to do a broader outreach and solicit opinions.

Karen Herrick, Precinct 8, noted there is a petition article on this issue and asked who can table the issue. The Town Manager indicated only the petitioner can table the article.

Elaine Webb noted that since the notification of the hearing was to put the building on the inventory, did she miss the hearing to not have to be protected by the demo delay. Roberta Sullivan noted that a homeowner came to the hearing and gave reasons why the house should not be on the list and the demolition delay was removed. Elaine Webb noted that the process was not clear that there was an option.

Ben Tafoya noted there needs to be a clearer transition from 3, 4 and 5.

Review Option/Opportunity for Remote Participation – The Town Manager noted that the Open Meeting Law provides regulations that allows for remote participation. If the Board approves it, then rules and regulations need to be developed. This would include the School Committee, Library Board of Trustees, Board of Assessors and Light Board. Votes would need to be a roll call vote and there must be a quorum of the committee physically present. The member would have to notify the chairman as soon as possible and the chairman needs to announce the reason at the meeting and it must be recorded in the minutes.

Richard Schubert indicated he would not want to impose any additional cost for technology. He noted that remote participation loses the personal touch.

John Arena noted that you also cannot read a person's body language over the phone.

Marsie West noted that she has participated in many teleconferences and it is important to check in with the person on the phone to see if they have something to say.

Ben Tafoya indicated it's a nice idea but is skeptical unless someone wants to give us the money to do it right. He noted if it's a Board, Committee or Commission who meets quarterly then it is no big deal.

Richard Schubert asked if there was a need for this in Reading and the Town Manager noted that he didn't see any need in Reading – he believes in physical presence at a meeting.

Review Remote Participation for Public Meetings (per Open Meeting Law) – James Bonazoli noted that this topic was previously discussed. The Town Manager reviewed some of the requirements including the person needs to be well heard and cannot be chairing the meeting. There must be a quorum physically present and all votes are done on a roll call vote. Also, there are five reasons why remote participation is allowed. If the Board adopts then a policy will need to be established that will cover all the Boards, Committees and Commissions.

Marsie West noted that this is a standard in the business environment and feels this is a good idea.

Daniel Ensminger noted this would be a good recruitment tool.

**Approval of Minutes**

**A motion by Tafoya seconded by West to approve the minutes of April 23, 2013 was approved by a vote of 4-0-0.**

James Bonazoli noted that this is Peter Hechenbleikner's last meeting and he thanked him for 26 years of hard work.

**A motion by West seconded by Ensminger that the Board of Selectmen adjourn the meeting at 8:53 p.m. was approved by a vote of 4-0-0.**

Respectfully submitted,

Secretary

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## Attorney General Martha Coakley

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### 940 CMR 29.00: Open Meetings

#### Open Meetings

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#### 29.01: Purpose, Scope and Other General Provisions

(1) **Authority** . The Attorney General promulgates 940 CMR 29.00, relating to the Open Meeting Law, pursuant to M.G.L. c. 30A, sec. 25 (a) and (b).

(2) **Purpose** . The purpose of 940 CMR 29.00 is to interpret, enforce and effectuate the purposes of the Open Meeting Law, M.G.L. c. 30A, sec. 18-25.

(3) **Severability** . If any provision of 940 CMR 29.00 or the application of such provision to any person, public body, or circumstances shall be held invalid, the validity of the remainder of 940 CMR 29.00 and the applicability of such provision to other persons, public bodies, or circumstances shall not be affected thereby.

(4) **Mailing** . All complaints, notices (except meeting notices) and other materials that must be sent to another party shall be sent by one of the following means: first class mail, email, hand delivery, or by any other means at least as expeditious as first class mail.

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#### 29.02: Definitions

As used in 940 CMR 29.00, the following terms shall, unless the context clearly requires otherwise, have the following meanings:

**Commission** means the Open Meeting Law Advisory Commission, as defined by G.L. c. 30A, sec. 19(c).

**District Public Body** means a public body with jurisdiction that extends to two or more municipalities.

**Emergency** means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

**Intentional Violation** means an act or omission by a public body or a member thereof, in knowing violation of M.G.L. c. 30A, sec. 18-25. Evidence of an intentional violation of M.G.L. c. 30A, sec. 18-25 shall include, but not be limited to, that the public body or public body member (a) acted with specific intent to violate the law; (b) acted with deliberate ignorance of the law's requirements; or (c) was previously informed by receipt of a decision from a court of competent jurisdiction or advised by the Attorney General, pursuant to 940 CMR 29.07 or 940 CMR 29.08, that the conduct violates M.G.L. c. 30A, sec. 18-25. Where a public body or public body member has made a good faith attempt at compliance with the law, but was reasonably mistaken about its requirements or, after full disclosure, acted in good faith compliance with the advice of the public body's legal counsel, such conduct will not be considered an intentional violation of M.G.L. c. 30A, sec. 18-25.

**Person** means all individuals and entities, including governmental officials and employees. **Person** does not include public bodies.

**Post notice** means to place a written announcement of a meeting on a bulletin board, electronic display, website, cable television channel, newspaper or in a loose-leaf binder in a manner conspicuously visible to the public, including persons with disabilities, at all hours, in accordance with 940 CMR 29.03.

**Public body** has the identical meaning as set forth in M.G.L. c. 30A, sec. 18, that is, a multiple-member board, commission, committee or subcommittee within the executive or legislative branch or within any county, district, city, region or town, however created, elected, appointed or otherwise constituted, established to serve a public purpose; provided, however, that the governing board of a local housing, redevelopment or similar authority shall be deemed a local public body.

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Nothing in 940 CMR 29.06 or 29.07 shall limit the Attorney General's authority to file a civil action to enforce M.G.L. c. 30A, sec 18-25 M.G.L. c. 30A, sec. 18-25 pursuant to M.G.L. c. 30A, sec. 23(f).

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**29.10: Remote Participation**

(1) Preamble. Remote participation may be permitted subject to the following procedures and restrictions. However, the Attorney General strongly encourages members of public bodies to physically attend meetings whenever possible. By promulgating these regulations, the Attorney General hopes to promote greater participation in government. Members of public bodies have a responsibility to ensure that remote participation in meetings is not used in a way that would defeat the purposes of the Open Meeting Law, namely promoting transparency with regard to deliberations and decisions on which public policy is based.

(2) Adoption of Remote Participation. Remote participation in meetings of public bodies is not permitted unless the practice has been adopted as follows:

- (a) Local Public Bodies. The Chief Executive Officer, as defined in M.G.L. c. 4, sec. 7, must authorize or, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that authorization or vote applying to all subsequent meetings of all local public bodies in that municipality.
- (b) Regional or District Public Bodies. The regional or district public body must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.
- (c) Regional School Districts. The regional school district committee must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.
- (d) County Public Bodies. The county commissioners must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of all county public bodies in that county.
- (e) State Public Bodies. The state public body must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.
- (f) Retirement Boards. A retirement board created pursuant to M.G.L. c. 32, sec. 20 or M.G.L. c. 34B, § 19 must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(3) Revocation of Remote Participation. Any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) may revoke that adoption in the same manner.

(4) Minimum Requirements for Remote Participation.

- (a) Members of a public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other;
- (b) A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location, as required by M.G.L. c. 30A, sec 20(d);
- (c) Members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of M.G.L. c. 39, sec. 23D.

(5) Permissible Reasons for Remote Participation. If remote participation has been adopted in accordance with 940 CMR 29.10(2), a member of a public body shall be permitted to participate remotely in a meeting, in accordance with the procedures described in 940 CMR 29.10(7), if the chair or, in the chair's absence, the person chairing the meeting, determines that one or more of the following factors makes the member's physical attendance unreasonably difficult:

- (a) Personal illness;
- (b) Personal disability;
- (c) Emergency;
- (d) Military service; or
- (e) Geographic distance.

(6) Technology

- (a) The following media are acceptable methods for remote participation. Remote participation by any other means is not permitted. Accommodations shall be made for any public body member who requires TTY service, video relay service, or other form of adaptive telecommunications.
  - (i) telephone, internet, or satellite enabled audio or video conferencing;

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(ii) any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.

(b) When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.

(c) The public body shall determine which of the acceptable methods may be used by its members.

(d) The chair or, in the chair's absence, the person chairing the meeting, may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged, wherever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes.

(e) The amount and source of payment for any costs associated with remote participation shall be determined by the applicable adopting entity identified in 940 CMR 29.10(2).

(7) Procedures for Remote Participation.

(a) Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the chair or, in the chair's absence, the person chairing the meeting, of his or her desire to do so and the reason for and facts supporting his or her request.

(b) At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason under 940 CMR 29.10(5) for his or her remote participation. This information shall also be recorded in the meeting minutes.

(c) All votes taken during any meeting in which a member participates remotely shall be by roll call vote.

(d) A member participating remotely may participate in an executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by a simple majority vote of the public body.

(e) When feasible, the chair or, in the chair's absence, the person chairing the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he or she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with M.G.L. c. 30A, sec. 22.

(8) Further Restriction by Adopting Authority. These regulations do not prohibit any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) from enacting policies, laws, rules or regulations that prohibit or further restrict the use of remote participation by public bodies within that person or entity's jurisdiction, provided those policies, laws, rules or regulations do not violate state or federal law.

