

**HEARINGS, MEETINGS, LICENSES**  
**12-7-09**

To: Honorable Board of Selectmen

From: Charter Study Committee (CSC)  
Chair, Caroline LaCroix  
Clerk, Michael Solimini  
Lincoln Andrews  
Bruce Atwood  
Allin Frawley  
Neil Rosenthal  
Steven Spataro

Re: Report of the Charter Study Committee

Date: October 30, 2009

Appointed by the Board of Selectmen on April 13, 2009, the seven members of the Charter Study Committee (CSC) held their first meeting on Wednesday, April 26, 2009 at the Middleborough Town Hall. Caroline LaCroix was elected Chairperson and Michael Solimini was elected Clerk. Subsequently, the committee held fourteen meetings to review, evaluate and make recommendations as directed by the Board of Selectmen on the following:

- a) Investigate the feasibility of the establishment of a Public Safety Officer to oversee the Fire and Police Departments
- b) Assess the feasibility of the creation of a Water and Sewer Department or a Public Works Commission
- c) Changing to a strong town manager position
- d) Assess the feasibility of establishing an independent, elected Board of Health

Furthermore, the Chairman of the Board of Selectmen requested that the committee present any further recommendations on the charter as well.

The following paragraphs will discuss each of the aforementioned bullet points and will include a recommendation and justification for the recommendation.

#### **A. Establishment of a Public Safety Officer to oversee the Fire and Police Departments**

The CSC recommends against creating a public safety officer.

- The committee met with the Police Chief and Fire Chief on May 5 and reviewed and discussed their respective roles and responsibilities and reviewed written material presented and existing charter language.

First, as governed by state statute, each position requires distinct knowledge and specialized training. The Fire Chief serves as the Emergency Management Director and

the Right-to-Know Coordinator and reports to the State Fire Marshall. The Police Chief is responsible for law enforcement within the legal jurisdiction of the Town of Middleborough. Both positions have distinct responsibilities in the field of public safety.

Second, departmental emergency response protocols are different for police and fire and require a thorough understanding of the workings of each organization. Response to a fire is handled differently than response to a bank robbery, and it is unlikely that one public safety professional would possess a thorough understanding of both protocols in order to fulfill the proper emergency response required. Although our research indicated that Lynnfield had a public safety officer position, the population of Lynnfield, as well as the size of the police and fire departments, was much smaller and not comparable.

Third, it is the responsibility of each chief to perform daily departmental oversight and supervision. A public safety officer would have difficulty in devoting attention to both departments equally which would ultimately necessitate a second-in-command for departmental oversight and field operations within each department. Instead of streamlining management, redundancy would result with the additional salaried overlay of management.

## **B. Creation of a Water and Sewer Department or a Public Works Commission**

The CSC recommends against establishing a water and sewer/public works commission.

The committee conducted meetings, telephone interviews, and reviewed the report and recommendations of the Water and Wastewater Feasibility Study Committee. More specifically:

- The committee met with Joe Ciaglo, Town of Middleborough Wastewater Superintendent and Todd Goldman, Assistant Wastewater Superintendent on May 20
- The committee met with former Town Manager Jack Healey on May 20 and Town Manager Charles J. Cristello on multiple meeting dates
- A representative of the committee contacted Dick Tinkham, Water Superintendent
- A telephone interview was conducted on June 10 with Elaine Fiori, Chairman of the Town of Kingston Sewer Commission to review the responsibilities of their elected board
- A committee member contacted Ted Alexias, Selectmen of the Town of Kingston from 1995- 1999 for a selectmen's perspective of a water/sewer commission.
- The committee met with two members of the Water and Wastewater Feasibility Study Committee on August 19 to review the recommendations contained within the Water/Wastewater Feasibility Study report prepared and submitted to the Board of Selectmen in February, 2009 The CSC reviewed the contents of the report and asked questions.

The statute signifies that an independent commission is vested with the responsibility to set water/sewer rates, negotiate collective bargaining agreements, execute inter-municipal agreements, recommend operating and capital budgets and provide policy and directives to municipal employees within the department.

