

Part I ADMINISTRATION OF THE GOVERNMENT

Title VII CITIES, TOWNS AND DISTRICTS

Chapter 40 POWERS AND DUTIES OF CITIES AND TOWNS

Section 8A DEVELOPMENT AND INDUSTRIAL COMMISSION;
ESTABLISHMENT; DUTIES; MEMBERSHIP; TENURE;
REMOVALS; VACANCIES

Section 8A. A city or town which accepts this section may establish a development and industrial commission for the promotion and development of the industrial resources of said city or town. Such commission shall conduct researches into industrial conditions, investigate and assist in the establishment of educational or commercial projects, including projects involving private enterprise, for the purpose of expanding or strengthening the local economy, and shall seek to coordinate the activities of unofficial bodies organized for said purposes, and may advertise, prepare, print and distribute books, maps, charts and pamphlets which in its judgment will further the purposes for which it is established. The commission may appoint such clerks and other employees as it may require.

Such commission shall consist of not less than five nor more than fifteen members. The members in cities shall be appointed by the mayor, subject to the provisions of the city charter, except in cities operating under a Plan D or Plan E form of city charter, said appointments shall be by the

city manager, subject to the provisions of the city charter; and in towns they shall be appointed by the selectmen, excepting towns having a manager form of government, in which towns such appointments shall be made by the town manager. When a commission is first established, the terms of the members shall be for such length, not exceeding five years, and so arranged that the terms of approximately one fifth of the members will expire each year, and their successors shall be appointed for terms of five years each. Any member of a board so appointed in a city may be removed for cause after a public hearing, if requested, by the mayor with the approval of the city council. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term in a city in the same manner as an original appointment, and in a town as provided in section eleven of chapter forty-one.

Chapter 62. Development and Industrial Commission

[HISTORY: Adopted 3-12-1973 ATM, Art. 18. Amendments noted where applicable.]

GENERAL REFERENCES

Economic Development and Industrial Corporation — See Ch. 74.

[Current statutes in effect: MGL c. 40, § 8A, establishing a Development and Industrial Commission for the promotion and development of the industrial resources of the Town.

Historical Notes:

Article 18 of the 3-12-1973 Annual Town Meeting accepted the provisions of MGL c. 40, § 8A, as established by Acts of 1954, c. 297, and amended by Acts of 1955, c. 102, and voted to establish a Development and Industrial Commission of five members, with all the powers and duties thereof as provided by MGL c. 40, § 8A (Commission to be appointed by the Board of Selectmen for five-year terms).]

**TOWN OF HOPEDALE
BOARD, COMMISSION OR COMMITTEE
TALENT BANK FORM**

Local Government needs citizens to give of their time and talents serving the Town of Hopedale. A Talent Bank has been established to compile a list of interested citizens, willing to serve on a voluntary basis on boards, commissions and committees. Some groups meet often, others require less time, and still others are busy only at specific times of the year. Occasionally, there are requirements for ad hoc committees or sub-committees appointed to work on specific projects. Experience indicates that the two most appropriate qualities for successful service are an open mind and exercise of common sense.

If you are interested in serving, please list the position(s) you wish to be considered for:

Board, Commission or Committee applying for:

ECONOMIC DEVELOPMENT COMMITTEE

Please return completed forms to:

Town Administrator's Office – Hopedale Town Hall 78 Hopedale Street, Hopedale, MA 01747

The Town Hall mailing address is: P.O. Box 7, Hopedale MA, 01747

Please Note:

- The Board of Selectmen may fill vacancies until next election.
- It is recommended that you attend a few meetings of the committee or board you are contemplating joining to help determine your interest.
- The board/committee will be asked for their recommendation on each applicant appointment.

Name: SAKEN KHOKHAR

Are you a registered voter? Yes No

Address: 6 TAMMIE ROAD

How long have you lived in Hopedale? 4 yrs

Home Phone: N/A

Cell Phone: [REDACTED]

E-Mail: [REDACTED]

How would you like to be contacted? PHONE OR EMAIL

Occupation: SUPPLIER DIVERSITY MANAGER

Please list any potential conflicts of interest, e.g. membership in an organization or your

business: NONE

Education and Experience: MBA - BABSON COLLEGE.

B.S.C - NORTHEASTERN UNIVERSITY

How many times during the last year have you attended a meeting of the Board/Committee to which you are requesting appointment? NEW COMMITTEE

Have you ever had business before the Board/Committee to which you are requesting an appointment?

Yes No If yes what type of business? NO

Special interests and skills: EXPERIENCE WITH SOURCING & PROCUREMENT

SUPPLIER DIVERSITY, ECONOMIC EMPOWERMENT

Activities, e.g. Government/Civic & Community/Charitable & Educational: PREVIOUS BoD

MEMBER - BOYS & GIRLS CLUB OF CAMBRIDGE, MA
EMPLOYED AT CITY YEAR FROM 2014 - 2015.

Reasons for wanting to serve: I WOULD LIKE TO CONTRIBUTE TO MY

TOWN & HELP TO CREATE MEANINGFUL ECONOMIC
CHANGE.

The completion of this form in no way assures appointment. Citizens deemed most qualified to serve in a particular capacity will fill all board, commission or committee vacancies.

Applicant's Signature Saba Kulkarni Date 05/02/21

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If you are interested in serving, please list the position(s) you wish to be considered for:

Board, Commission or Committee applying for:

Economic Development Commission

Please return completed forms to:

Town Administrator's Office – Hopedale Town Hall 78 Hopedale Street, Hopedale, MA 01747

The Town Hall mailing address is: P.O. Box 7, Hopedale MA, 01747

Please Note:

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- The board/committee will be asked for their recommendation on each applicant appointment.

Name: Nicole G. Small

Are you a registered voter? Yes No

Address: 41 Dutcher Street, Apartment #19

How long have you lived in Hopedale? 40 years

Home Phone: _____ Cell Phone: [REDACTED] E-Mail: [REDACTED]

How would you like to be contacted? email or text preferred, call if necessary

Occupation: Operations Services Manager

Please list any potential conflicts of interest, e.g. membership in an organization or your

business: No known conflicts.

Education and Experience: Education: Hopedale Jr./Sr. High School (99), B.A. Psychology, UMass Dartmouth, 2005, B.A. Economics, UMass Dartmouth 2005, Masters of Public Administration, Clark University 2015. Experience: My unique educational background and professional experience allows for perspectives from all angles of administration.

How many times during the last year have you attended a meeting of the Board/Committee to which you are requesting appointment? The current commission does not exist to my knowledge and is being developed. I've watched previous Master Steering Committee meetings and also attend BOS meetings.

Have you ever had business before the Board/Committee to which you are requesting an appointment?

Yes No If yes what type of business? _____

Special interests and skills: Strong managerial, communication, organizational and time management skills and I pride myself on attention to details. In my professional career I have been able to streamline organizational processes and work streams for more effective and efficient outputs.

Activities, e.g. Government/Civic & Community/Charitable & Educational: None currently

Reasons for wanting to serve: As a life long member of the Hopedale community, I'd like to be a part of developing this community so its culture and hometown feel are sustainable for all members. Over the past several years, I have watched Hopedale graduates return to our town and I've seen others whom have been priced out and/or have had to move out. We need to create more economic development to create tax revenues, while remembering the life long residents of the town. I have always has an interest in serving on a Hopedale board/committee and the time is now.

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Applicant's Signature _____ Date 6/15/2021

TOWN OF HOPEDALE
BOARD, COMMISSION OR COMMITTEE
TALENT BANK FORM

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If you are interested in serving, please list the position(s) you wish to be considered for:

Board, Commission or Committee applying for:

Economic Development

Please return completed forms to:

Town Administrator's Office – Hopedale Town Hall 78 Hopedale Street, Hopedale, MA 01747

The Town Hall mailing address is: P.O. Box 7, Hopedale MA, 01747

Please Note:

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- > It is recommended that you attend a few meetings of the committee or board you are contemplating joining to help determine your interest.
- > The board/committee will be asked for their recommendation on each applicant appointment.