(9) Remedy for Violation. If the Attorney General determines, after investigation, that 940 CMR 29.10 has been violated, the Attorney General may resolve the investigation by ordering the public body to temporarily or permanently discontinue its use of remote participation.

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# Wareham breaks new ground locally with remote participation

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By **CHRIS SHOTT**  
CONTRIBUTING WRITER  
August 07, 2013 12:00 AM

A policy adopted last week by the Wareham Board of Selectmen permitting remote participation during meetings of town bodies is largely unparalleled on SouthCoast, according to a survey of local communities.

While remote participation has been permitted in all 351 Massachusetts cities and towns by order of Attorney General Martha Coakley since 2011, fewer than 5 percent have legally adopted it. In SouthCoast, Wareham stands alone in officially allowing government committees, commissions and boards to grant members the right to participate in meetings through remote technologies (including telephone and Internet services), although one other community experimented with it recently.

In Acushnet, Christine Amaral, administrative assistant to selectmen, said the town has no official policy in place regarding remote participation, but actually implemented it during a meeting of its Board of Selectmen.

"At a meeting, I think it was in June, the selectmen allowed it when the chairman was seriously injured in an accident and could not attend a meeting," Amaral said. "Another member took over as interim chairman for the meeting while the chairman was allowed to participate by speakerphone."

Elsewhere in SouthCoast, remote participation has attracted little attention or interest.

In New Bedford, City Council President Bruce Duarte said the council has never voted on the issue.

"We talked about it at a meeting about six months ago, but no vote was taken," Duarte said. "Personally, I'm not in favor of it because I think it's your responsibility to be at meetings."

Duarte also said he objected to remote participation because of potential abuses.

"I think at times it could be used just for convenience," he said. "I think it's very important for people to be at meetings."

Dartmouth Town Administrator David Cressman said the town does not allow remote participation.

"In my tenure, coming up on four years, I don't recall it ever being discussed," Cressman said.

Fairhaven Town Administrator Jeffrey Osuch said the Board of Selectmen disapproves of remote participation.

"The issue came up I believe it was last year, and the selectmen decided not to approve it," Osuch said.

Westport Town Administrator John F. Healey said selectmen presently disapprove of remote participation because of logistical and security concerns.

"The board thinks it is problematic in many respects," Healey said. "The board has been hesitant to implement it because of potential problems associated with it."

Freetown Town Administrator Richard Brown said the town "doesn't have a provision" for remote participation and that he could not recall discussion on the topic during his nearly two years in that position.

A town official in Marion confirmed that town does not have a policy allowing remote participation, but adopted Chapter 39, Section 23D of the Massachusetts General Laws at its Annual Town Meeting in 2011 for its Planning Board. The law grants board members the right to vote on matters discussed at an adjudicatory hearing even if they are absent, provided "that certain conditions as established by said statute are met."

Katie McCue, legislative analyst for the Boston-based Massachusetts Municipal Association, said that her organization does not maintain formal records on communities sanctioning remote participation.

"We do not have a complete list here at the MMA of all the communities that have adopted remote participation,"

1 of 3 Premium Clicks used this month

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have a sense and we have some examples.

"As far as we know, on my list there are about a dozen communities, but unfortunately, I don't think that's the full statewide picture."

McCue said Ipswich, Westwood, Winchester, Harvard, Arlington, Franklin, Natick, Wayland and Weston currently authorize remote participation, and an Internet search revealed that West Newbury, Georgetown, Great Barrington, Brookline, Leominster, North Andover and Southborough have done likewise. She also said the MMA advocates the policy for all communities in the state.

"The MMA supported the attorney general office's regulations when they were adopted," McCue said. "We generally believe it makes sense for communities to adopt them."

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2013

## Some local boards using remote participation

Thomas Mercer said it felt almost like a regular meeting as the Franklin town councilor took votes and participated in discussions.

But, instead of sitting in his seat in the council chambers, Mercer was halfway around the world.

"It was unbelievable," Mercer recalled this week, of joining his fellow councilors via a Skype phone while traveling in China last spring for work. "It was like I was sitting in the room. I could hear the audience speak and could hear everything."

Thanks to changes to the state Open Meeting Law that allow remote participation under certain circumstances, board members such as Mercer can join in on discussions even if they are away on business.

4

But, almost a year after the regulations took effect, Patricia Mikes of the Massachusetts Municipal Association said she is aware of less than a dozen communities using remote participation. A community's chief executive officer, typically selectmen in a town and the mayor in a city, must adopt remote participation for other boards in the community to use it. A regional school committee must adopt it for a regional school district, according to Open Meeting Law regulations.

Locally, Franklin, Natick, Southborough, and Wayland are among local communities that have adopted it. The Mendon-Upton Regional School District's School Committee has also approved the practice.

"It's a great tool to increase participation statewide," said Mikes, a spokeswoman for the association. "It certainly opens up a whole new world."

Mikes said remote participation is not widespread in part because municipal leaders have been focused on financial or other more pressing issues.

In Framingham, ~~selectmen considered adopting the regulations in January but ultimately rejected them.~~ Chairman Jason Smith said board members should attend meetings in person so they vote in front of the public. It's harder to fully participate in discussions when board members are not looking at each other face-to-face, Smith said.

"I think there's a lot to be said for someone that sits in the public eye," he said.

→

Natick Selectman Joshua Ostroff, president of the Massachusetts Selectmen's Association, said it is a good tool to allow members to join in when they are out-of-town for legitimate reasons.

The regulations allow remote participation when physical attendance is unreasonable because of personal illness, disability, emergency, military service or geographic distance. Boards must have a quorum physically present and can use teleconferencing or videoconferencing.

"I think it's a great tool if a local community wants to adopt it to help ensure board members can participate when they have to be away from town for legitimate reasons," Ostroff said. "Anything we can do to encourage citizen involvement is good for our communities. ... It should not be the norm, but government needs to recognize the busy lives of volunteers by occasionally participating remotely."

Natick selectmen Chairman Paul Joseph said he has remotely participated twice while traveling for work. Joseph said board members participating remotely have to be more focused since they may only be listening to voices.

"I think it works great," Joseph said. "My support for adopting the rule was basically to allow a broader citizen engagement."

Selectmen are seeking feedback from other committees about how often it has been used, he said.

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Natick officials were already upgrading communication technology, so did not need to spend extra money on equipment. Southborough, however, is planning to buy equipment to facilitate remote participation, Acting Town Administrator Vanessa Hale said.

Hale said she does not anticipate a significant cost for the equipment.

Mendon-Upton Regional School District committees have used remote participation twice, including once when one member of a three-person policy subcommittee could not attend, Superintendent Joseph Maruszczak said.

Back in Franklin, Councilors Mercer and Jeffrey Roy – who have attended meetings remotely – said one of the biggest hassles is that all votes must be taken by roll call, a sometimes tedious process when the council has more than a dozen votes.

But, they said that does not outweigh the positives.

"I absolutely was thrilled to have the opportunity to participate remotely," Roy said. "One of the things that was always important to me is that I have 100 percent attendance at meetings."

(Brian Benson can be reached at 508-626-3964 or [bbenson@wickedlocal.com](mailto:bbenson@wickedlocal.com).)

5213

Haverhill — It's now just a matter of time until City Councilor John Michitson calls in his vote or opines on a local matter from some far-flung locale.

The council unanimously approved an ordinance last night allowing councilors to participate in meetings via by telephone or video — making Haverhill one of a handful governmental bodies in Massachusetts that has adopted a new state law allowing officials to telecommute to municipal meetings.

The council began planning to allow telecommuting in December, primarily because Michitson took a position at his company that requires extensive travel to the Middle East. Michitson, the top vote-getter in the last council election, resigned the council presidency three months ago due to his new work schedule at MITRE Corporation, where he is an electrical engineer.

Last night, Michitson said he has no immediate travel plans, but that he expects his work will dispatch him to the Middle East sometime in March.

"I'm all set to call in," Michitson said. "All I need is an international phone."

Councilors will be allowed to participate and vote by phone at council meetings up to six times per year under the ordinance. Communication infrastructure was recently installed in the council's City Hall meeting room to allow councilors to receive and transmit an audio signal via a speaker phone in the room.

Under rules established by the Attorney General's Office, elected officials are allowed to attend meetings remotely in instances where they cannot be present due to personal illness or injury, geographical distance, military service or an emergency.

According to Haverhill's rules, Mayor James Fiorentini can rescind the ordinance at any time by notifying the city clerk in writing.

 Other telecommuting rules include: A quorum of the body, including the chairman or the person running the meeting, must be physically present at the meeting location; members of a public body who participate remotely and all people at the meeting location must be clearly audible to each other; and all votes taken during a meeting in which a member participates remotely must be by roll call vote.

 Any costs incurred by the city in allowing remote participation must be paid by the councilor who telecommutes.