The Town of Middleborough does not need another independent government body to perform these functions, but should rely on the Board of Selectmen as the chief elected body. The Board is empowered with this authority and should continue to execute these functions with input and recommendations from their technical team comprised of the town manager, DPW director, water superintendent and wastewater superintendent and town departments and employees.

The Board of Selectmen has cited time constraints and lack of technical expertise in handling water and sewer matters. However, the CSC recommends that the Board consider re-establishing their priorities in order to handle water/sewer issues. The committee recommends that the Board of Selectmen conduct annual public hearings to set water/sewer rates in an effort to solicit public comment and provide an explanation of the rate setting process prior to enactment. Secondly, it is recommended that the Board of Selectmen meet a minimum of twice per year with the DPW director and water and wastewater superintendents to discuss operational issues as well as compliance with federal and state mandates and permits. Third, the Board, if they deemed necessary, could create an advisory committee of residents with experience in the area of water and sewer matters to aid them in the decision-making process and to initiate grant and (State Revolving Fund) SRF applications. All of these recommendations will provide the Board of Selectmen with a mechanism to address water and sewer priorities in a timely and prudent manner.

### **C. Strong town manager position**

While the committee does not support changing to a strong town manager position, the committee recommends that the duties of the town manager as described within section nineteen of the town charter be amended to add language for the town manager to develop the annual operating budget and five year financial projections. Further, the CSC recommends that the town manager negotiate and administer all collective bargaining agreements entered into by the Town, except for the school department and gas and electric commission employees.

- The committee met with former Town Manager Jack Healey on May 20 and with Town Manager Charles J. Cristello on May 27, August 12 and August 19 to review the role and responsibilities of the town manager as defined by the charter. Each discussed their varied roles and responsibilities, management style and execution of their position. The committee reviewed several municipal charters, which delineated duties of the town manager. Recommended Language for consideration is contained below:

SECTION NINETEEN: The Powers and Duties of the town manager shall include the following:

NEW C: Prepare and submit an annual operating budget to the Board of Selectmen. The proposed budget shall include, but not be limited to: a listing of the funds requested by all boards, committees and officers of the Town; shall be balanced and show both proposed expenditures and anticipated revenues. The Board of Selectmen, after reviewing the proposed budget and making changes it deems appropriate, shall submit its recommended budget to the Finance Committee, for their review and recommendation to town meeting, on or before the twentieth day of January each year.

NEW D: Prepare annually a five year financial forecast of Town revenue, expenditures and general financial condition of the Town. The forecast shall be submitted to the Board of Selectmen who shall make it available to the public.

NEW E: Be responsible for the negotiation, administration and enforcement of collective bargaining agreements and other employment agreements, exclusive of the schools and the gas and electric commission, on behalf of the Board of Selectmen. The town manager is to have the option of engaging labor counsel as he deems necessary. The Board of Selectmen retain the authority to ratify all collective bargaining agreements when deemed acceptable by them.

#### **D. Board of Health**

The CSC recommends against creating an independent Board of Health.

The committee reviewed the statute establishing Boards of Health and discussed the advantages/disadvantages of an independent elected board with autonomous authority over policy and permits; regulation and inspection.

Policy, planning, regulatory and budgetary decisions made by such a powerful and virtually unchallengeable board, with its own priorities and with out the comprehensive overview exercised by the Board of Selectmen, could have far reaching impacts on the Town.

Additionally, the committee believes that the overall administration of the department should remain with the Board of Selectmen, town manager/health agent, and health officer and their staffs respectively, rather than with an elected Board of Health.

## **E. Other recommendations**

The committee recommends that the Board of Selectmen consider several other charter changes including:

- Making the position of Town Treasurer and Collector of Taxes appointed and appointing the incumbent Judy McDonald
- Authorizing town meeting to approve intermunicipal agreements
- Removing existing charter language regarding the salary of the town counsel
- Recommend a standing warrant article to approve funding for all collective bargaining agreements

Each topic is addressed specifically in the following paragraphs.

### 1) Appointment of Town Treasurer and Collector of Taxes

The CSC recommends that the charter be amended to change the position of Town Treasurer and Collector of Taxes from elected to appointed. Secondly, the committee recommends that the incumbent, Judy McDonald, who will be impacted by this transition, be appointed to fill the position as she has performed the duties and carried out the responsibilities of the Town Treasurer and Collector of Taxes for over nineteen years and has been a major asset to this community. The appointment of the incumbent will be included in the charter amendment language to allow the incumbent to serve the duration of the elected term of office.