Name: Anthony Faath Are you a registered voter? Yes No

Address: 7 Granite Hill way How long have you lived in Hopedale? _____

Home Phone: 508 473 2711 Cell Phone: [REDACTED] E-Mail: [REDACTED]

How would you like to be contacted? cell

Occupation: Pharmaceutical Sales Rep - Hospitals

Please list any potential conflicts of interest, e.g. membership in an organization or your

business: N/A

Education and Experience: BA - Human Relations, MBA - Marketing

20 years Sales + Marketing experience

How many times during the last year have you attended a meeting of the Board/Committee to which you are

requesting appointment? 0, 12 BOS meetings

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If you are interested in serving, please list the position(s) you wish to be considered for:

Board, Commission or Committee applying for:

Open Space and Recreation Committee

Please return completed forms to:

Town Administrator's Office -- Hopedale Town Hall 78 Hopedale Street, Hopedale, MA 01747

The Town Hall mailing address is: P.O. Box 7, Hopedale MA, 01747

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- The board/committee will be asked for their recommendation on each applicant appointment.

Name: Tara Costanza Are you a registered voter? Yes No

Address: 45 Bancroft Park How long have you lived in Hopedale? 41 years

Home Phone: _____ Cell Phone: [REDACTED] E-Mail: [REDACTED]

How would you like to be contacted? email or text preferred, call if necessary

Occupation: Hospitality industry

Please list any potential conflicts of interest, e.g. membership in an organization or your

business: No known conflicts.

Education and Experience: Hopedale Jr./Sr. High School and Salem State University

How many times during the last year have you attended a meeting of the Board/Committee to which you are requesting appointment? I have attended the Master Steering meetings in preparation as well as many other town board and commission meetings.

Have you ever had business before the Board/Committee to which you are requesting an appointment?

Yes No If yes what type of business? _____

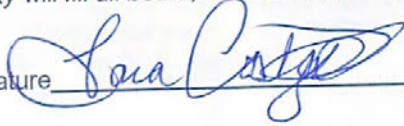
Special interests and skills: I am an active member of the community with strong leadership, management, and communication skills.

Activities, e.g. Government/Civic & Community/Charitable & Educational: Board member of the Hopedale PTO, Hopedale Boosters, former Hopedale JV field hockey, and girls JV basketball coach.

Reasons for wanting to serve: As a life long resident of Hopedale, I desire to serve our community and aide in the improvement and preservation of our open space, while creating the possibilities of recreational facilities for residents.

The completion of this form in no way assures appointment. Citizens deemed most qualified to serve in a particular capacity will fill all board, commission or committee vacancies.

Applicant's Signature



Date 6/15/2021



**Office of the Board of Assessors
P.O. Box 7
74 Hopedale Street
Hopedale, MA 01747
Ann M. Williams Principal Assessor
Tel. (508) 634-2203 x 224 FAX (508) 634-2200
e-mail: awilliams@hopedale-ma.gov**

**Donald W. Howes
Chairperson**

Matthew M. Dailey

June 23, 2021

Re: New Board Member

To the Select Board:

This letter is to recommend Ellen Murphy as a new Board Member on the Board of Assessor. At the meeting held on Tuesday, June 22, 2021, the Board unanimously voted to recommend Ellen as the new member for the open position.

The Assessors is a three-member Board, each with a three-year term. One of our members has recently resigned. If appointed, she would be filling that position which will run until the end of fiscal 2023.

Included is a copy of the Talent Bank Form she submitted on June 9, 2021.

Sincerely,

Ann M Williams, M.A.A.
Principal Assessor
Town of Hopedale

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If you are interested in serving, please list the position(s) you wish to be considered for:

Board, Commission or Committee applying for:

BOARD of Assessors

Please return completed forms to:

Town Administrator's Office – Hopedale Town Hall 78 Hopedale Street, Hopedale, MA 01747

The Town Hall mailing address is: P.O. Box 7, Hopedale MA, 01747

Please Note:

- The Board of Selectmen may fill vacancies until next election.
- It is recommended that you attend a few meetings of the committee or board you are contemplating joining to help determine your interest.
- The board/committee will be asked for their recommendation on each applicant appointment.

Name: Ellen Murphy

Are you a registered voter? Yes No

Address: 122 Freedom St

How long have you lived in Hopedale? 35 yrs

Home phone: [REDACTED] hon [REDACTED] [REDACTED]

How would you like to be contacted? email

Occupation: Asst. Town Clerk Hopedale

Please list any potential conflicts of interest, e.g. membership in an organization or your business:

Education and Experience: Associates degree in Accounting - Retired Milford Housing Authority 24 yrs, MAY 2020

How many times during the last year have you attended a meeting of the Board/Committee to which you are requesting appointment? 0

Have you ever had business before the Board/Committee to which you are requesting an appointment?

Yes No If yes what type of business? _____

Special interests and skills: 25+ years of State & Local
Government experience.

Activities, e.g. Government/Civic & Community/Charitable & Educational: TREASURER -

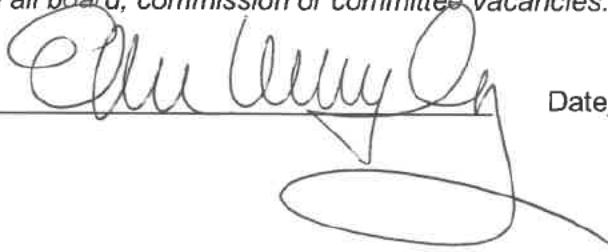
Hopedale Cultural Council - Volunteer Milford Special

Reasons for wanting to serve: Town Boards need Residents Olympics

to serve on Boards so I want to
help my Community.

The completion of this form in no way assures appointment. Citizens deemed most qualified to serve in a particular capacity will fill all board, commission or committee vacancies.

Applicant's Signature



Date

6/9/2021



HOPEDALE FIRE DEPARTMENT

40 Dutcher Street - Hopedale MA. 01747

Tel. (508) 473-1050 Fax: (508) 902-0076

www.hopedale-ma.gov/fire-department

Thomas M. Daige – Fire Chief

David J. McMorrow – Deputy Chief



Hopedale Select Board
Town Hall Office
78 Hopedale Street
Hopedale MA 01747

June 22, 2021

Re: Appointment of Call Firefighter Candidate

Mr. Chairman,

The Fire Department received an application from Catherine D'Alessandro of Millville for the position of Call Firefighter at the beginning of June. Ms. D'Alessandro's address is within the 5 miles (as the crow flies) from the firehouse. We have since held an oral board interview with the candidate on June 17th and have performed criminal, professional and personal background checks, all which check out okay.

I would recommend that, at your next scheduled meeting, your Board appoint Catherine D'Alessandro of Chestnut Hill Road Millville to the position of Call Firefighter Candidate effective July 1st, 2021.

Respectfully,

Thomas Daige
Fire Chief



Geoffrey E. Snyder
Commissioner of Revenue

Sean R. Cronin
Senior Deputy Commissioner

Informational Guideline Release

Bureau of Municipal Finance Law
Informational Guideline Release (IGR) No. 21-12
May 2021

(Supersedes IGR No. 03-209)

SUPPLEMENTAL TAX ASSESSMENT ON NEW CONSTRUCTION

[G.L. c. 59, § 2D](#)

This Informational Guideline Release (IGR) informs local officials of the requirements of [G.L. c. 59, § 2D](#) allowing supplemental tax assessments and abatements due to fire or natural disaster after the assessment date.

Topical Index Key:

Abatements and Appeals
Assessment Administration
Tax Bills

Distribution:

Assessors
Collectors
Accountants/Auditors
Mayors/Selectmen
City/Town Managers/Exec. Secys.
Finance Directors
Finance Committees
City/Town Councils
City Solicitors/Town Counsel

(Supersedes IGR No. 03-209)

SUPPLEMENTAL TAX ASSESSMENT ON NEW CONSTRUCTION

[G.L. c. 59, § 2D](#)

SUMMARY:

Cities and towns may make a pro rata tax assessment on the value of certain improvements to real estate made after the January 1 assessment date. [G.L. c. 59, § 2D](#). The assessment is made only on those parcels for which an occupancy permit is issued during the fiscal year and the new construction increases the parcel value by over 50 percent, exclusive of the value of the land. This assessment is in addition to the regular property tax that is assessed on the property based on its January 1 status. It is calculated by applying the tax rate to the value of the improvement and prorating that amount over the remainder of the fiscal year after the permit was issued. If the permit was issued between January 1 and June 30, a pro forma tax assessment may be imposed for the following fiscal year as well. The purpose of this supplemental assessment is to provide the city or town with some of the real estate taxes that would have been due for the fiscal year if the new construction had existed on that year's assessment date. In addition, the assessors must abate property taxes on any parcel in the community whenever it loses more than 50 percent of its value due to fire or other natural disaster after the assessment date, exclusive of the value of the land.