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## Haverhill

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- [City council supports dog park plan](#)

Haverhill -- Mayor James Fiorentini gained the City Council's support last night to apply for a grant to build a dog park in the city. Fiorentini proposed having two fenced-in areas at the rear of Riverside Park. One area would be for small to large

[Continued ...](#)

Updated Oct 30, 2013 12:54 am [1 Comment](#)

- [Haverhill Councilor's proposal could save city, taxpayers millions](#)

Haverhill -- A proposal to have the new Hunking Middle School built off site could result in millions of dollars in savings to Haverhill's taxpayers according to one City Councilor. At last night's meeting, Councilor Colin LePage said there is no que

5214

WEST NEWBURY — The ability for residents to participate on municipal boards and committees just got a little bit easier.

At a meeting this week the Board of Selectmen adopted a state provision that allows for members of a town panel to participate from a remote location in a meeting that is being held locally.

The idea arose during a discussion with the two newest members of the Board of Fire Engineers, Bob Janes and Mary Ann Fowler. Janes noted that — in what appears to be a violation of the state Open Meeting Law — the previous three-member panel occasionally held meetings with fire engineer Mark Hemingway on speakerphone while he was out of town on business.

Because selectmen had yet to adopt the remote participation provision, under state Open Meeting Law regulations, those meeting should not have taken place.

According to Town Counsel Michael McCarron, minutes of the Board of Fire Engineers' meetings reflect those times when Hemingway participated by telephone. "It showed that he did so a couple of times over the last year," noted McCarron.

According to the Open Meeting Law, some very specific requirements must be met before remote participation can occur.

A member who wishes to participate remotely must notify the chairman as soon as possible and provide a reason for and facts supporting the request. Permissible reasons, as determined by the chairman, include personal illness or disability, emergency, military service or geographic distance.

"You can't just stay home because you want to watch the Bruins game," Kemper quipped.

At the start of the meeting, the chairman must announce the name of the member who is participating remotely and the reason. This information must be included in the minutes of the meeting.

④ All votes for that meeting must be taken by roll call.

Ⓜ If the board goes into executive session, the member who is participating remotely must state at the start of the closed session that no one else is present in the room, unless that person is approved to participate by a simple majority vote of the public body.

When feasible, the member participating remotely should be provided in advance with copies of documents or exhibits to be used at the meeting. The documents and their use should be included in the minutes.

All people present at a meeting where membership is participating remotely must be able to clearly hear each other. The remote participant may vote on motions and should not be deemed absent. But the meeting may only occur if a quorum of the board is physically present at the local site.

Ⓜ The only permissible media methods for remote participation are telephone, Internet or satellite-enabled audio or video conferencing or any other technology that allows clearly audible and visual participation from everyone. The public body decides which of these methods is acceptable.

Ⓜ If technical difficulties result in the disconnection from the meeting of a person participating remotely, the time of disconnection must be noted in the minutes. Ultimately, it's the chairman's call on how to deal with the technical problem, but the attorney general's office encourages suspending the discussion until the technical problems are resolved and the person in the remote locale can clearly hear and be heard by everyone at the meeting.

5015

The provision must be adopted by a simple majority of the selectmen and be applied to all local public bodies in that municipality. Selectmen can also revoke this provision in the same way and are authorized to add further restrictions on this practice as long as they don't run contrary to the statute. The regional school committee must take its own separate vote in order to conduct meetings with remote participation.

The state attorney general's office "strongly encourages" members of public bodies to attend meetings in person whenever possible and to do everything they can to "promote transparency with regard to deliberations and decisions on which public policy is based."

Selectmen also discussed with the engineers an apparent mistake in how the clerk of the Board of Fire Engineers has been paid. Since 2006, the clerk has been receiving pay at a grade 3 level when he should have been receiving pay at grade 4. McCarron explained that the town's compensation schedule is "only a guide, not a guarantee." It does not constitute a contract and the employee already accepted the lower rate, so the town is not legally required to pay him back for past earnings, McCarron said. However, selectmen agreed to rectify the mistake going forward.

According to Finance Director Warren Sproul, in 2006, the pay range under grade 3 was \$12.03-\$15.64, while under grade 4 it was \$14.42-\$18.04. In fiscal year 2014 the range for grade 3 is \$14.31-\$18.60 and for grade 4 is \$17.15-\$21.46.

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- [Busy 'roundabout' to be closed to all traffic Friday](#)

NEWBURYPORT -- The Spofford Road roundabout will be closed to all traffic Friday to allow for contractors to conduct a final paving that day, weather permitting. The roundabout will continue to be closed to all vehicles larger than pickup trucks today

[Continued ...](#)

Posted 5 hours ago [2 Comments](#)

- [Coakley, DeLeo in Amesbury to discuss domestic violence](#)



AMESBURY -- Looking to strengthen state domestic violence laws, Attorney General Martha Coakley and House Speaker Robert DeLeo yesterday visited the Jeanne Geiger Crisis Center, known nationally for its efforts to protect victims of domestic abuse and

[Continued ...](#)

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- [Holaday leads in campaign funds](#)

NEWBURYPORT -- Mayor Donna Holaday continues to lead the candidates in fundraising, according to campaign finance forms filed with the city clerk this week. Holaday, running for her third term, raised \$9,009 between Sept. 8 and Oct. 26, according to

[Continued ...](#)

Posted 5 hours ago

- [Vogel seeks to 'help my community again'](#)



5/16



**MEETING MINUTES**  
**FOR JULY 10, 2013**

A Special Meeting of the Board the Board of Selectmen was held on Wednesday, July 10, 2013 in the Conway Hearing Room at 7:00 p.m. Present were Selectman David Gagliardi, Chairman, Selectman Robert Accomando, Vice Chairman, Selectman Michael Rosa, Secretary, Selectman Andrew Deslaurier, Member, Selectman George Simolaris, Member, Assistant Town Manager Cathleen O'Dea. Absent was Town Manager John Curran.

**CALL TO ORDER**

Chairman David Gagliardi called the meeting to order at 7:00 p.m. and stated all were present except for Selectmen George Simolaris.

**NEW BUSINESS**

**APPOINTMENT – BOARD OF SELECTMEN**

**RE-APPOINTMENT OF TOWN ACCOUNTANT**

Secretary Michael Rosa stated that the first item on the Agenda was the reappointment of the Town Accountant.

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Billerica Board of Selectmen reappoint Town Accountant Paul Watson.

It was voted:

4 – In Favor  
0 – Opposed  
(Selectman Simolaris absent)

**MEETING MINUTES JULY 10, 2013**

**PAGE 2**

*A*

**REMOTE PARTICIPATION ADOPTION**

Selectman George Simolaris entered the Meeting.

Selectman Michael Rosa stated that the next Agenda item was Remote Participation Adoption.

Assistant Town Manager Cathleen O'Dea stated that this was an authorization for the Town's Boards, Committees and Commissions to use Remote Participation. It allows members, for five (5) specific reasons, to participate remotely. Ms. O'Dea explained that the five reasons were for illness, disability, geographic constraints, military service and emergencies.

Ms. O'Dea further elaborated on the methods by which members could participate and passed out material prepared by Town Counsel beginning with the motion and procedures, rules and regulations pertaining to Remote Participation.

Ms. O'Dea pointed out to the Board that per the CMR, they could put their own policies and procedures in place regarding Remote Participation. She further stated that the Town Manger's Office had done a survey of other communities who have adopted Remote Participation.

*7*  
*i*

A discussion then took place among Board members as they stated their opinions and concerns on the matter.

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier made a motion that the Billerica Board of Selectman adopt:

**Authorization of Remote Participation by Town Board, Commission and Committee Members**

**MOTION:** I move pursuant to the provisions of the Massachusetts Open Meeting Law, G.L. c.30A, §20(d), and the Regulations promulgated thereunder, 940 CMR §29.10, that the Board authorize the use of remote participation at public meetings of all Town multi-member bodies, subject to the terms and conditions set forth below.

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**MEETING MINUTES JULY 10, 2013**

**PAGE 3**

In accordance with the requirements of the Massachusetts Open Meeting Law, G.L. c.30A, §20(d) and 940 CMR 29.00, section 29.10, The Board of Selectmen hereby authorizes remote participation for all appointed and elected Town Boards, Commissions, Committees and other "public bodies" as defined by the Open Meeting Law (hereafter, a "public body"), subject to and in accordance with the following terms and conditions. The Selectmen emphasize that pursuant to the requirements of the Remote Participation provisions of the above-referenced Regulations issued by the Attorney General, a quorum of the public body, including the chair or, in the chair's absence the person authorized to chair the meeting, must be physically present at the meeting location, as required by G.L. c. 30A, sec 20(d); and members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of G.L. c. 39, sec. 23D.

**1) Reasons Warranting Remote Participation:**

- Personal illness
- Personal disability
- Emergency
- Military service
- Geographic distance

**2) Approved Technology for Remote Participation**

The following media are acceptable methods for remote participation. Remote participation by any other means is not permitted. (Accommodation shall be made for any public body member who requires TTY service, video relay service, or other forms of adaptive telecommunications).

- Telephone, internet, or satellite enabled audio or video conferencing.
- Any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.
  - When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.
  - The chair, or in the chair's absence, the person chairing the meeting, may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged, wherever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes.

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**MEETING MINUTES JULY 10, 2013**

**PAGE 4**

The public body using remote participation may determine which of the foregoing acceptable methods will be used by its members.

**3) Procedure for Utilizing Remote Participation:**

**Step 1:** Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the chair or, in the chair's absence, the person chairing the meeting, of his or her desire to do so and the reason for and facts supporting his or her request.