- The committee met with Treasurer Judy McDonald on July 29 to discuss the position of Town Treasurer and Collector of Taxes and the advantages/disadvantages of changing the position from elected to appointed. The committee also discussed the matter with former Town Manager Jack Healey and Town Manager Charles J. Cristello.

The position of Town Treasurer and Collector of Taxes is one of the few positions established by the charter as an elected position. Since 1920, the duties of this position have grown and require a thorough understanding of municipal finance. Both the former town manager and the current town manager as well as Town Treasurer McDonald, agree that the position should be appointed to allow the Town to have an individual with the requisite skills, experience and education. Secondly, the appointment of this position would be comparable to the other department heads positions, already established by charter for appointment by the Board of Selectmen, including the town manager, town counsel, town clerk, fire chief and police chief.

### 2) Intermunicipal agreements

The committee recommends that the Board of Selectmen develop a warrant article for Town meeting authorizing town meeting to approve intermunicipal agreements negotiated by the Board of Selectmen.

Town Counsel Dan Murray has informed us, that, since 2008, town meeting approval is no longer required and Boards of Selectmen are solely authorized to approve intermunicipal agreements. The CSC believes the Board of Selectmen should not have the sole authority to sell, encumber or share the Town's assets or resources without town meeting approval. Therefore, the committee recommends that this authority be restored to town meeting, via home rule petition, to allow residents the opportunity to discuss and approve the merits of these important municipal transactions.

### 3) Salary for Town Counsel

The committee recommends that the charter be amended as follows, the words "who shall be paid such salary as the town votes" be removed from Legal Affairs, Section Seventeen subsection (a).

- The committee met with Town Manager Cristello on October 6 and discussed the salary requirement language within the town charter for the Town Counsel.

The recommendation to remove the existing language from the charter will end the controversy surrounding compensation paid to the Town Counsel position.

### 4) Recommend a standing warrant article to approve funding for all collective bargaining agreements

Legal counsel has opined that collective bargaining agreements require town meeting approval to fund economic/financial proposals within agreements. Therefore, the CSC recommends that the Board of Selectmen place a standing article on the warrant for each town meeting in which such agreements are to be presented, to enable town meeting members to understand and vote on the financial impact of the bargaining agreements.

### Summary

We request that the Board of Selectmen consider extending the appointment of the CSC for six additional months (November 2009 – April, 2010) to allow the committee to work with the town manager and town counsel to develop the warrant articles necessary for submission by the Board of Selectmen to the annual town meeting warrant for spring of 2010.

DRAFT POLICY TOWN OF MIDDLEBOROUGH  
WINTER TREATMENT OF PRIVATE ROADWAYS

NOVEMBER 2009

The Middleborough Board of Selectmen enact the following policy:

The Selectmen recognize that winter maintenance during snow or ice conditions of private roadways within the Town is unacceptable, given that the residents have not voted to accept provisions of Chapter 40 Section 6c, which states that 'a town is allowed to appropriate monies for snow and ice removal from such private ways in the town which are open to public use as may be designated by the Selectmen'.

The BOS recognize that various streets have been plowed and sanded with some regularity for an unsubstantiated number of years. The Board of Selectmen agree that this practice will continue for this winter season only, based on the following policy:

Plowing and Sanding of Private Roadways

General Policy

1. The practice of plowing and sanding of the following private ways will stop after this winter season, starting April 15, 2010.

Private Roads

Adams Circle - Campbell - Gibbs Road – Katrina Road - Woodland Avenue

New Subdivisions Not Yet Accepted by the Town as a Public Way

Rivers Edge Drive and Edgewater Lane -Veronica Lane - Tall Oak Avenue

Roadways that have been Plowed from Time to Time

Paul - Lakeshore - Navaho Shores - Woloski Park

2. Any roadway system that is not currently being plowed will not be added to the above list or considered for plowing in the future.
3. Only those new subdivisions or private roads that are listed above will be eligible for plowing in the 2009 and 2010 winter season.
4. These roadway systems shall be plowed and possibly sanded based on the following conditions:

a. The police and/or fire departments provide to the Department of Public Works Director a recommendation that an emergency situation exists. An emergency situation shall be defined as where there is an accumulation of snow or ice that renders such road inaccessible to emergency vehicles, and the Police or Fire Department request assistance in accessing such road for an emergency response.