The statute **applies automatically unless** the Department of Revenue is notified in writing by the selectmen, town council or city council, with the mayor's approval if required by law, of its rejection.

Assessors must assess supplemental assessments on any qualifying new construction for which an occupancy permit issues, and grant abatements on any qualifying property loss that occurs, unless their city or town rejects the statute and notifies the Department.

These guidelines are in effect and supersede IGR No. 03-209 Supplemental Tax Assessment on New Construction and inconsistent prior written statements.

GUIDELINES:

I. APPLICATION OF STATUTE

Assessors must make supplemental assessments and grant abatements on qualifying parcels **unless the Department of Revenue has been notified that their city or town has rejected** the provisions. [G.L. c. 59, § 2D](#).

A. Decision to Reject

The decision to reject application of the statute is made by majority vote of the selectmen, town council or city council, with the approval of the mayor if required by law. The rejection will apply until rescinded. See Section I-D below.

A city or town that had previously accepted the statute may reject it in this manner at any time. The community does not need to wait a minimum of three years before changing its decision because the statute is no longer a local acceptance provision subject to [G.L. c. 4, § 4B](#).

B. Notice of Rejection

The Department of Revenue **must be notified** in writing of the rejection for it to be effective. To do so, the municipal clerk should submit a completed ["Notice of Rejection"](#) to the Division of Local Services.

C. Effective Fiscal Year

The vote and notification should ordinarily be made before the beginning of the fiscal year the rejection is to take effect so that the assessors and collector can properly plan in the event implementation is required. In all cases, the vote should expressly state the fiscal year the rejection takes effect. The following language is recommended for the vote:

VOTED: That the city/town of _____ reject the provisions of [G.L. c. 59, § 2D](#), which impose a supplemental property tax assessments on certain improvements to real estate constructed after January 1 once an occupancy permit is issued, for fiscal years that begin on or after July 1, _____.

D. Revocation of Rejection

A community may rescind its rejection at any time.

Rescission is also by majority vote of the selectmen, town council or city council, with the approval of the mayor if required by law, and written notice must be given to the Department of Revenue to be effective. To do so, the municipal clerk should submit a completed ["Notice of Rescission of Rejection"](#) to the Division of Local Services. The vote and notice should be made before the beginning of the fiscal year the rescission is to take effect to allow the assessors and collector sufficient time to plan for implementation. The following language is recommended for the vote:

VOTED: That the city/town of _____ rescind its vote of _____, _____ to reject the provisions of [G.L. c. 59, § 2D](#) and make those provisions applicable in the city/town for fiscal years that begin on or after July 1, _____.

II. SUPPLEMENTAL ASSESSMENTS

A supplemental tax assessment is made on a real estate parcel for the fiscal year whenever (1) a temporary or permanent occupancy permit is issued for that parcel during that fiscal year and (2) the new construction or improvement made after the annual assessment for the fiscal year has increased the assessed value of the parcel by over 50 percent, exclusive of the value of land. In some cases, a supplemental tax assessment may be made for the following fiscal year as well.

A. Occupancy Permits

Assessments are triggered by the issuance of a temporary or permanent occupancy permit. Therefore, the assessors and building inspectors will have to develop a system for ensuring that the assessors' office receives timely notification of all occupancy permits issued.

B. Assessment

1. Pro Rata Supplemental Assessment

For the fiscal year in which the occupancy permit is issued, any supplemental tax assessment will be pro-rated based on the number of days left in the fiscal year after the permit issued. The assessment is based on the increased valuation that results from the parcel being improved by new construction after the regular tax assessment on the property was determined for that fiscal year. An assessment may be made only if the value of the parcel (exclusive of the value of the land) improved by the new construction is greater than 50 percent of the assessed value of the parcel for the FY (exclusive of the value of land). No assessment is made if the construction results in a 50 percent or less increase.

The pro rata assessment is computed by applying the tax rate for the current fiscal year, *i.e.*, the fiscal year in which the occupancy permit is issued, to the increased value of the improvement and multiplying the result by a fraction equal to the number of days left in the tax year over 365.

Example 1

A parcel of vacant residential land is assessed for \$50,000 as of January 1, 2019, at a FY20 tax rate of \$10.00/1000. On April 1, 2020, an occupancy permit is issued after construction of a new house. The value of the improvement is \$200,000. Because the value of the improvements has increased by more than 50% (from zero to \$200,000), a FY20 pro rata supplemental tax assessment is made as follows:

a. Tax rate FY20	\$10/1000
b. Value of improvements on assessment date Jan 1, 2019	0
c. Value of improvements after new construction and occupancy permit issued April 1, 2020	\$200,000
d. Increased value of improvements	\$200,000
e. 50% value of improvements on Jan 1 assessment date	0 – vacant land
f. Increased value improvements > 50% of value improvements on Jan 1 assessment date?	Yes, \$200,000 > 0
g. Number tax days remaining in FY	90
h. Fraction representing remaining days in FY	90/365
i. FY 20 supplemental assessment calculation	$(\$200,000[d] \times \$10.00/1000[a]) \times 90/365[g] = \493.15

Example 2

A parcel including a house is assessed at \$200,000 (house value is \$150,000 and land value is \$50,000) as of January 1, 2019. The FY20 tax rate is \$10.00/\$1000. During FY20, the house is torn down and a larger, modern house is built. An occupancy permit for the new house is issued on April 1, 2020. The new house has a value of \$200,000. As a result, the increased value of the improvement is \$200,000 - \$150,000 = \$50,000. Because the increased value of the improvement (\$50,000) is not more than 50% of the value of the improvement on the January 1 assessment date (\$75,000), a supplemental assessment for FY20 is not allowed.

a. Tax rate FY20	\$10/1000
b. Value of improvements on assessment date Jan 1, 2019	\$150,000
c. Value of improvements after new construction and occupancy permit issued April 1, 2020	\$200,000
d. Increased value of improvements	\$50,000
e. 50% value of improvements on Jan 1 assessment date	\$75,000
e. Increased value improvements > 50% of value improvements on Jan 1 assessment date?	No, \$50,000 is < \$75,000
f. Number tax days remaining in FY	N/A
g. Fraction representing remaining days in FY	N/A
h. FY20 supplemental assessment calculation	N/A

Example 3

A parcel including a house is assessed at \$200,000 (house value is \$150,000 and land value is \$50,000) as of January 1, 2019. The FY20 tax rate is \$10.00/\$1000. During FY20, the house is torn down and a larger, modern house is built. An occupancy permit for the new house is issued on April 1, 2020. The new house has a value of \$350,000. As a result, the increased value of the improvement is \$350,000 - \$150,000 = \$200,000. Because the increased value of the improvement (\$200,000) is more than 50% of the

value of the improvement on the January 1 assessment date (\$75,000), a supplemental assessment is allowed.

a. Tax rate FY20	\$10/1000
b. Value of improvements on assessment date Jan 1, 2019	\$150,000
c. Value of improvement after new construction and occupancy permit issued April 1, 2020	\$350,000
d. Increased value of improvement	\$200,000
e. 50% value of improvements on Jan 1 assessment date	\$75,000
e. Increased value improvements > 50% value improvements on Jan 1 assessment date?	Yes, \$200,000 is > \$75,000
f. Number tax days remaining in FY	90
g. Fraction representing remaining days in FY	90/365
h. FY20 supplemental assessment calculation	$(\$200,000[d] \times \$10.00/1000[a]) \times 90/365[g] = \493.15