**Step 2:** At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason under 940 CMR 29.10(5) for his or her remote participation. The chair's statement need not contain any detail about the reason for the member's remote participation. This information shall also be recorded in the meeting minutes.

**Step 3:** All votes taken during any meeting in which a member participates remotely shall be by roll call vote.

**Step 4:** A member participating remotely may participate in an executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless the presence of that person is approved by a simple majority vote of the public body.

**Step 5:** When feasible, the chair or, in the chair's absence the person chairing the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he or she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with G.L. c. 30A, sec. 22.

The Board of Selectmen reserves the right to revoke Town Board remote participation at any time under 940 CMR 29.10(3).

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**MEETING MINUTES JULY 10, 2013**

**PAGE 5**

*This authorization shall be reviewed by the Selectmen one year subsequent to the date of its implementation.*

**4) EFFECTIVE DATE:**

Pursuant to the vote of the Board of Selectmen ( 3 in favor, 2 opposed, 0 abstaining) on July 10, 2013, this authorization shall become effective on \_\_\_\_\_ upon passage.

It was voted:

3 – In Favor  
2 – Opposed

*passes by majority*

**ADJOURNMENT**

Selectman Michael Rosa, seconded by Selectman Robert Accomando made a motion to adjourn.

It was voted:

5 – In Favor  
0 – Opposed

Chairman David Gagliardi adjourned the meeting at 7:30 p.m.

**A TRUE COPY ATTEST**

**Sue Aker, Recording Secretary**

*521*

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# Selectmen Vote Not to Allow Remote Participation

After a presentation by Town Counsel on the state's new Open Meeting Law and a recent addition allowing the possibility of remote participation, Selectmen decided not to allow remote participation in Framingham.

Posted by Tiffany Reeveior, January 25, 2012 at 06:47 AM

18 Comments Recommend Like 0 Tweet 0



Framingham Board of Selectmen voted Tuesday night not to allow remote participation at meetings of town boards and committees, despite a new state law allowing the possibility of remote participation under certain circumstances.

"I firmly believe as an elected public official that you should be in the room to make that vote," said Board of Selectmen Chair Jason Smith.

Selectman Dennis Giombetti said he has never heard anyone in town express a wish for a remote participation option. He noted the Town of Framingham has more boards and committees than many other towns, so he did not believe remote participation would be practical.

With little further discussion, the Selectmen voted unanimously

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representatives from town boards and committees, let out a collective cheer when the vote was announced.

Before the vote, Selectmen heard a presentation by Town Counsel Christopher Petrini and Heather White on the new Open Meeting Law, which is not so new, having gone into effect on July 1, 2010.

A recent addition to the Open Meeting Law by Massachusetts Attorney General Martha Coakley added an option to allow remote participation in public meetings under certain circumstances.

The decision on whether or not to exercise the remote participation option rests with each local executive body of government, which is the Board of Selectmen in the Town of Framingham. Remote participation could not have applied to Town Meeting, but could have applied to subcommittees of Town Meeting, as well as other board and committee meetings. In the end, the Board of Selectmen voted not to allow remote participation at all in the Town of Framingham.

In addition to discussion of the remote participation option, Town Counsel gave an overview of the new Open Meeting Law and how it has changed the way some committees should operate. Among the changes are requirements for minutes taken at meetings, changes to the content of minutes, and the use of documents at meetings.

Despite the fact the law has been on the books for over a year, there were many questions from various town board and committee members about the practical implications of the law.

Town Counsel answered questions during public comments, clarifying the new Open Meeting Law as it related to executive session, for example, including when executive sessions should be called and how much information on them should be conveyed in the agenda.

Many public comments expressed frustration with the new law and additional hassles it created.

Some committees have met in private homes, but under the new law are required to hold meetings at public buildings that are handicapped accessible.

Interim Valerie Mulvey said minutes for standing committees and subcommittees, as well as for boards like the Board of Selectmen, must be submitted to the Town Clerk within 45 days of the public meeting.

Mulvey said the minutes don't have to be posted on the town website, but will be put there if submitted electronically.

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Mommy/Daddy & Me  
Brick-Builders Class

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Barbleri Indoor Yard Sale  
10/26, 9-2

Speak Out  
Little Shop of Horrors at  
Amazing Is...

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Garage sale 10/26 in  
Sherborn

Speak Out  
LOOKING TO WORK  
FROM HOME? NO

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1

Buy | Sell | Trade  
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1

Speak Out  
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Employees Volunteer

1

Town Square  
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October 26 2013, 1:00 - ...

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## Mass. communities test new remote participation provision in Open Meeting Law

Posted by admin on 26 September 2012, 12:43 pm



**By Richard Lodge, editor, MetroWest Daily News of Framingham, Mass.**

Almost a year after a change to the Massachusetts Open Meeting Law allowing remote meeting participation by city or town officials – under special circumstances – fewer than a dozen Bay State communities have adopted the idea.

In MetroWest, Franklin, Natick, Southborough, Wayland and the Mendon-Upton Regional School District have approved the idea of board or committee members who might be traveling, or otherwise unable to make a meeting, taking part by phone or via Skype.

MetroWest Daily News reporter Brian Benson wrote recently about the remote participation idea, citing Franklin Town Councilor Thomas Mercer as one big proponent.

Last spring, Mercer was in China on a business trip, when he joined the discussions at a Franklin Town Council meeting via a Skype connection.

"It was unbelievable," Mercer told Benson. "It was like I was sitting in the room. I could hear the audience speak and could hear everything."

*outreach*  
Ⓐ The idea isn't without detractors, though. Hudson selectmen this week (Sept. 24) heard from chairmen from the town Finance Committee, Planning Board, Economic Development Commission and Zoning Board of Appeals, who all spoke against remote participation in meetings.

Ⓐ FinCom Chairman John Parent cited concern over having to buy new technology to allow remote participation and problems that could arise if the audience couldn't hear the board member on the speaker phone or computer connection and vice versa.

"I see absolutely zero benefit in approving this," Parent told Hudson selectmen.

As the regulation is written, remote participation is allowed when physical attendance at a public meeting is unreasonable because of personal illness, disability, emergency, military service or geographic distance (such as Mercer's business trip to China).

In addition, the regulation requires remote participation to be approved by a community's chief

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executive, typically a board of selectmen or mayor. It also requires a quorum of a board be physically present and allows either teleconferencing or videoconferencing.

One booster of the remote participation option is Natick Selectman Josh Ostroff, president of the Massachusetts Selectmen's Association.

"Anything we can do to encourage citizen involvement is good for our communities. ...It should not be the norm, but government needs to recognize the busy lives of volunteers by occasionally participating remotely," Ostroff told the Daily News.

Contact: [rlodge@wickedlocal.com](mailto:rlodge@wickedlocal.com); on Twitter: RichardKLodge

Filed under Massachusetts, Open Meeting Law Tagged Brian Benson, Franklin Town Councilor Thomas Mercer, Hudson Finance Committee Chairman John Parent, Massachusetts Selectmen's Association, MetroWest Daily News, Open Meeting Law, Richard Lodge

| [Permalink](#)

5e25

## Schena, Paula

---

**From:** Gemme, Laura  
**Sent:** Wednesday, October 23, 2013 10:41 AM  
**To:** LeLacheur, Bob  
**Cc:** Schena, Paula  
**Subject:** RE: Remote participation

Bob,

The text below is the process for adopting remote participation from the AGs office information. There does not need to be a public hearing...

Remote participation may be used during a meeting of a public body if it has first been adopted by the chief executive officer of the municipality for local public bodies, the county commissioners for county public bodies, or by a majority vote of the public body for retirement boards, district, regional and state public bodies. The chief executive officer may be the board of selectmen, the city council, or the mayor, depending on the municipality. See G.L. c. 4, § 7. If the chief executive officer in a municipality authorizes remote participation, that authorization must apply to all public bodies in the municipality. 940 CMR 29.10(2)(a). However, the chief executive officer determines the amount and source of payment for any costs associated with remote participation, and may decide to fund the practice only for certain public bodies. See 940 CMR 29.10(6)(e). In addition, the chief executive officer can authorize public bodies in that municipality to "opt out" of the practice altogether. See 940 CMR 29.10(8).

Laura A Gemme, CMMC  
Town Clerk  
Town of Reading  
16 Lowell Street  
Reading, MA 01867  
(P) 781-942-6647  
(F) 781-942-9070  
(E) [lgemme@ci.reading.ma.us](mailto:lgemme@ci.reading.ma.us)  
(W) <http://www.readingma.gov>

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---

**From:** LeLacheur, Bob  
**Sent:** Wednesday, October 23, 2013 10:00 AM  
**To:** Gemme, Laura  
**Cc:** Schena, Paula  
**Subject:** Remote participation

I'd like to add this to the 11/5 BOS agenda. Does it need to be a Hearing if they might approve this all in one night?