#### Future Consideration – Legal Acceptance

1. Residents of such private ways that have received this service, along with any others, may submit for consideration, through a petition of two hundred (200) registered voters or twenty (20) percent of the total of registered voters a ballot question to be placed on the April 4, 2010 ballot, requesting that the provisions of Chapter 40 Section 6c be accepted by the Town.
2. The Town Clerk will determine the date that the petition must be returned in order to be legally included on the April 4, 2010 town election ballot.
3. Should the ballot question for accepting the provisions of Chapter 40 Section 6c be adopted, then the Board of Selectmen shall request that the town Department of Public Works Director submit a policy for plowing and sanding of private ways for consideration and acceptance, at a regularly scheduled public hearing, prior to August, 2010.
4. Should the ballot question be defeated, then the town will request the town Planning Board to consider determining base criteria for each private roadway system, to be made into a public way.

#### Potential Program for Private Way Conversions

1. The Town may consider a program for certain roadway systems to have certain improvements on private roads for public way acceptance through surveying, engineering design and construction with payment to be made by those private roadway residents, through betterment charges on their properties.
2. At no time will town funds be utilized to prepare these private ways for eventual consideration for public ways. If the program is enacted by the Town, all funds will come through betterment funds through liens on properties that abut the private roadway systems.

December 1, 2009

Town of Middleboro  
Board of Selectmen

RECEIVED  
DEC 3 2009  
BOARD OF SELECTMEN  
MIDDLEBOROUGH, MA

Members of the Board:

A recent article in The Enterprise (copy enclosed) detailed a lawsuit filed by several individuals in town regarding the plowing of "private" roads. I attended and spoke at the meeting of your board several weeks ago when this issue was discussed by DPW superintendent Bagas.

I have lived on Gibbs Road for over 13 years. Never at any time when I was in the process of purchasing my home was it ever mentioned that Gibbs Road was a "private road". There were full services – trash pickup, mail delivery, snowplowing, etc. and there are also public utilities, water pipes, cable television, etc. Nothing on the deed suggests otherwise. In fact, we were told that we have "beach rights" to the beach on Tispaquin Pond, something that has also fallen under dispute in recent years. How were we to know?

Now Gibbs Road residents are being informed that they live on a "private road" and are therefore not entitled to certain services, even though we pay our full tax assessment.

I mentioned, at the meeting I attended, the tragedy of two individuals dying on our road and circumstances where emergency personnel were delayed in reaching them. Other residents stated that they have disabled children, or are unemployed and cannot afford to suddenly start paying for private plowing. I can only imagine the tragedies that could occur if the road is not plowed at all!

Many other towns interviewed by The Enterprise (see enclosed article) stated that they sand and plow "private roads" as a matter of public safety and so that people can get to work to earn their salaries and pay their taxes. This certainly seems prudent to me.

At the meeting I attended, Attorney Murphy mentioned "prescriptive use" of roads whereby certain roads that have been used publicly for a number of years can be considered not private. I believe that Gibbs Road falls under this. There has been a camp on the road for over 50 years. Every summer parents of campers drive up and down Gibbs Road to drop off and pick up the campers. People who do not live on the road use it to go to Tispaquin Pond, pulling their boats and jet skis behind them on trailers. Others use it for other purposes as well.

Thank you for your time and attention to my comments and concerns.  
Sincerely,

Marilyn Bastarache  
18 Gibbs Road

MIDDLEBORO

# Ten residents file lawsuit over plowing

## Suit questions legality of town clearing snow on private ways

By Alice C. Elwell  
ENTERPRISE CORRESPONDENT

MIDDLEBORO — On Tuesday the town was slapped with a lawsuit by 10 residents who claim using public funds to plow private ways is illegal.