Example 4

A parcel including a house is assessed at \$200,000 (house value is \$150,000 and land value is \$50,000) as of January 1, 2019. The FY20 tax rate is \$10.00/\$1000. During FY20, the house is torn down and a larger, modern house is built. An occupancy permit for the new house is issued on April 1, 2020. The new house has a value of \$225,000. As a result, the increased value of the improvement is \$225,000 - \$150,000 = \$75,000. Because the increased value of the improvement (\$75,000) is not more than 50% of the value of the improvement on the January 1 assessment date (\$75,000), a supplemental assessment is not allowed.

a. Tax rate FY20	\$10/1000
b. Value of improvements on assessment date Jan 1, 2019	\$150,000
c. Value of improvement after new construction and occupancy permit issued April 1, 2020	\$225,000
d. Increased value of improvement	\$75,000
e. 50% value of improvements on Jan 1 assessment date	\$75,000
e. Increased value improvements > 50% value improvements on Jan 1 assessment date?	No, \$75,000 is not > \$75,000
f. Number tax days remaining in FY	N/A
g. Fraction representing remaining days in FY	N/A
h. FY20 supplemental assessment calculation	N/A

2. Pro Forma Supplemental Assessment

If the occupancy permit is issued between January 1 and June 30, the parcel may also be subject to a full pro forma supplemental tax assessment for the following fiscal year unless the community has adopted Chapter 653 § 40 of the Acts of 1989, codified in the general laws in the third sentence of [G.L. c. 59, § 2A](#). If this local option is adopted, the value of the improvement will already be included in the

following year’s regular property tax assessment because the value of improvement as of June 30 is deemed part of the property as of the preceding January 1 assessment date.

A pro forma supplemental assessment is based on the increased valuation that results from the parcel being improved by new construction after the January 1 assessment date for the fiscal year of the pro forma assessment (the fiscal year following the fiscal year the occupancy permit was issued). Again, an assessment may be made only if the value of the parcel with the improvement is more than 50 per cent greater than the assessed value for that particular year, exclusive of the value of land. Therefore, the assessed valuation of the parcel may be different from that used to determine the pro rata assessment.

The pro forma assessment is computed by applying the next fiscal year’s tax rate to the increased value of the improvement for that year, exclusive of the value of land.

Example 5

A parcel of vacant land has a value of \$60,000 on the January 1, 2020 assessment date for FY21. The construction activity for the new house takes place as described in Example 1 above after the January 1, 2020 assessment date and an occupancy permit issues on April 1, 2020. The FY21 assessed valuation of the parcel is \$60,000 (vacant land); however, the value of the improved parcel after the permit issues is \$260,000 as it includes the value of the improvement (\$200,000). Because the value of the improvements has increased by more than 50% (from zero to \$200,000), a FY21 pro rata supplemental tax assessment is made based upon the FY21 tax rate as follows:

a. Tax rate FY21	\$11/1000
b. Value of improvements on assessment date Jan 1, 2020	0
c. Value of improvements after new construction and occupancy permit issued April 1, 2020	\$200,000
d. Increased value of improvement	\$200,000
e. 50% value of improvements on Jan 1 assessment date	0 – vacant land
f. Increased value improvements > 50% of value improvements on Jan 1 assessment date?	Yes, \$200,000 > 0
i. FY 21 supplemental assessment calculation	$\$200,000[d] \times \$11.00/1000[a] = \$2200$

Example 6

A parcel including a house is assessed at \$235,000 (house value is \$175,000 and land value is \$60,000) as of January 1, 2020. The FY21 tax rate is \$11.00/\$1000. During FY20, the house is torn down and a larger, modern house is built for which an occupancy permit is issued on April 1, 2020. The new house has a value of \$200,000. As a result, the increased value of the improvement is \$200,000 - \$175,000 = \$25,000. Because the increased value of the improvement (\$25,000) is

not more than 50% of the value of the improvement on the January 1, 2020 assessment date (\$87,500), a supplemental assessment for FY21 is not allowed.

a. Tax rate FY21	\$11/1000
b. Value of improvements on assessment date Jan 1, 2020	\$175,000
c. Value of improvement after new construction and occupancy permit issued April 1, 2020	\$200,000
d. Increased value of improvement	\$25,000
e. 50% value of improvements on Jan 1 assessment date	\$87,500
e. Increased value improvements > 50% of value improvements on Jan 1 assessment date?	No, \$25,000 is < \$87,500
h. FY21 supplemental assessment calculation	N/A

Example 7

A parcel including a house is assessed at \$250,000 (house value is \$175,000 and land value is \$75,000) as of January 1, 2020. The FY21 tax rate is \$11.00/\$1000. During FY20, the house is torn down and a larger, modern house is built. An occupancy permit for the new house is issued on April 1, 2020. The new house has a value of \$350,000. As a result, the increased value of the improvement is $\$350,000 - \$175,000 = \$175,000$. Because the increased value of the improvement (\$175,000) is more than 50% of the value of the improvement on the January 1 assessment date (\$87,500), a supplemental assessment is allowed.

a. Tax rate FY21	\$11/1000
b. Value of improvements on assessment date Jan 1, 2020	\$175,000
c. Value of improvement after new construction and occupancy permit issued April 1, 2020	\$350,000
d. Increased value of improvement	\$175,000
e. 50% value of improvements on Jan 1 assessment date	\$87,500
e. Increased value improvements > 50% value improvements on Jan 1 assessment date?	Yes, \$175,000 is > \$87,500
h. FY21 supplemental assessment calculation	$\$175,000[d] \times \$11.00/1000[a] = \$1925$

Example 8

A parcel including a house is assessed at \$250,000 (house value is \$175,000 and land value is \$75,000) as of January 1, 2020. The FY21 tax rate is \$11.00/\$1000. During FY20, the house is torn down and a larger, modern house is built. An occupancy permit for the new house is issued on April 1, 2020. The new house has a value of \$262,500. As a result, the increased value of the improvement is $\$262,500 - \$175,000 = \$87,500$. Because the increased value of the improvement (\$87,500) is not more than 50% of the value of the improvement on the January 1 assessment date (\$87,500), a supplemental assessment is not allowed.

a. Tax rate FY21	\$11/1000
b. Value of improvements on assessment date Jan 1, 2020	\$175,000
c. Value of improvement after new construction and occupancy permit issued April 1, 2020	\$262,500
d. Increased value of improvement	\$87,500
e. 50% value of improvements on Jan 1 assessment date	\$87,500
e. Increased value improvements > 50% value improvements on Jan 1 assessment date?	No, \$87,500 is not > \$87,500
h. FY21 supplemental assessment calculation	N/A

3. Person Assessed

Supplemental tax assessments are made to the person(s) assessed the regular real estate tax on the parcel for the fiscal year of the supplemental assessment, *i.e.*, the record owner as of the applicable January 1 assessment date. Therefore, if a parcel subject to both a pro rata and pro forma supplemental tax assessment has had a change in ownership, the assessments could be made to different owners depending on when the transfer occurred.

4. Usage Classification and Tax Rate

In communities using multiple tax rates, the usage classification of properties on January 1 of the fiscal year of the supplemental tax assessment will generally govern the tax rate to apply. However, if the construction activity results in a change in classification, the assessors should use the tax rate that would have applied if the construction had been completed by January 1.

5. Commitment and Warrant

a. Form and Content

The assessors must commit the supplemental tax assessments, with a warrant, to the collector. The commitment should be in the same form as the regular real estate commitment, but captioned to indicate it is for supplemental tax assessments under the provisions of [G.L. c. 59, § 2D](#), and should contain the same information. This includes, at a minimum, (1) the name of the assessed owner of the parcel as of January 1, (2) property identification, (3) the amount of the supplemental assessment and (4) the amount of each installment payment.

Separate commitments must be made for each year's supplemental assessments, whether pro rata or pro forma.

Regular real estate tax warrants may also be used if modified to indicate that they are for supplemental tax assessments. [G.L. c. 59, § 2D](#).

b. Deadline

There is no statutory deadline for committing the supplemental tax assessments, unlike omitted and revised assessments made under [G.L. c. 59 §§ 75 and 76](#). Wherever possible, however, assessors should have all supplemental assessments for a particular fiscal year committed no later than the date of the actual commitment for the year the improvement becomes subject to regular real estate taxes.