**Robert W. LeLacheur, Jr. CFA**

Town Manager

Town of Reading

16 Lowell Street

Reading, MA 01867

[townmanager@ci.reading.ma.us](mailto:townmanager@ci.reading.ma.us)

(P) 781-942-9043

(F) 781-942-9037

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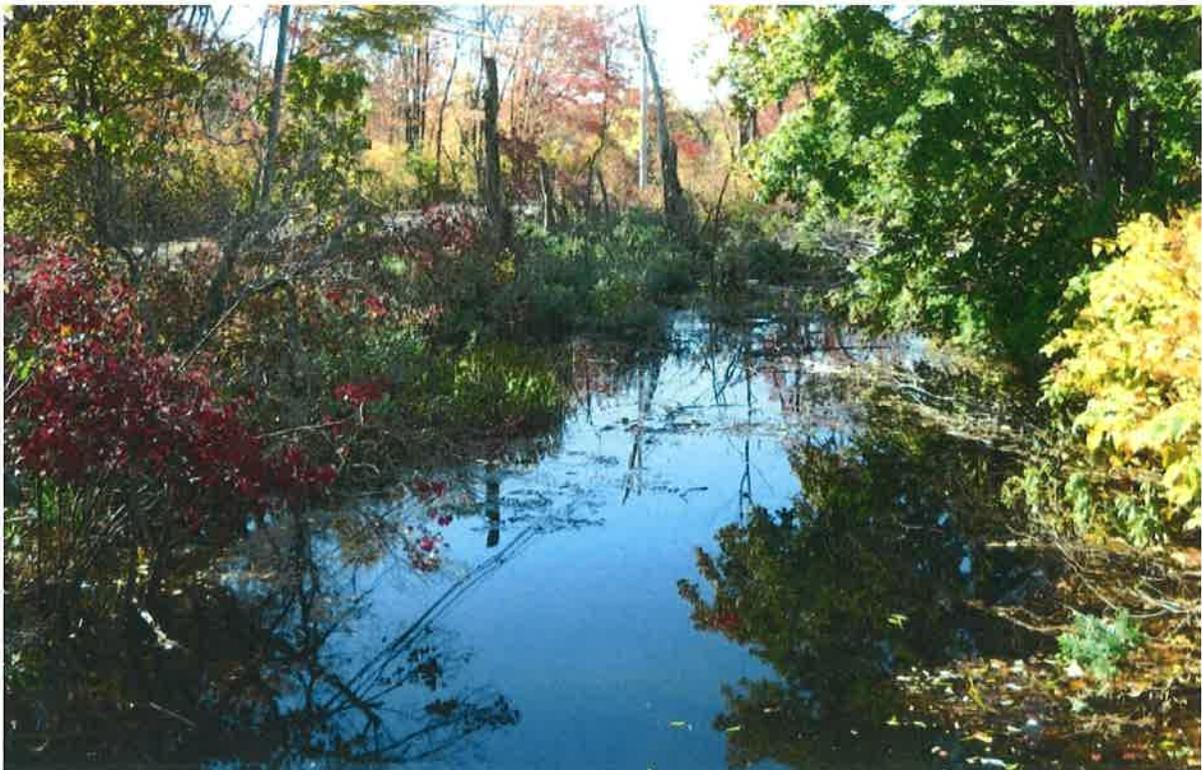
# Memo

**To:** Robert W. LeLacheur, Jr., Town Manager  
**From:** George J. Zambouras, Town Engineer  
**CC:** Board of Selectman  
**Date:** October 23, 2013  
**Re:** Saugus River & Aberjona River Drainage Study

---

Attached please find the executive summary for the Drainage Study prepared by our consultant AECOM. The full Drainage Study Report will be available electronically for distribution by Monday.

***EXECUTIVE SUMMARY***  
**Aberjona River and Saugus River Drainage Study**  
**Summary Report**  
**for**  
**Town of Reading, Massachusetts**



*View of Walker's Brook by Track Road Neighborhood*

**October 2013**

**Prepared by**

**AECOM**

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## EXECUTIVE SUMMARY

### Introduction and Background

At the request of the Town of Reading, AECOM performed a study to analyze localized flooding and drainage issues within portions of the Aberjona River and Saugus River watersheds. The objectives of this study were to:

- Evaluate existing conditions along sections of Walkers Brook (tributary to Saugus River) and the Aberjona River;
- Develop alternatives for improvement of the existing channels and conduits;
- Provide an estimate of construction costs for recommended alternatives;
- Identify recommended alternatives; and
- Develop a proposed implementation schedule for the recommended alternatives.

The focus of investigations was the four study areas that comprise the project limits defined by the Town, as shown in Figure ES-1. Areas 1, 2, and 3 are located within the Saugus River watershed, and Area 4 is located within the Aberjona River watershed. AECOM performed a comprehensive site walk of the four study areas with several Town of Reading officials to identify the major problem areas and developed possible alternatives to improve the flooding and drainage issues for each problem area. The Town's general goal for its drainage system is to provide capacity for up to the 25-year flood event (i.e. 25-year level of service).

AECOM then performed a hydrologic and hydraulic analysis of the study areas to evaluate existing conditions and develop a refined list of possible alternatives, and applied additional evaluation criteria to the alternatives. The following sections provide an overview of the methodology used to perform this analysis, the results of the analysis, and AECOM's conclusions and recommendations. Additional detail is provided in the *Final Aberjona River and Saugus River Drainage Study Summary Report*.

### Hydrologic and Hydraulic Models

Modeling was conducted to estimate hydrologic and hydraulic conditions for the four study areas. Modeling was previously conducted for portions of the project area as part of Federal Emergency Management Agency Flood Insurance Studies. The available models were reviewed, and updated hydraulic models were created for the four study areas. As part of the model development, AECOM conducted extensive review of available record information, conducted supplemental survey, and performed field investigations.

The Saugus River model (which covers Areas 1, 2, and 3) was run to simulate design storms under existing conditions. The only instances of flooding for the 25-year flood include the areas of Minot / Main Street, some residential backyards at Sunnyside Avenue, and Fairview Avenue. The Aberjona River model (which covers Area 4) was also run to simulate design storms under existing conditions. The model does not predict any roadway flooding at the crossing locations in the model for the 25-year design storm (despite ponding occurring in adjacent low lying areas), which meets the Town's level of service requirement. A third model was developed for the Bond Street neighborhood within Area 4. This model indicates that the drainage system capacity for this neighborhood is exceeded for the 2-year design storm and localized flooding is experienced.

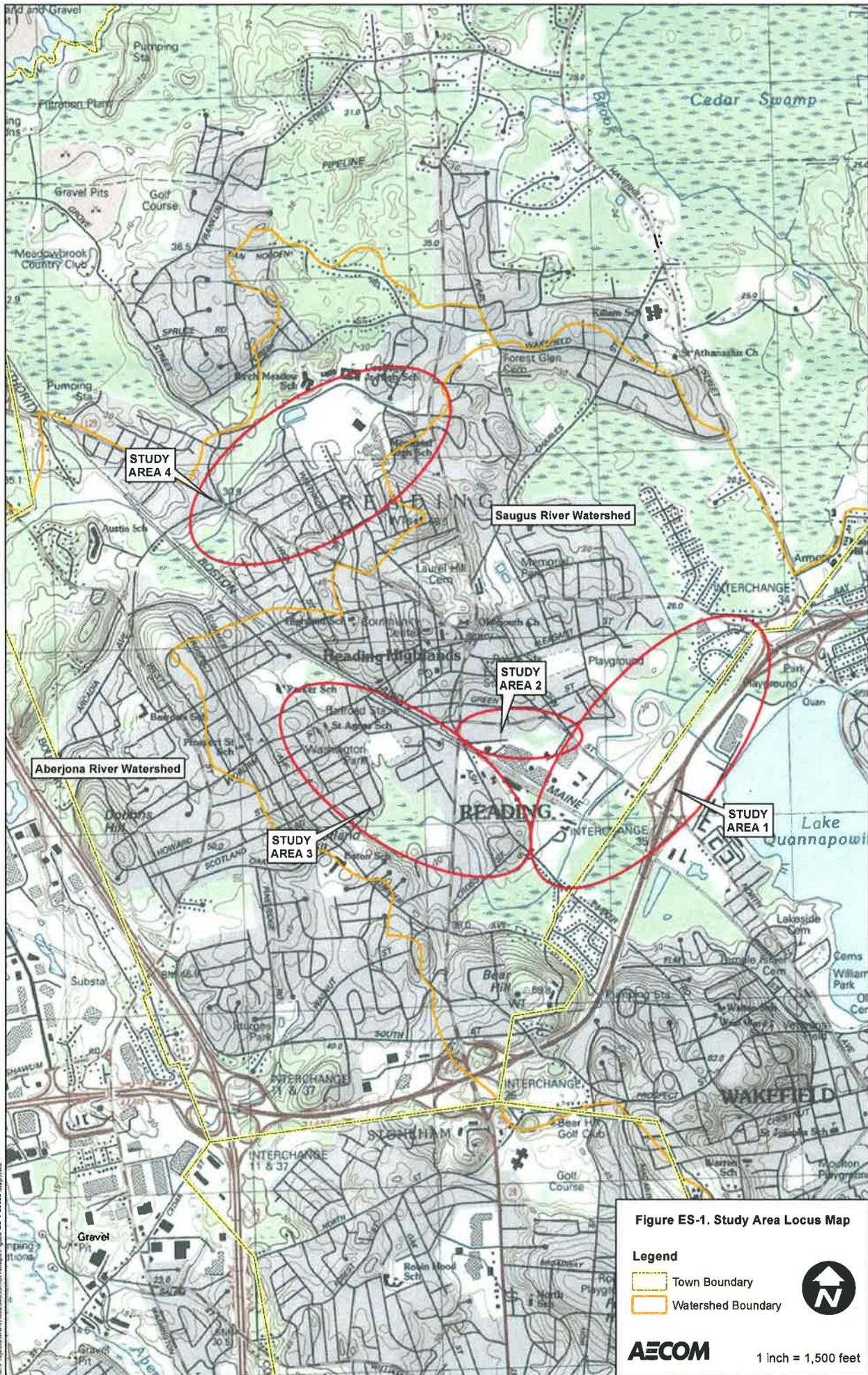


Figure ES-1. Study Area Locus Map

Legend

- Town Boundary
- Watershed Boundary



**AECOM**

1 inch = 1,500 feet

SP4

© Project: MA02030501/MA02030501/Map ES-1 Locs. Map.mxd

### Development and Evaluation of Alternatives

Twenty-three alternatives and/or sub-alternatives were developed and evaluated by AECOM to address the major problem areas determined through coordination with the Town. As identified in the scope of work for this study, the following items were considered for each alternative as part of the evaluation process:

- Hydrologic / hydraulic impacts (i.e. flooding)
- Wetland resource areas and wildlife impacts
- Regulatory / permitting requirements
- Impacts to abutting properties
- Aesthetics
- Maintenance requirements
- Potential for passive recreation
- Construction cost

The most important criterion for each alternative is whether it meets the project need (e.g. mitigates flooding). If an alternative did not meet this criterion, then it was dropped from further consideration and all of the evaluation categories identified above were not assessed.

Based on the evaluation results, the following alternatives are recommended for further consideration by the Town to alleviate flooding and other drainage-related concerns:

- **Alternative A1-1a: Stabilize Walkers Brook Bank with Biodegradable Erosion Control Blanket and Plantings of Native Vegetation.** This alternative is recommended to stabilize approximately 100 linear feet of the Walkers Brook channel bank located downstream of Line Road that exhibit signs of erosion. If desired, the Town could perform a more comprehensive bank restoration project for Walkers Brook that stretches approximately 1,500 linear feet from the Reading / Wakefield town line to the wetland located upstream of the Track Road neighborhood (a total of approximately 3,000 linear feet of bank).
- **Alternative A2-1a: Replace Bolton Street Open Channel with Precast Culvert.** An existing open granite block wall drainage channel in the backyards of Bolton Street residential lots poses a safety and liability concern. The recommended alternative would replace the existing deteriorated granite block walls with an enclosed pre-cast box culvert and establish lawns over the top of the culvert.
- **Alternative A3-1a: Mitigate Flooding at Sunnyside Avenue and Fairview Avenue.** Flooding in the Sunnyside Avenue and Fairview Avenue area is due to undersized pipes. The recommended alternative involves increasing the size of the undersized pipes to provide a 25-year level of service for this residential area. A gate structure would be integrated at the downstream end that would mitigate adverse downstream impacts due to the upsizing of the pipes.
- **Alternative A3-2b: Mitigate Flooding at Minot Street / Main Street.** Flooding in the Minot Street / Main Street area is due to undersized pipes. The flood flow travels overland through the Enterprise Car Rental facility into the Percy Avenue / Main Street wetlands. The recommended alternative consists of adding a new outfall in the vicinity of Minot Street / Main Street and increasing the size of the pipes above the Minot Street / Main Street connection to provide a 25-year level of service for this area. A gate structure would be integrated at the downstream end that would mitigate adverse downstream impacts due to the upsizing of the pipes.

- **Alternative BS-6: Second Outfall at Bond Street Overtopping Manhole and Limited Removal of Sediment.** Flooding in the Bond Street area is due to undersized pipes and a partially blocked outfall. The recommended alternative involves limited removal of sediment in the vicinity of the outfall pipe that discharges to the nearby wetland and creating a second outfall above the ground surface at a manhole that has historically overtopped during flood events to provide a stormwater overflow relief. Drainage overflow would exit the manhole through the opening without lifting the manhole cover, and the flow would be directed toward the wetland in a defined channel designed to prevent erosion. The model results indicate that the second outfall and limited removal of sediments is able to eliminate flooding at the overtopping manhole and the next manhole downstream for the 100-year design storm.
- **Alternative BS-7: Mitigate Flooding at Lower Bond Street.** Alternative BS-6 is focused on controlling the overflow at the overtopping manhole near Bond Street. Another problem is the overland flow in the driveways at lower Bond Street. The source of water flowing over the driveways in lower Bond Street is the gutter flow from Lowell Street and upper Bond Street. In other words, flow that is not able to enter the Lowell Street or upper Bond Street drainage systems is flowing overland through the gutter system to lower Bond Street, where it is contributing to flow overtopping the driveways of the private residences. This alternative represents a longer-term, comprehensive approach to achieve the Town's desired 25-year level of service for this area and includes the work described for Alternative BS-6 as well as upsizing significant portions of the drainage system in the Bond Street / Lowell Street / High Street area.

While several of the Aberjona River alternatives that were assessed for this study are predicted to alleviate flooding conditions for events greater than the 25-year design storm, none of these alternatives is recommended at this time since the existing conditions meet the Town's level of service requirement that was established for this study. If the Town desires to provide a greater level of service for Area 4, then these alternatives should be revisited and further developed.

The additional suggested improvements for the Aberjona River summarized in Table ES-1 were not evaluated in detail as part of this current study. However, since they provide beneficial improvements to the drainage system, they are noted in the event the Town chooses to address them as part of future stormwater management.

**Table ES-1. Aberjona River Improvements for Future Consideration**

Improvement	Description
Maintenance of Aberjona Channel	Drainage maintenance activities between Lowell Street and the MBTA railroad crossing with the assistance of the Eastern Middlesex Mosquito Control Project are recommended to provide localized drainage benefits and minimize mosquito breeding habitat.
Replace Reading High School Athletic Field Culvert	If and when the athletic field is reconstructed, it is recommended that the Town consider replacing the existing pipe with a larger pipe to improve existing conditions.
Replace Culvert Under Walkway to Whittier Road	It is recommended that the Town consider replacing the culvert under the walkway to Whittier Road with an open span crossing to eliminate this restriction and potentially alleviate flooding conditions in the area.
Optimize Operating Procedures for the Castine Field Area	It is recommended that an operating policy be developed to optimize use of the Castine Field weir to aid in flood mitigation efforts.

5F6

At the request of the Town, AECOM performed a visual inspection of three bridges spanning Walkers Brook at Track Road and Harvest Road. This inspection is separate from the Town drainage issues that are the focus of this study; however, the results of the inspection have been incorporated into the drainage study summary report. Based on the results of the inspection, AECOM recommends replacement of the Track Road (West) bridge to address deficiencies in structural capacity of the bridge.

**Concept Level Construction Costs and Preliminary Schedules for Recommended Alternatives**

Concept level cost estimates were developed for the recommended alternatives. The costs reflect estimated construction costs only, and do not include costs associated with design, permitting, easements, or land acquisitions. These additional costs could be significant, particularly for recommended alternatives that would require multiple permits and approvals due to the type and extent of the proposed work (such as the comprehensive version of Alternative A1-1a, Alternative BS-6, and Alternative BS-7). These estimates are intended only for relative screening and prioritization of the alternatives and should not be used for design or budgeting purposes. More refined cost estimates would need to be developed as part of conceptual or preliminary design efforts. All construction cost estimates include 20 percent for Contractor’s overhead and profit plus 30 percent contingency allowance. The construction cost estimates are summarized in Table ES-2.

**Table ES-2. Summary of Estimated Construction Costs for Recommended Alternatives**

<b>Recommended Alternative</b>	<b>Estimated Construction Cost<sup>1</sup></b>
Alternative A1-1a: Stabilize Walkers Brook Bank with Biodegradable Erosion Control Blanket and Plantings of Native Vegetation <sup>2</sup>	\$5,000 - \$150,000
Alternative A2-1a: Replace Bolton Street Open Channel with Precast Culvert	\$320,000
Alternative A3-1a: Mitigate Flooding at Sunnyside Avenue and Fairview Avenue	\$1,150,000
Alternative A3-2b: Mitigate Flooding at Minot Street / Main Street	\$1,220,000
Alternative BS-6: Second Outfall at Bond Street Overtopping Manhole and Limited Removal of Sediment	\$40,000
Alternative BS-7: Mitigate Flooding at Lower Bond Street	\$1,300,000
Replace Track Road (West) Bridge	\$1,400,000

1. Reflects estimated construction costs only, and does not reflect costs associated with design, permitting, easements, or land acquisitions.
2. Estimated construction cost range reflects limited bank stabilization (100 linear feet) vs. comprehensive bank stabilization (3,000 linear feet).