“If people want to live on private ways where the public is excluded, why ... should tax dollars be used for private removal?”

said Ed Beaulieu, one of the 10 who brought the suit.

The group is asking for a jury trial unless selectmen discontinue the practice.

The ongoing issue was addressed by selectmen at their Nov. 16 meeting, where they were advised by Town Counsel Daniel F. Murray, in a Nov. 12 opinion letter, the town leaves itself open to a lawsuit unless it adopts a provision of the state laws that allows it to use public money to plow private streets.

Selectmen ignored Murray’s opinion and voted to continue the practice of plowing 18 of the town’s 93 private streets.

That didn’t sit well with 10 residents who filed suit last Monday. They are Finance

Committee member Joseph Thomas and his wife, Margaret; former Finance Committee member Nancy Thomas; former Town Moderator James V. Thomas, Council on Aging directors Chairman Sarah Jigerjian; Mary Jigerjian; Ed and Susan Beaulieu; Stephanie Thomas; and Charles Lincoln.

Beaulieu said he lives on a private way in Oak Point and pays a monthly fee, part of which pays for snow plowing. He said people who live on private ways should pay for their own plowing.

“It’s an issue of fairness,” he said.

The lawsuit seeks to stop the town from plowing public ways and would ask to recoup attorney fees.

**The group is asking for a jury trial unless selectmen discontinue the practice.**

The group is represented by former Selectman Adam M. Bond, who offered a compromise that would save legal fees, stop plowing private ways with public money until the town adopts MGL Chapter 40, Section 6C, a provision that allows plowing in emergency situations.

A hearing for a preliminary injunction is scheduled for Monday in Plymouth Superior Court.

Selectmen are scheduled to discuss it behind closed doors on Monday.



CONCELLOS/THE ENTERPRISE  
Montjane of Pearl  
Christ Congregational  
participating.



rey Illsley Sr. and his wife,  
service.

**Jacqueline Shanley**

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**From:** Rich Pavadore [rich@engineeringspecialties.net]  
**Sent:** Monday, November 30, 2009 3:11 PM  
**To:** Andy Bagas  
**Cc:** Charles Cristello; Jacqueline Shanley; 'Joe Thomas'; Colleen Lieb; Colleen Lieb; 'Steve Mckinnon'  
**Subject:** RE: Town Unaccepted Roads-FINCOM

Thank you for getting back to me Andy.

I did hear about the latest "legal news" but the answers to our questions, may or may not be resolved to our satisfaction based on what happens with the Board of Selectmen tonight. I would hope they would be requesting at least the same information as we have so that they could come to a knowledgeable conclusion. The answers to my fairly straight forward questions will allow us to quantify the size of this issue both in miles and dollars so we can calculate the net effect of the problem in the town. From this information, we may be able to come up with alternative solutions or recommendations that may help to satisfy both sides of the argument.

My concern is without any first hand information, our committee may decide to recommend to Town Meeting to cut your budget by this amount if WE are not satisfied with the answers to our questions. I derived these questions to give us some basic information to review against the opinion letter from Town Counsel. The Finance Committee brings the recommended budget to Town Meeting and I would like to keep us in sync with the Town Manager, School Committee and Board of Selectmen whenever possible which makes the process run much smoother. Unfortunately that sometimes means that we request the same or different or additional information from department heads than the BOS or Town Manager. We will definitely work with you and keep you updated with our opinions and votes as we start our budget process.

The Finance Committee is scheduled to discuss this issue at 7.45 pm during our next meeting which is December 7<sup>th</sup>. If you would like to meet our members and join us for this discussion, you may be able to clear up our concerns and questions verbally. Due to the latest legal status and uncertainties at this time, I am not sure how involved our discussion may go at this time. My expectation is we will bring it up and decide to leave it as an open issue as we wait for further decisions from the Board of Selectmen or other legal outcomes. If this is not a good night for you, I certainly understand. The Finance Committee will be contacting you to meet with our committee next year as the budget process begins. We usually at least try to meet with the larger departments of which yours is one as well as to explain our function and to better understand yours being a new town employee.

Again, thanks for your response.