Assessors should make a first commitment of supplemental assessments contemporaneously with, or shortly after, the actual tax commitment each fiscal year. That first commitment should include all (1) pro rata assessments for that year due to occupancy permits issued before the tax rate was set, and (2) pro forma assessments for the year due to permits issued between January 1 and June 30 of the previous fiscal year.

Thereafter, assessors should establish a monthly or other appropriate schedule for committing pro rata supplemental assessments triggered by occupancy permits issued after the tax rate is set. This will ensure the assessments are made in a timely fashion after the permit is issued.

III. COLLECTION OF ASSESSMENTS

The provisions of law regarding the procedures for issuing, mailing, paying and collecting property tax bills generally apply to supplemental tax assessments.

A. Bill Form and Content

After receiving the commitment, the collector will issue bills for the supplemental tax assessments. If a property is subject to a pro rata and pro forma supplemental assessment, separate bills must be issued for each year's assessment. The bill should show just the additional amount assessed. Regular real estate tax bills issued for the applicable year may be used to bill the supplemental assessment, but the bill or an enclosure should explain that the bill is for an assessment. [G.L. c. 59, § 2D](#).

B. Due Date

Supplemental tax assessments for a fiscal year are due at the same time and in the same number of installments as regular real estate assessments for that year. Therefore, if a

parcel is subject to a pro rata and pro forma assessment, the assessments will be due at different times depending on when the bill for each fiscal year's assessment is mailed.

C. Collection

The same remedies available to the collector for collection of regular real estate taxes are available for collection of supplemental assessments, including a tax taking. The lien for the supplemental tax assessment arises as of the January 1 assessment date of the fiscal year the assessment relates to and terminates the same time as that year's real estate tax lien.

Collectors must list only those supplemental assessments actually committed on municipal lien certificates. However, a standard notation should be pre-printed on all municipal lien certificates that real estate parcels in the community are subject to supplemental tax assessments. [G.L. c. 59, § 2D](#).

IV. BUDGET AND ACCOUNTING PROCEDURES

A. Revenue

Revenue from supplemental tax assessments belongs to the general fund and is not part of the tax levy limited by Proposition 2½. The amount estimated to be received during the fiscal year should be itemized under the "Miscellaneous Non-recurring" line of the Recapitulation Sheet. Receipts in excess of that amount will close to surplus revenue at the end of the year and become part of the community's free cash upon certification by the Director of Accounts.

B. Tax Base Growth

The calculation of tax base growth for purposes of increasing the levy limit under Proposition 2½ is not affected. Once the improvements are subject to regular real estate taxes in the next fiscal year, they become part of that year's tax base growth.

C. Municipal Revenue Growth Factor

Revenue from supplemental tax assessments will not be used to calculate the municipal revenue factor. Revenue from the improvements will continue to be included in the calculation when they are subject to regular taxes and become part of the levy limit as growth.

V. ABATEMENT PROCESS

A. Abatement of Supplemental Assessments

The taxpayer may contest a supplemental tax assessment by filing an application for abatement with the assessors. The application is due the same day payment of the first installment of the supplemental assessment for that fiscal year is due. The assessors' decision on the application may be appealed in the same manner and by the same deadline as a decision on an application for an abatement of a regular property tax assessment.

Regular abatement application forms (State Tax Form 128) may be used by taxpayers to apply for an abatement of a supplemental tax assessment. An abatement should be processed in the same manner as an abatement of a regular real estate tax and charged to the overlay account for the fiscal year of the assessment. Forms used in processing any abatement, denial or deemed denial should be modified to indicate that the action relates to a supplemental tax assessment. [G.L. c. 59, § 2D](#).

B. Abatements on Damaged Properties

1. Calculation of Abatement

The assessors must grant a pro rata abatement of the regular real estate tax assessed on a parcel whenever damage occurs due to fire or natural disaster after the applicable assessment date and a loss in value of more than 50 percent, excluding the value of the land, results. The abatement is to be calculated in the same manner as a pro rata supplemental assessment, but on the amount of the decreased value instead, and then pro-rated for the balance of the fiscal year remaining after the fire or natural disaster.

If the damage occurs between January 1 and June 30, a pro forma abatement of the next year's real estate tax on the parcel must also be given, unless the community has adopted Chapter 653, § 40 of the Acts of 1989, where the damage would already be reflected in the following year's regular property tax assessment.

2. Abatement Procedure and Deadline

The abatement may be made on the assessors' own motion or upon written application by the taxpayer within one year following the fire or natural disaster. Before granting an abatement on their own motion, however, assessors with knowledge of damage should first try to obtain an application from the taxpayer. This will establish a timetable for the assessors' action and any taxpayer appeal. An application should be processed in the same manner and using the same forms as regular property tax abatements. However, the assessors' records should reflect that the abatement is authorized by [G.L. C. 59, § 2D](#). All abatements granted are charged to the overlay.

3. Reconstruction or Repair of Property

A rebuilt or repaired property is subject to a supplemental tax assessment if an occupancy permit is issued and the value of the parcel as improved by the new construction is more than 50 percent higher than the assessed valuation of the parcel, excluding the value of the land, as abated.

Committed to
Protecting the
Environment



We believe the essentials of life
– our water supply, the air we
breathe, the soil in which we grow our
food – are so fundamental to our existence,
safeguarding them should not even be a
question. But the battle to protect our
environment is among the most important
ones we fight. Contaminated water and soil
are preventable and we are here to help.



”

Water is the essence
of life and we are
so fortunate to have
the opportunity
to represent and
assist clients who
are impacted by
contaminated water.

- Scott Summy

The nationally recognized attorneys from Baron & Budd, P.C. and Cossich Sumich Parsiola & Taylor, LLC, known together as the PFAS Litigation Group, are actively representing those affected by PFAS contamination across the nation. These clients include public and private drinking water providers, wastewater treatment facilities, airports and fire training facilities.


The lawyers and staff with the PFAS Litigation Group are experienced in representing these entities in contamination cases. The PFAS Litigation Group first teamed up on the BP oil spill case,

servicing both on leadership and representing many significant clients who were impacted by the spill. Our attorneys know the technical environmental regulations and laws and the complicated legal issues involved in these cases.

Our commitment to safeguarding the environment has continued for over 40 years as we have achieved unprecedented results and recovered billions of dollars for our clients. We are proud to lead the charge in many high-profile cases, taking on oil giants and major companies.



We are not traditional environmental lawyers; we are trial lawyers pursuing environmental torts on behalf of our clients.



Manufacturers who know or should have known their toxic chemicals would contaminate the environment and create a public health hazard, but promote those products anyway, can be held liable for products liability or public nuisance.

AQUEOUS FILM-FORMING FOAM (AFFF)

Perfluorooctanoic acid (PFOA), and perfluorooctane sulfonic acid (PFOS) are man-made chemicals within a class known as perfluoroalkyl acid (PFAA). PFAAs are part of the larger chemical family known as per- and polyfluoroalkyl substances (PFAS). These chemicals are used to create many nonstick, stain resistant, and waterproof products. These are also the chemicals used in the manufacturing of AFFF.

AFFF is a water-based firefighting agent used to control and extinguish Class B fuel fires and is used in many locations like military bases, airports, petroleum refineries, and fire training centers. Since the 1960s, several companies have manufactured, marketed, and sold AFFF knowing that it contained toxic chemicals that would be released into the environment when used by consumers as recommended. The carbon-fluorine bond in PFAS is one of the strongest known bonds, which is the reason these chemicals are so persistent in the environment. PFOA and PFOS are highly water soluble, which increases the rate at which they spread throughout the environment, contaminating soil, groundwater, surface water, wastewater and even concrete. Because of this

persistence, PFAS chemicals are frequently referred to as “forever chemicals.” These companies failed to notify consumers of the potential hazards to the environment related to these products. Many facilities and organizations have been using AFFF in the methods recommended and promoted by the AFFF manufacturers, completely unaware that the product was contaminating their property and water.

The AFFF manufacturers had the technology to produce AFFF with safer chemicals from as early as the 1960s. However, these manufacturers knowingly chose to make and sell AFFF with PFOA and PFOS. Cities, towns, and neighborhoods surrounding locations where AFFF was utilized have reported contaminated groundwater and soil in their communities.