Preliminary project schedules for the recommended alternatives were also developed. The projects could be combined into a comprehensive drainage capital improvement program if desired by the Town, or implemented individually as funding permits. The preliminary project schedules account for five main elements to consider when implementing the projects: preliminary design, permitting, design, bidding and award, and construction. The greatest variable in the project schedules for the recommended alternatives is the anticipated duration of construction, ranging from 3 or less months for the smaller scale projects (such as Alternative A1-1a and Alternative BS-6) to 12 months for the more intensive, complex projects (such as Alternative A3-1a , Alternative A3-2b, and Alternative BS-7).

5A7

Peer Communities Survey  
DPW Issues 10/31/2013

Community	READING	Andover(1)	Bedford(2)	Belmont(3)	Burlington(4)
Do you have a Water Abatement Program?	Yes	Yes, however, since our radio read program we do very few.	yes- documented leaks	No formal written policy to request abatement for high bill	Yes
If yes, what are the 2 guidelines?	Resident must submit request to Collector's Office; they review for prior abatements and conformance to approved criteria	In prior years abatements were done to adjust estimated readings to actual readings, both in \$ and usage.	state your case, hardship	Decisions are made on a case-by-case basis	Only for documented leaks
What kind of documentation is 3 required?	Repair documentation	An actual reading by the meter reader.	history, etc	Resident sends a letter requesting an abatement to 3-person Water Advisory Board	None. We review meter data in the office
Do you have a specific 4 form?	No	No	yes	No	No
Can a household receive 5 more than one?	No	No	potentially	No	Only once for a leak. Repair leak before adjustment made
Specific Abatements for:					
Pool	One-time sewer only abatement per address at rate in effect on building permit date				
6					
Initial Fill?	Yes	One-time sewer abatement	No	No	No
Refill?	Only if abatement was not rec'd on initial fill	No	No	No	No

59-5h1

Peer Communities Survey  
DPW Issues 10/31/2013

Community	READING	Andover(1)	Bedford(2)	Belmont(3)	Burlington(4)
7 Toilets	We abate water and/or sewer; repair documentation req'd	No	potentially	No	Yes
8 Sprinkler leaks	We abate only sewer for excess volume	No		No	No
9 Do your water personnel check when reported?	Yes	No	yes	Yes - they also check as a result of High-Low report during qtrly billing	We review information collected for meters in the office
10 If no, did you ever have a water abatement program in the past?	n/a	No		n/a	
11 or considering one in the future?	n/a	No		n/a	
12 Frequency of water/sewer bills	Quarterly	Bi-annual	Bi-annual	quarterly	Bi-annual
13 What month do you adjust your rates?	beginning of FY	?	beginning of FY	July 1st	Normally start of the fiscal year
14 Do you have different rates by usage?	No	No	yes - 2 tiers	yes block rates: 0-3000 = 5.68 hcf 3000+ = 6.53 hcf Qtrly meter charge = 17.95 Lifeline rate=3.98 hcf	yes
15 Do you allow second meters for irrigation?	No	Yes, at the same rate; no sewer charge	yes, premium rate	yes - they are billed at 6.85 hcf	yes, at a separate water only rate

59-5h2

Peer Communities Survey  
 DPW Issues 10/31/2013

Community	READING	Andover(1)	Bedford(2)	Belmont(3)	Burlington(4)
16 Do you have a process for excluding debt onto tax rate?	No - enterprise fund		No	no - enterprise fund	No
17 What are your thoughts about the debt relief legislation proposed by Sen. Clark?			no knowledge	don't know the details	Great
18 Do you have a mailbox replacement policy? If yes, please detail.	We replace in-kind; no dollar limit	Mailboxes damaged during snowstorms may be replaced by a standard issue by our Highway Dept or residents may be reimbursed up to \$75.	replace with standard mailbox-value up to \$75	no have few mailboxes	Yes, we repair or replace with standard mail box. We do not repair or replace custom mail boxes

59-543

Peer Communities Survey  
DPW Issues 10/31/2013

Community	READING	Canton(5)	Danvers(6)	Dedham(7)	Lynnfield(8)
Do you have a Water Abatement Program?	Yes	yes	No		No
If yes, what are the guidelines?	Resident must submit request to Collector's Office; they review for prior abatements and conformance to approved criteria	nothing specific	Never abate water; occasionally abate sewer if can prove water did not go through system; case-by-case basis		
What kind of documentation is required?	Repair documentation				
Do you have a specific form?	No	Yes	No		
Can a household receive more than one?	No	potentially			
Specific Abate ments for:					
Pool	One-time sewer only abatement per address at rate in effect on building permit date				
Initial Fill?	Yes	No	Yes		
Refill?	Only if abatement was not rec'd on initial fill	No	No, only if a repair; doc. needed		

59-544

Peer Communities Survey  
 DPW Issues 10/31/2013

Community	READING	Canton(5)	Danvers(6)	Dedham(7)	Lynnfield(8)
Toilets	We abate water and/or sewer; repair documentation req'd	No	No		
Sprinkler leaks	We abate only sewer for excess volume		No		
Do your water personnel check when reported?	Yes	Yes	Yes with an initial meter test		Yes
If no, did you ever have a water abatement program in the past? or considering one in the future?	n/a		Program has been in place for several years		No
Frequency of water/sewer bills	Quarterly	quarterly	Quarterly for Residential/Monthly for Commercial		Bi-annual
What month do you adjust your rates?	beginning of FY	beginning FY	July of Fiscal Year		beginning of FY
Do you have different rates by usage?	No	yes- 4 tiers	Tiered Rate Structure: 0-20 hcf = 5.42 20-24hcf = 6.02 >24 hcf=7.71		yes-2 tiers
Do you allow second meters for irrigation?	No	yes - separate irrigation meter	Yes at same rate structure as primary meter		No

59-5h5

Peer Communities Survey  
DPW Issues 10/31/2013

Community	READING	Canton(5)	Danvers(6)	Dedham(7)	Lynnfield(8)
Do you have a process for excluding debt onto tax rate?	No - enterprise fund	No	No - all costs are charged to rate (including debt) or retained earnings.		No
What are your thoughts about the debt relief legislation proposed by Sen. Clark?		no knowledge	Supportive as long as it is appropriated annually. Sewer Rate relief needs to be funded to previous levels		no knowledge
Do you have a mailbox replacement policy? If yes, please detail.	We replace in-kind; no dollar limit	replace in kind- no dollar limit	Yes		replace mailbox up to \$50 limit

59-5h6

Peer Communities Survey  
DPW Issues 10/31/2013

Community	READING	Mansfield(9)	Marshfield(10)	Milton(11)	Natick(12)
Do you have a Water Abatement Program?	Yes	No	No	No	no - rare, hardship only/selectmen decide
If yes, what are the guidelines?	Resident must submit request to Collector's Office; they review for prior abatements and conformance to approved criteria		letter to director in extreme circumstances - very rare		
What kind of documentation is required?	Repair documentation				
Do you have a specific form?	No				
Can a household receive more than one?	No				
Specific Abatements for:					
Pool	One-time sewer only abatement per address at rate in effect on building permit date				
Initial Fill?	Yes	Yes- # times flexible	yes- initial fill/ one time sewer only	yes- initial fill/1-time swr only	yes- initial fill - sewer only
Refill?	Only if abatement was not rec'd on initial fill				

59-5h7

Peer Communities Survey  
 DPW Issues 10/31/2013

Community	READING	Mansfield(9)	Marshfield(10)	Milton(11)	Natick(12)
Toilets	We abate water and/or sewer; repair documentation req'd				
Sprinkler leaks	We abate only sewer for excess volume				
Do your water personnel check when reported?	Yes	yes	Yes	Yes	Yes
If no, did you ever have a water abatement program in the past?	n/a	no	No	No	No
or considering one in the future?	n/a	no	No	No	No
Frequency of water/sewer bills	Quarterly	quarterly residential/monthly commercial	quarterly residential/monthly commercial	quarterly	quarterly
What month do you adjust your rates?	beginning of FY				
Do you have different rates by usage?	No	yes-4 tiers	yes-4 tiers	yes- 4 tiers	yes - 4 tiers
Do you allow second meters for irrigation?	No	Yes	Yes	Yes	Yes

59568

Peer Communities Survey  
 DPW Issues 10/31/2013

Community	READING	Mansfield(9)	Marshfield(10)	Milton(11)	Natick(12)
Do you have a process for excluding debt onto tax rate?	No - enterprise fund	No	No	No	No
What are your thoughts about the debt relief legislation proposed by Sen. Clark?		no knowledge	knows about the bill, doubts smaller town will benefit	will be on needs basis- thinks MWRA towns penalized due to other programs	no knowledge
Do you have a mailbox replacement policy? If yes, please detail.	We replace in-kind; no dollar limit	yes- replace up to \$50 value.	yes-replace if hit by plow - no replacement if from plowed snow	non issue - mail doorstep delivery only	yes- replace up to limit- approx \$60

59-5h9

Peer Communities Survey  
DPW Issues 10/31/2013

Community	READING	North Andover(13)	North Reading(14)	Shrewsbury(15)	Stoneham(16)
Do you have a Water Abatement Program?	Yes	Yes	NO	no- very rare	no-water, only sewer on a case by case basis
If yes, what are the guidelines?	Resident must submit request to Collector's Office; they review for prior abatements and conformance to approved criteria	Must provide proof that a leak was repaired.			
What kind of documentation is required?	Repair documentation	Receipt			
Do you have a specific form?	No	Yes			
Can a household receive more than one?	No	Yes			
Specific Abatements for:					
Pool	One-time sewer only abatement per address at rate in effect on building permit date				
Initial Fill?	Yes	Yes		no- stopped few years ago	yes- initial fill/1-time repair/swr only
Refill?	Only if abatement was not rec'd on initial fill	Yes			