Thank You,  
 Rich Pavadore  
 Office tel: (508)-378-1112 x 10

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**From:** Andy Bagas [mailto:abagas@middleborough.com]  
**Sent:** Monday, November 30, 2009 1:44 PM  
**To:** Richard Pavadore, FINCOM CHAIR  
**Cc:** Charles Cristello; Jacqueline Shanley; Joe Thomas; Colleen Lieb; Colleen Lieb; Steve Mckinnon  
**Subject:** RE: Town Unaccepted Roads-FINCOM

Chairman Pavadore:

Thank you for your comments and concerns regarding sanding and plowing of private roads.

As you are most likely aware, there has been an injunction filed against the Town for a motion for a temporary

12/1/2009

restraining order for further violations of MGL Chapter 40 Section 6C.

To the best of my knowledge, the Selectmen will be discussing this issue tonight. It may be resolved. If so, your request for information would be moot. In the event that it is not resolved, I will provide the requested information and will meet with the Finance Committee on this issue.

Again, thank you. We are all concerned about what is best for the Town of Middleborough. I look forward to working with you in the future.

Andrew Bagas  
DPW Director

**Andy Bagas**  
abagas@middleborough.com

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**From:** Rich Pavadore [mailto:rich@engineeringspecialties.net]  
**Sent:** Friday, November 20, 2009 10:56 AM  
**To:** Andy Bagas  
**Cc:** Charles Cristello; Jacqueline Shanley; 'Joe Thomas'; Colleen Lieb; Colleen Lieb; Steve Mckinnon  
**Subject:** Town Unaccepted Roads-FINCOM

Andrew,

It has come to my attention from watching the Board of Selectman's meetings, newspaper articles and through a conversation between you and Mr. Joe Thomas of the Finance Committee, that as a way to reduce spending in your budget that you have proposed to change the past policy of plowing many of the town's unaccepted streets. Your request was to NOT continue to plow (and/or maintain) some of the unaccepted streets within the town some of which we have been doing for many years. I understand the current policy is we maintain/plow some of the unaccepted roads but not all of them.

Following your original decision, and after a receipt of a letter from Town Counsel indicating that it may be illegal to continue expending public funds on non-public ways, I believe it was decided by the Board of Selectmen and Town Manager to continue the practice as we have been doing now for quite some time for at least this year. (Continue to maintain some unaccepted roads while not maintaining others.) I believe the term "status quo" was used to define how we should continue.

The letter from Town Counsel seems clear that we should not be appropriating public funds for non-public expenses or until the specific statute allowing such is passed at an annual Town election. I am concerned that this could open the door to liability and/or public safety issues now that the information has been publicized and pretty clearly defined.

Based on this information, I believe our committee should at least discuss this procedure and decision at our next scheduled meeting which is to be held on 12/7/09 so that we might provide an opinion or recommendation to the town. I have put this issue on the Finance Committee agenda. In order to help us understand the magnitude of this problem, and its associated costs within the DPW highway budget, it would be helpful if you could put together the information shown below and forward it to me either through a reply to this email (preferred) or place a hard copy in the Finance Committee mailbox by December 1, or earlier.

This information may already have been completed and be available from your previous meetings in which case we would only need a copy. If it has not been collected, I believe it would be informative to not only our board but the Town Manager and Board of Selectmen so that we can all get a handle on the scope of this work and its estimated cost to the

12/1/2009

taxpayers. From this information, a better and more educated decision can be made on how the town should proceed so that you will be able to submit a budget based on the agreement of all boards and supervisors.

1. The TOTAL number of unaccepted or private roads in Middleboro. (If you want to list their names, it would be helpful but not required)
2. The estimated TOTAL miles associated with ALL unaccepted and private roads.
3. The estimated number of UNACCEPTED and private roads that are maintained/plowed. (If you have a list from item 1, you can highlight or check off the streets we maintain on this same list)
4. The estimated total miles of these maintained/plowed UNACCEPTED and private roads.
5. The estimated cost that the DPW spends per year to maintain/plow the unaccepted and private roads from above.
6. The estimated total miles of all town/municipal roads that are maintained/plowed in the town.
7. The cost that the DPW spends per year to maintain/plow all Town/municipal roads in the town.