Chemical manufacturers can be held liable for their negligence. Litigation against these companies has resulted in the recovery of billions of dollars that has helped toward the cost of cleanup efforts. It is crucial that chemical companies are held accountable so we can stop the spread of these forever chemicals in our environment.

REGULATIONS

The EPA issued a Health Advisory level of 70 parts per trillion (ppt) for PFOA and PFOS combined. However, states around the country are setting their own regulations much lower than the EPA Health Advisory.



How Can an Attorney Help?

The PFAS Litigation Group is currently investigating areas of known AFFF applications to learn more about the concentration of potential contaminants in the area groundwater, soil, concrete and the surrounding environment. Our environmental attorneys are talking to property owners with known historical use of AFFF on or near their property. We will meet with you for free to discuss your potential case.

Seeking the guidance of an attorney is extremely important in these types of cases.

The lawsuits filed for AFFF contamination seek to recoup the costs associated with:

- Adequate drinking water, wastewater, groundwater, and/or soil treatment and remediation
- Past and future testing of contaminated areas

The PFAS Litigation Group consist of plaintiff law firms working on a contingency basis. This means that clients will never have to pay up front for the services provided to them. If the case is successful, the law firm will receive a percentage of the award. If it is not successful, the client does not owe the firm anything.

A firefighter in full gear is spraying a large amount of white foam onto a fire. The fire is bright orange and yellow, and the foam is being directed from the left side of the frame. The background is dark, suggesting an indoor fire scene.

CONTACT US

Many public and private entities, including public and private water providers, wastewater treatment facilities, airports, and fire training facilities are coming forward with concerns about PFAS contamination on their property. If you have used AFFF or own water wells or property near an area that has, please contact the PFAS Litigation Group to learn more about your legal options.

866-729-2624

OUR FIRMS



BARON & BUDD[®]
PROTECTING WHAT'S RIGHT[®]

With more than 40 years of experience, Baron & Budd has the expertise and resources to handle complex litigation throughout the United States.

As a law firm that takes pride in remaining at the forefront of litigation, Baron & Budd has spearheaded many significant cases for hundreds of entities and thousands of individuals. Baron & Budd has been repeatedly selected by The Legal 500 as one of the country's premier law firms in mass tort claims and class action litigation. Since the firm was

founded in 1977, Baron & Budd has achieved substantial national acclaim for its work on cutting-edge litigation, trying hundreds of cases to verdict and settling tens of thousands of cases in areas of litigation as diverse and significant as dangerous and highly addictive pharmaceuticals, defective medical devices, asbestos and mesothelioma, California wildfires and environmental contamination, fraudulent banking practices, e-cigarettes, motor vehicles, federal whistleblower cases, and other consumer fraud issues.



Based in Louisiana, Cossich, Sumich, Parsiola and Taylor, LLC represents our clients in a wide array of environmental matters, including wetland and habitat protection, legacy oilfield contamination, and toxic torts.

We also have extensive experience in complex litigation, often fighting against multinational corporations who have harmed our clients.

In the BP Oil Spill Multidistrict Litigation, our lawyers were chosen to serve on the Plaintiffs' Steering Committee and Plaintiff's Science Committee because of our history of obtaining justice. In the current AFFF MDL, both Christina Cossich and Philip Cossich, Jr., have once again been selected to serve leadership roles on the Plaintiffs' Executive Committee.

OUR FIRMS



RODMAN RODMAN & SANDMAN ATTORNEYS AT LAW

Rodman, Rodman & Sandman, P.C., and its predecessor law firm, Allen Rodman, P.C., were pioneers in both the asbestos and tobacco litigations. Beginning in the late-1970s, Allen Rodman brought in and settled some of the earliest asbestos cases in the country, and the firm has continued to this day representing victims of mesothelioma and other diseases that are caused by asbestos exposure. In the 1990s, the firm joined more than 50 other national law firms in a groundbreaking case against the tobacco

industry for causing nicotine addiction and smoking-related diseases. This consortium of firms was an integral force in ultimately negotiating the multi-billion dollar settlement against the tobacco industry. In the past twenty years, the firm has been active in water contamination and environmental exposure cases and continues to represent victims of catastrophic injuries in the areas of pharmaceutical and drug injuries, defective medical devices and personal injury litigation.

OUR LAW FIRMS REPRESENT NUMEROUS PUBLIC ENTITIES IN THE MDL THAT INCLUDE:

State of Alaska

State of Mississippi

Bakman Water Company

Calcasieu Parish Police Jury

California Water Service Company

Charleston County Aviation Authority

City of Boise

City of Downey

City of Lauderdale

City of Monroe

City of Pensacola

City of Plantation

City of Pleasanton

City of Ruston

City of San Jose

City of Sioux Falls

City of Tacoma

City of Tempe

City of Watertown

City of Wilmington

City of Zephyrhills

Coraopolis Water and Sewer Authority

Emerald Coast Utilities Authority

England Economic and Industrial Development District

Hillsborough Community College

Iberia Parish Airport Authority

Lakefront Management Authority

Monterey Peninsula Airport District

Sacramento County

San Bernardino International Airport Authority

San Joaquin County

Santa Clarita Valley Water Agency

Sioux Falls Regional Airport Authority

Sonoma County

South Adams County Water and Sanitation District

Town of Ayer

Town of Barnstable

Town of Bellingham

Town of Danvers

Town of Falmouth

Town of Maysville

Town of Millis

OUR LEGAL TEAM



Scott Summy is the leader of the Environmental Litigation Group (ELG) and a shareholder at Baron & Budd. ELG was started by Mr. Summy in 2002 and is comprised of 30 attorneys and support professionals whose concentration is in large environmental litigation across the country.

Mr. Summy has served both in court-appointed leadership positions and directly represented clients in some of the country's largest environmental cases with national significance. It all began with a single phone call in August

1995 when Mr. Summy was a new lawyer. He received a call from a prospective client in North Carolina who had learned that he and his neighbors had been ingesting the chemical MTBE in their drinking water wells for years. Mr. Summy took the case, and after years of fighting for the residents' rights and going to trial, the case resulted in a record settlement.

Mr. Summy soon learned that MTBE was contaminating drinking water wells all over America. That case proved to be only the first of many to come. Mr. Summy was hired by public water providers all over the country whose



residents had contaminated wells. He became the “go to” lawyer for public entities facing environmental contamination which impacted their public resources.

Mr. Summy has represented public entities from the east coast to the west coast and all across middle America. He and his ELG Team have recovered billions of dollars on behalf of their clients in environmental litigation.

Mr. Summy was recently appointed as Co-Lead Counsel by the court in AFFF MDL No. 2873 pending in federal district court in South Carolina. This litigation

focuses on PFAS contamination to the environment by its use in fire foam. The litigation focuses on the manufacturers of AFFF and PFAS and seeks damages for extensive contamination. This is the hottest environmental issue in the United States presently. Mr. Summy represents numerous public entities in the MDL.

Mr. Summy is also serving as Co-Chair of the General Liability Discovery Committee and the Science Committee. Baron & Budd Shareholder Carla Burke is also serving as Co-Chair of the Law and Briefing Committee.



OUR LEGAL TEAM



Carla Burke Pickrel

is a shareholder with Baron & Budd. After

several years in Baron & Budd's appellate section, Ms. Pickrel joined the Environmental Litigation Group in 2004. As one of the pioneers of the Group, she has worked to develop legal strategy for cases arising from methyl tertiary-butyl ether (MTBE), atrazine, perchloroethylene (PCE), polychlorinated biphenyl (PCB), and per- and polyfluoroalkyl substance (PFAS) contamination of drinking water supplies. In her time with the Group, she has represented hundreds of public entities — villages, towns, cities, utilities, school districts, and states.



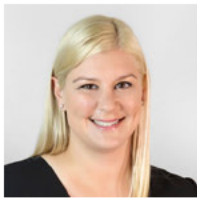
Celeste Evangelisti

has devoted almost two decades of her career to

representing individuals, municipalities and public water suppliers who seek to recover costs to clean up contamination from the companies responsible — those who put dangerous products into the stream of commerce without ensuring they will not cause extensive environmental contamination.