59 Shro

Peer Communities Survey  
 DPW Issues 10/31/2013

Community	READING	North Andover(13)	North Reading(14)	Shrewsbury(15)	Stoneham(16)
Toilets	We abate water and/or sewer; repair documentation req'd	Yes with proof of repair			
Sprinkler leaks	We abate only sewer for excess volume	Yes with proof of repair			
Do your water personnel check when reported?	Yes	Yes		Yes	Yes
If no, did you ever have a water abatement program in the past?	n/a		NO	NO	NO
or considering one in the future?	n/a		would like to	NO	
Frequency of water/sewer bills	Quarterly	quarterly	quarterly	quarterly	quarterly
What month do you adjust your rates?	beginning of FY	July	beginning of FY	beginning of FY	August billing
Do you have different rates by usage?	No	Yes, anything over 20 units gets a higher rate	3 tier	yes- 3 tiers	NO
Do you allow second meters for irrigation?	No	Yes	NO	no - 10 yr moratorium	yes- ended sept 2012

59-5h11

Peer Communities Survey  
 DPW Issues 10/31/2013

Community	READING	North Andover(13)	North Reading(14)	Shrewsbury(15)	Stoneham(16)
Do you have a process for excluding debt onto tax rate?	No - enterprise fund		enterprise fund, self sustaining	no enterprise, but full cost accounting	NO
What are your thoughts about the debt relief legislation proposed by Sen. Clark?					no knowledge
Do you have a mailbox replacement policy? If yes, please detail.	We replace in-kind; no dollar limit	Yes	yes, \$50 max reimbursement	yes basic setup - max \$50	yes- up to approx \$150.

59-5h12

Peer Communities Survey  
DPW Issues 10/31/2013

Community	READING	Tewksbury(17)	Wakefield(18)	Walpole(19)	Westborough(20)
Do you have a Water Abatement Program?	Yes	Not for water	No	no - requests reviewed case by case basis	No
If yes, what are the guidelines?	Resident must submit request to Collector's Office; they review for prior abatements and conformance to approved criteria	Sewer to ground			
What kind of documentation is required?	Repair documentation	Repair Invoice			
Do you have a specific form?	No	No/require letter			
Can a household receive more than one?	No	Sewer yes			
Specific Abatements for:					
Pool	One-time sewer only abatement per address at rate in effect on building permit date				
Initial Fill?	Yes	sewer only (1x)	yes - initial fill sewer only	yes initial fill sewer only	yes- initial fill sewer only
Refill?	Only if abatement was not rec'd on initial fill				

595h13

Peer Communities Survey  
DPW Issues 10/31/2013

Community	READING	Tewksbury(17)	Wakefield(18)	Walpole(19)	Westborough(20)
Toilets	We abate water and/or sewer; repair documentation req'd	No/neither water or sewer			
Sprinkler leaks	We abate only sewer for excess volume	Sewer only			
Do your water personnel check when reported?	Yes	No	Yes	Yes	Yes
If no, did you ever have a water abatement program in the past?	n/a	No	No	No	No
or considering one in the future?	n/a	No			possibly
Frequency of water/sewer bills	Quarterly	Tri-annual	quarterly	every 70 days	quarterly
What month do you adjust your rates?	beginning of FY	March	beginning of FY	beginning of FY	beginning of FY
Do you have different rates by usage?	No	Yes - attached	NO	NO	Yes
Do you allow second meters for irrigation?	No	Yes - attached	NO	yes- billed at separate seasonal rate	no- moratorium 10 yrs

59-5h14

Peer Communities Survey  
DPW Issues 10/31/2013

Community	READING	Tewksbury(17)	Wakefield(18)	Walpole(19)	Westborough(20)
Do you have a process for excluding debt onto tax rate?	No - enterprise fund	Sewer yes	NO	no	no
What are your thoughts about the debt relief legislation proposed by Sen. Clark?		N/A	no knowledge	aware of it- waiting more details	no knowledge
Do you have a mailbox replacement policy? If yes, please detail.	We replace in-kind; no dollar limit	yes - Attached	yes- exact replacement	selectmen policy - no replacement unless damaged by accident	yes- with standard box up to \$60 value

59-5h15

Peer Communities Survey  
 DPW Issues 10/31/2013

Community	READING	Westford (21)	Wilmington(22)	Winchester(23)
Do you have a Water Abatement Program?	Yes	No	No	No
If yes, what are the guidelines?	Resident must submit request to Collector's Office; they review for prior abatements and conformance to approved criteria			
What kind of documentation is required?	Repair documentation			
Do you have a specific form?	No			
Can a household receive more than one?	No			
Specific Abatements for:				
Pool	One-time sewer only abatement per address at rate in effect on building permit date			
Initial Fill?	Yes			
Refill?	Only if abatement was not rec'd on initial fill			

59-546

Peer Communities Survey  
 DPW Issues 10/31/2013

Community	READING	Westford (21)	Wilmington(22)	Winchester(23)
Toilets	We abate water and/or sewer; repair documentation req'd			
Sprinkler leaks	We abate only sewer for excess volume			
Do your water personnel check when reported?	Yes		Yes	Yes
If no, did you ever have a water abatement program in the past?	n/a	No	No	No
or considering one in the future?	n/a	No	No	No
Frequency of water/sewer bills	Quarterly	quarterly (Water Only)	quarterly	quarterly
What month do you adjust your rates?	beginning of FY		beginning of FY	beginning of FY- last rate increase FY 09
Do you have different rates by usage?	No	Yes (3 Blocks, Different Rate for Residential and Non-Residential)	Yes	Yes
Do you allow second meters for irrigation?	No	Yes	NO	yes- still charge for sewer

59-5h17

Peer Communities Survey  
 DPW Issues 10/31/2013

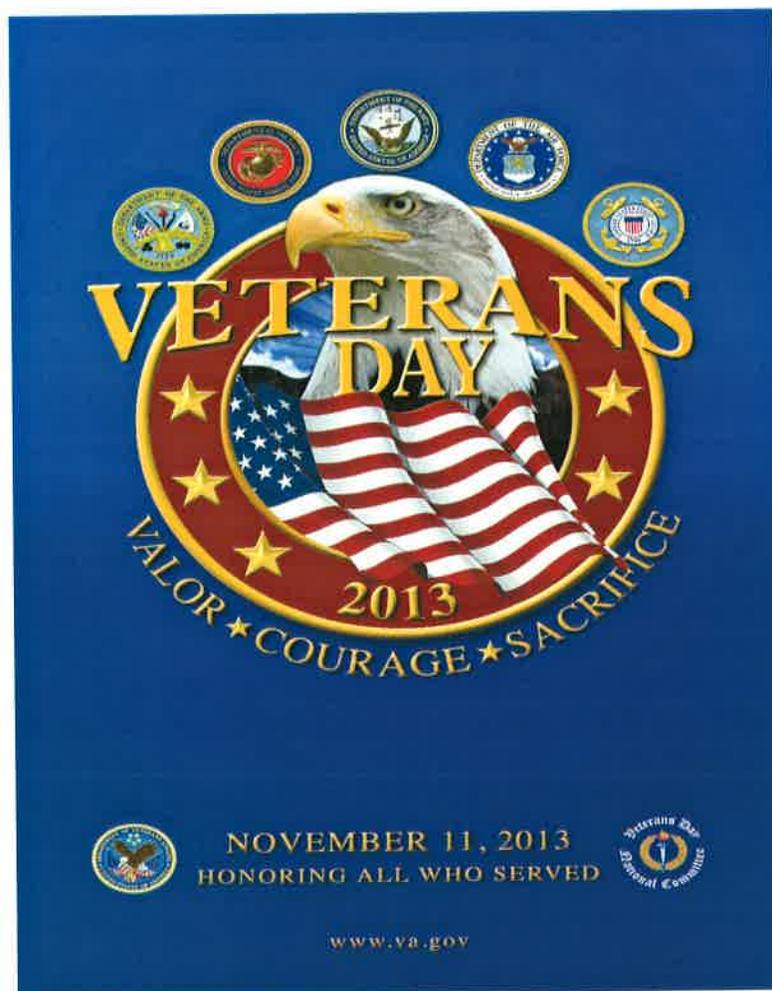
Community	READING	Westford (21)	Wilmington(22)	Winchester(23)
Do you have a process for excluding debt onto tax rate?	No - enterprise fund		no	yes - 865 water debt in tax rate( chpt 110)
What are your thoughts about the debt relief legislation proposed by Sen. Clark?			no knowledge	no knowledge
Do you have a mailbox replacement policy? If yes, please detail.	We replace in-kind; no dollar limit		yes- with standard box up to \$50 value	yes- replace in kind

59-5118

# VETERANS DAY

*Honoring all who served...*

**11.11.13**



**11:00 AM Ceremony on the Common  
Veterans Day Breakfast ~ All are welcome!**

**9:00 AM ~ Pleasant Street Center**

9a