I thank you in advance for this information. If you have any questions, you can forward them back to me on this email or call me at the numbers shown below. Also, if you are free on December 7<sup>th</sup>, we would be happy to meet with you to both welcome you to Middleboro and discuss this issue. At this point, this discussion is scheduled for 7:40 pm.

Thank You,  
Rich Pavadore-Chairman  
Middleboro Finance Committee  
Office tel: (508)-378-1112 x 10  
Cell: (508) 942-1722

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Version: 9.0.709 / Virus Database: 270.14.87/2536 - Release Date: 11/30/09 02:31:00



**Town of Middleborough**  
Office of Economic & Community Development  
20 Centre Street, Middleborough, MA 02346  
Tel: 508-946-2402, Fax: 508-946-2413  
[Analevanko1@verizon.net](mailto:Analevanko1@verizon.net)

## Community Development Block Grant (CDBG) Overview 2010

### Eligible Activities

CDBG grant assistance is provided to qualifying cities and towns (under 50,000 in population) for housing, community, and economic development projects that meet the state Department of Housing and Community Development (DHCD) and federal objectives. The Town of Middleborough has pursued projects that meet the objective of *assisting low and moderate-income residents* and in our regional application with Lakeville we will continue to address this objective.

Eligible CDBG projects include but are not limited to:

1. Housing rehabilitation or development
2. Infrastructure, community/public facilities
3. Public social services
4. Planning
5. Removal of architectural barriers to allow access by persons with disabilities
6. Downtown or area revitalization

In a regional application projects are determined that meet the needs of all communities in that region (in our case in Middleborough & Lakeville). The projects need to be conducted across the two towns.

### Past Projects

Over the past ten years, the Town, through the OECD, has received funding for various projects including:

- 2005 CDF Housing Rehabilitation Grant: 32 Low to Moderate Households (LMI) served
- 2005 Housing Development Support Grant (HDSP): Renovated 153 Center St., creating 4 new affordable apartments
- 2003 HDSP: Faietti Building renovated, creating 7 new affordable apartments
- 2002 CDF Housing Rehabilitation Grant: 26 LMI Households served
- 2001 RRF: Streetlights and Building Façade improvements

- 2000 HDSP: Corsini Building Renovated: 7 new affordable apartments created
- 1999 HDSP: Peirce Building Renovated: 7 new affordable apartments created
- 1998 CDF: Streetscape and Building Façade improvements
- 1998 RRF: Clay Street Sewer extension

In addition to direct grants from the DHCD, the OECD has received funds from the repayment of Housing Rehab loans, called "Program Income" funds. With these funds, the OECD has created the following programs/projects since 2006:

- Sign and Façade Improvement Project
- Star Mill Re-use Feasibility Study
- Sidewalk repair Project
- After School "Engineering is Elemental" Program
- Home Repair Program (one of the most successful activities)

### **Community Development Strategy (CDS) – Priority Projects**

To date, through the public participation process, the below were identified as high priority projects (still anticipating feedback from some social service agencies, staff, Board of Selectmen, and input from one more public forum). All projects are not CDBG eligible but as part of our CDS process all priority projects are identified.

- Update Affordable Housing Plan
- Create affordable housing with potential mixed use in vacant mill buildings in town center.
- Improve housing conditions and support home repairs.
- Adopt inclusionary housing requirements for all housing developments over 6 units.
- Modify Town's multifamily zoning including increase in density and inclusionary provision for affordable housing.
- Increase senior housing to include assisted living.
- Support/facilitate better coordinated public social services (regional and local) that address homelessness and foreclosure prevention and senior services (i.e., emergency assistance, food pantry/food bank coordination, financial literacy).
- Assess youth service/program needs for delinquency/criminal activity/drug and alcohol prevention and enhance services to address need.
- Continue water main, drainage, parking lot, sidewalk infrastructure improvements in town center.
- Conduct a strategic planning and revitalization study for Everett Square.
- Make upgrades to the community's primary recreational facility to include pool infrastructure, pavement, and safety improvements.
- Work with staff/boards of local museums, theatres, cultural institutions, historic districts, natural resource groups, community groups, service clubs to develop a tourism promotion plan and marketing materials and obtain tourism grant funding/consultant services.
- Develop a marketing plan to recruit business to downtown and other commercial locations.