A shareholder with Baron & Budd's Environmental Law Group, Ms Evangelisti currently represents plaintiffs in several states across the country who face a variety of contamination issues.





Christina Cossich is a nationally recognized environmental attorney

and a partner at Cossich, Sumich, Parsiola & Taylor in Belle Chasse, Louisiana.

With a primary focus in complex civil litigation, Christina has represented individuals, governmental agencies, and businesses in individual lawsuits, class actions, and multi district litigation.

She held a prominent leadership role in the Deepwater Horizon Plaintiffs' Steering Committee Science Group, where she was tasked with determining the environmental impacts and the fate

and transport of chemicals from the BP oil spill. Christina also currently represents several coastal Louisiana parishes against the multitude of oil and gas companies that have contributed to coastal land loss and the contamination of the Louisiana coast. She is passionate about her practice and helping people across the country affected by natural disasters and environmental contamination.

Christina was appointed by the United States District Court for the District of South Carolina to serve as a member of the Plaintiff's Executive Committee in the Aqueous Film-Forming Foams Products Liability Litigation.



OUR LEGAL TEAM



Philip F. Cossich, Jr. is the founding partner of Cossich, Sumich, Parsiola

& Taylor, L.L.C. He earned a bachelor of arts degree, magna cum laude, from Tulane University in 1980 and a Juris Doctor degree, cum laude, from Tulane School of Law in 1983. His law practice focuses in the areas of environmental law, mass torts, class actions, personal injury, admiralty, and complex business litigation. Phil has represented his clients in large environmental contamination cases across the country. He was appointed to the Plaintiffs' Steering Committee for the BP Multidistrict Litigation and as class counsel for all plaintiffs in the economic and property class settlement. He has recovered hundreds of millions of dollars for his clients through litigation involving admiralty law, oil spills, drinking water contamination, natural resource damages and natural disasters.



Brandon Taylor is a partner at Cossich, Sumich, Parsiola & Taylor

L.L.C. He earned a Bachelor of Science Degree in Marketing from Louisiana State University in 1997, graduating with honors, and earned a Juris Doctorate from Loyola University in New Orleans in 2001, also graduating with honors and as a member of Law Review. He has practiced law for 19 years, with significant experience in maritime law, environmental law and the collection of property damages and economic losses arising from first-party insurance claims. Mr. Taylor represents multiple public entities across the coast of Louisiana and around the country for contamination caused by large-scale industrial failures. In all, Mr. Taylor has assisted hundreds of individuals, companies, and local governments to receive millions of dollars for economic and property losses over the course of his career.





Richard M. Sandman and his firm have co counseled with Baron and Budd on several litigations over the past 18 years. Starting in 2003, Rich and Scott Summy were able to secure a \$100 million settlement for 90 Massachusetts cities, towns and water districts whose public wells were contaminated by the gasoline additive, MTBE. Both firms have worked together on PCB contamination in public schools, and most recently are working together to stem the tide of the opioid epidemic. Presently Rich and Baron and Budd represent 125 Massachusetts cities and towns in a consolidated action to

hold drug manufacturers and distributors accountable for their roles in causing the opioid crisis. Rich has practiced in state and federal courts for over 40 years, having first prosecuted rape crimes in Philadelphia, and then becoming a plaintiffs' attorney who has tried and resolved thousands of cases on behalf of victims of asbestos diseases. In addition to his work on MTBE water contamination cases, Rich currently represents many public and private well owners in the PFAS litigation. He also represents victims of sexual abuse and victims of pharmaceutical negligence.



FOR MORE INFORMATION:

firefoamcontamination.com | 866-729-2624

info@baronbudd.com

One of our dedicated attorneys will personally meet with you to review your case, for free.



RODMAN RODMAN & SANDMAN

ATTORNEYS AT LAW

June 1, 2021

Diana Schindler, Town Administrator
Town of Hopedale
P.O. Box 7
Hopedale, MA 01747

Re: **AFFF Products Liability Litigation**

Dear Diana:

I write to you today with regard to the presence of per- and polyfluoroalkyl substances (PFAS) in your public water supply. Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS), two highly toxic chemicals that are part of the PFAS chemical family, have been used to manufacture a variety of products. One particular product of concern is Aqueous Film-Forming Foam, or AFFF, which is used to control and extinguish liquid fuel fires. AFFF has leached into our nation's public water supplies and may have leached into Hopedale's water supply.

We presently represent Hopedale in the national opioid litigation. Furthermore, we have extensive experience litigating water contamination issues. Several years ago, my office, together with Weitz & Luxenberg in New York and Baron & Budd in Dallas, secured settlements of approximately \$100 million for 90 Massachusetts cities, towns and water districts due to the contamination of their public drinking water by the gasoline additive Methyl Tertiary Butyl Ether (MTBE).

As you will read in the enclosed PFAS Litigation Group brochure, we are working with Baron & Budd as well as Cossich, Sumich, Parsiola and Taylor, LLC, of Louisiana, to hold the manufacturers of these "forever chemicals" accountable for the contamination of groundwater and soil in our communities. Here in Massachusetts, we represent the towns of Ayer, Barnstable, Bellingham, Danvers, Falmouth and Millis, among others, and we are presently in discussions with many more cities, towns and water districts.

PFAS contamination is a national problem, and therefore, these cases have been consolidated in a Multi-District Litigation (MDL) for discovery and pre-trial matters in federal court in South Carolina. Attorney Scott Summy of Baron & Budd, my partner in this litigation, has been named co-lead counsel.

The Town of Hopedale has valid legal options to seek compensation for the contamination that the manufacturers of these products have caused, and in that regard, I would like to schedule a call or a Zoom meeting to discuss. At your earliest convenience, please let me know of your availability. I can be reached by email at rsandman@rrslaw.net or on my cell phone (978-886-0640).

Very truly yours,

RODMAN, RODMAN & SANDMAN, P.C.

Richard M. Sandman

RMS:lz
Encs.

c: Brian Riley, Esq.

KENNEDY & MADONNA, LLP

Attorneys at Law

48 DEWITT MILLS ROAD
HURLEY, NEW YORK 12443

ROBERT F. KENNEDY, JR.
KEVIN J. MADONNA

(845) 481-2622
(845) 230-3111 (fax)
kmadonna@kennedymadonna.com

June 10, 2021

Diana Schindler, Town Administrator
78 Hopedale Street
P.O. Box 7
Hopedale, MA 01747

VIA EMAIL

**Re: PFAS Contamination Litigation
ATTORNEY-CLIENT PRIVILEGED/ATTORNEY WORK PRODUCT**

Dear Ms. Schindler:

This letter provides some preliminary information regarding the history of PFAS litigation as well as information pertaining to each of the firms making up the legal team with whom we have the privilege of working with on this issue. Please do not hesitate to contact me at kmadonna@kennedymadonna.com or at 845-481-2622 if you have any additional questions or wish to discuss this issue further.

A. PFAS Litigation Against 3M and Dupont

Given the scope of the PFAS contamination throughout the United States and the fact that those responsible for the contamination are some of the largest chemical companies in the country, my firm is working with the following five law firms to collectively represent our clients in litigation against the parties responsible for the PFAS contamination of public drinking water supplies:

- SL Environmental Law Group, PC (San Francisco, CA, Concord, NH);
- Taft, Stettinius & Hollister, LLP (Cincinnati, OH);
- Douglas & London, P.C. (New York, NY);
- Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, P.A. (Pensacola, FL).

Most of this legal team has worked together for over a decade and brings unmatched experience and results related to PFAS litigation against 3M and Dupont – the primary defendants in PFAS lawsuits – as well as litigation on behalf of public water suppliers in general. This team consists of the *only* lawyers in the country to have tried multiple PFOA cases successfully, and, in fact, have tried *three* with tremendous results. Together, they have developed an extensive and unmatched library of documents from 3M and DuPont that cannot be

replicated by anyone else, including 3M and DuPont themselves, as the companies have “lost” many of these documents over the past twenty-five years. The evidence uncovered in this team’s prior litigation demonstrates 3M and DuPont knew PFAS was harmful, they purposefully manipulated and used inadequate scientific studies to support their position that PFAS was supposedly *harmless*, and they provided false information to the public about the dangers of PFAS. The information that was uncovered by this team was so shocking to the public conscience that a documentary (The Devil We Know, available on Netflix) and a full-length feature film (Dark Waters,¹ released on November 22, 2019 and available on many streaming platforms) were made about the team’s litigation efforts to hold DuPont responsible for the damage it has caused to public drinking water supplies.