- Complete upgrade of economic development website as part of marketing plan.
- Identify properties near highway interchanges for potential commercial development.
- Develop strategies to attract/retain businesses in town center.
- Expand town center beautification efforts.
- Promote implementation of a range of strategies to protect working agricultural lands, including but not limited to the Thompson Street Agricultural Heritage Corridor.
- Continue to work with preservation partners to preserve open space and historic resources.
- Maintain the Town's rural character by providing the opportunity to combine natural resources with economic development such as recreation, eco-tourism, and agribusiness.
- Implement 43D priority development requirements for Middleborough Park @495 to include streamline permitting and development review guidelines.
- Pursue Growth District designation to access infrastructure funds to facilitate economic development and regional roadway construction to alleviate congestion at the Rotary and I-495.
- Pursue energy efficiency and cost savings in municipal buildings.
- Continue to upgrade Zoning By-laws including their full recodification and addition of a sign by-law and site plan review by-law.
- Upgrade the Subdivision Rules and Regulations including the addition of LID standards.

## Community Support

DHCD requires extensive documentation of community need and community support for the proposed projects. The DHCD requires the identification of geographic target areas that are intended as the focus of community development efforts. Census data and surveys must document this need.

The OECD must also document community support for the proposed activity. Community support can be identified in many ways:

Meetings: The DHCD requires Public Hearings before applying for the grant. However, Public Hearings alone are not sufficient. The OECD needs to outreach to other groups in Middleborough, such as the Council on Aging, Middleborough Youth Advocates and Veterans' groups.

Affordable Housing Committee: This Committee is underway and is providing support for the CDBG application through help with advocacy, data collection, and surveys.

Surveys: The OECD will survey past recipients of Housing Rehab loans and grants as to satisfaction. In addition, a sign up sheet is available in the OECD Office for the public to sign to show their support.

Letters of Support: The OECD will seek letters of support for activities proposed.

Public hearings/citizen participation processes on the CDS were held from October 2009 through December 2009. In addition to general public forums, input strategy and priority projects was sought through: Middleborough Veteran's Council, Middleborough Youth Advocates, Council on Aging, presentations at televised Middleborough Board of Selectmen meetings, Middleborough on the Move (downtown development non-profit), Middleborough department head meeting, meeting of potential beneficiaries, etc... Meetings/forums/presentations were held on following dates:

<b>Date/Time</b>	<b>Community Group/General Public</b>	<b>Location</b>
Oct. 6, 2009/4:00 p.m.	Middleborough At Home	Town Offices
Oct. 20, 2009/10:00 a.m.	General Public	Town Library
Oct. 20, 2009/4:00 p.m.	General Public	Selectmen's Meeting Room
Oct. 20, 2009/6:00 p.m.	General Public	Selectmen's Meeting Room
Oct. 21, 2009/8:00 a.m.	Middleborough Youth Advocates	25 Wareham St.
Oct. 26, 2009/7:00 p.m.	Board of Selectmen Meeting	Selectmen's Meeting Room
Nov 3, 2009/4:00 p.m.	Middleborough At Home	Town Offices
Nov 4, 2009/8:00 a.m.	Middleborough on the Move	Town Offices
Nov 4, 2009/9:00	VFW Breakfast	Town Library
Nov. 18, 2009/8:00 a.m.	Middleborough Youth Advocates	25 Wareham St.
Nov 24, 2009/6:00 p.m.	General Public	Selectmen's Meeting Room
Nov 30, 2009/7:00 p.m.	Board of Selectmen Meeting	Selectmen's Meeting Room
Dec. 7, 2009/7:00 p.m.	General Public	Selectmen's Meeting Room
Dec. 7, 2009/7:00 p.m.	Board of Selectmen Meeting	Selectmen's Meeting Room

As part of the discussions, the target area for projects was discussed and remains the same as what was developed for the FY2009 application. The targeted area (Middleborough Center) consists of two census tracts: the complete 5423 and blocks 3 and 4 of track 5422. This area was selected for a variety of reasons based on need, census tract income data, condition of houses, community input, unemployment data, % of youth.