As highlighted in both of these movies, and which was the focus of the team’s three PFAS trials, 3M and DuPont are not the innocent victims of evolving science who created a product decades ago with the best of intentions and who are now being held to what 3M and Dupont might refer to as an unfair legal standard based on hindsight. To the contrary, 3M and DuPont both knew as early as 1950 that PFAS was toxic, knew as early as 1971 that PFAS is biopersistent, and knew as early as 1977 that PFAS bioaccumulates in human tissue. Despite this knowledge, both 3M and DuPont engaged in sophisticated campaigns to distort the science around PFAS and manipulate regulatory agencies at the expense of human health and threat to public drinking water supplies.

For example, a significant aspect of 3M’s campaign to influence independent scientific research involved 3M’s relationship with Professor John Giesy. 3M provided millions of dollars in grants to Professor Giesy, who presented himself publicly as an independent expert but, as revealed in his deposition testimony, privately characterized himself as part of the 3M “team” who worked to “buy favors” from scientists in the PFAS field. Through his position as an editor of academic journals, Professor Giesy reviewed “about half of the papers published in the area” of PFAS ecotoxicology and billed 3M for his time reviewing the articles and, in performing reviews of these articles, Professor Giesy stated that he was always careful to ensure that there was “no paper trail to 3M” and that his goal was to “keep ‘bad’ papers [regarding PFAS] out of the literature” because “in litigation situations” those articles “can be a large obstacle to refute.”

Indeed, even 3M’s own employees recognized that the company was concealing known dangers regarding PFAS. For example, a March 28, 1999 employee resignation letter to 3M states the following:

3M continues to make and sell these chemicals, though the company knows of an ecological risk assessment . . . that indicates there is a better than 100% probability that [PFOS] is biomagnifying in the food chain and harming sea mammals.

. . .

I have worked to the best of my ability within the system to see that the right actions are taken on behalf of the environment. At almost every step, I have been assured that action will be taken—yet I see slow or no results. I am told the company is concerned, but their actions speak to different concerns than mine. I can no

¹ <https://www.focusfeatures.com/dark-waters>

longer participate in the process that 3M has established for the management of PFOS and precursors. For me it is unethical to be concerned with markets, legal defensibility and image over environmental safety.

Similarly, DuPont retained consultants whose *entire objective* was to help DuPont manipulate the scientific evidence on C-8, mislead the public and the regulators on C-8 risks, discredit plaintiffs or anyone else who dared challenge DuPont's position on C-8, and generally "shape the debate at all levels" including attempts to influence the judiciary. According to their consultant, its objective was to work in concert with DuPont to do the following:

[I]mplement a strategy at the outset which discourages governmental agencies, the plaintiff's bar, and misguided environmental groups from pursuing this [C-8] matter any further We strive to end this now [D]ue to the situation in West Virginia . . . the threat of expanded litigation and additional regulation by the EPA has become acute

As for implementing this plan, in concerted action and coordination with DuPont, the consultant made clear that its objective was to implement "a strategy to limit the effect of litigation and regulation on the revenue stream generated by PFOA." The desired outcome of this coordinated effort was a "multifaceted plan to take control of the ongoing risk assessment by the EPA, looming regulatory challenges, likely litigation, and almost certain medical monitoring hurdles":

The primary focus of this endeavor is to strive to create the climate and conditions that will obviate, or at the very least, minimize ongoing litigation and contemplated regulation relating to PFOA. This would include facilitating the publication of papers and articles dispelling the alleged nexus between PFOA and teratogenicity as well as other claimed harms. We would also lay the foundation for creating *Daubert* precedent to discourage additional lawsuits.

...

This battle must be won in the minds of the regulators, judges, potential jurors, and the plaintiff's bar. The recent certification by numerous federal courts of medical monitoring classes as well as the organization, sophistication, and financial strength of the plaintiff's bar require an aggressive, relentless strategy be implemented and driven by the manufacturers. Manufacturers must be the aggressors.

Despite these efforts, the attorneys on this legal team brought DuPont to justice not once, but *three* times, with two juries awarding punitive damages based on DuPont's malicious conduct. Our legal team is committed to holding 3M and DuPont responsible for the contamination of public drinking water supplies and forcing them to internalize the cost of introducing their toxic chemicals into the stream of commerce instead of forcing the public to subsidize the external costs associated with their toxic PFAS. The goal of the litigation is to

force 3M and DuPont to pay for all damages to public water suppliers, including the costs of filtration, and prevent these costs from being shifted to the public.

B. Our Legal Team's PFAS Experience is Unmatched

1. Taft Stettinius & Hollister LLP

Our legal team's PFAS experience began nearly twenty years ago when Rob Bilott from Taft Stettinius & Hollister LLP ("Taft Law Firm") filed the first case in the country that resulted in the discovery and public disclosure of PFOA in drinking water supplies for approximately 70,000 people in West Virginia and Ohio attributable to DuPont. Rob's discovery led to the 2001 filing of the nation's first case on behalf of individuals exposed to PFOA in their drinking water. Rob helped negotiate and obtain a class settlement in 2004 that secured benefits for the class valued in excess of \$300 million, including water filtration systems for impacted private and public water supplies in West Virginia and Ohio, blood testing of 69,000 people, and eventual medical monitoring and establishment of general causation findings for personal injury claims.

Rob led additional litigation against DuPont in New Jersey arising from PFOA contamination of water supplies that resulted in a 2011 settlement that provided clean water to residents. Rob was also involved in litigation against 3M in Minnesota during which dozens of 3M witnesses and experts were deposed and additional documents were collected and reviewed. He also assisted the Minnesota Attorney General's Office with its case against 3M related to PFAS contamination which settled in 2017 for \$850 million.

In 2013, Rob and his colleagues at the Taft Law Firm, together with Douglas & London, Levin Papantonio, and Kennedy & Madonna filed litigation against DuPont on behalf of approximately 3,500 individuals who contracted kidney and testicular cancer and other injuries from drinking water that was contaminated with PFOA from DuPont's West Virginia Washington Work's plant. These cases were consolidated in a multi-district litigation ("MDL") proceeding in the Southern District of Ohio where Rob Bilott and Mike London of the Douglas & London law firm served as Co-Lead Counsel. During the C8 MDL, which includes over 5200 docket entries, the legal team took 67 depositions and litigated PFOA issues that resulted in twenty-four case management orders, forty-seven pretrial orders, twelve discovery orders, twenty-nine dispositive motions orders, twenty-four evidentiary (*Daubert*) motions orders, and rulings on 142 motions *in limine*. After four years of litigation, including *three* trials that resulted in verdicts in favor of each individual plaintiff of \$1.8 million, \$5.6 million and \$12.8 million (including punitive damages in the last two trials), a global resolution was reached for \$670.7 million.

The PFAS experience that this legal team has accumulated over the past twenty years, dwarves the competition. Our team has taken four cases to trial, three of which resulted in very favorable jury verdicts. During the fourth trial, DuPont reach settlement with the class. Our team has taken about 170 depositions related to PFAS contamination and has achieved settlements or verdicts in excess of \$1 billion.

In addition to having more PFAS experience than any other attorneys in the country, this team also has deep experience representing public entities and communities in environmental litigation in general.

2. SL Environmental Law Group, PC

For example, San Francisco based SL Environment's ("SL") practice is limited to representing public agencies in groundwater contamination cases. SL has represented over forty public water suppliers including successfully litigating two cases to trial – one on behalf of the State of New Hampshire and one on behalf of New York City. Collectively, SL has recovered more than \$1 billion for its clients and has represented dozens and dozens of public water suppliers across the country.

3. Kennedy & Madonna, LLP

Kennedy & Madonna's ("KM") practice is also limited to litigating environmental cases. In addition to leading briefing efforts in the C8 MDL, KM recovered \$96 million for the environmental contamination of a community in Pensacola, Florida, \$25 million for a public water supplier in Michigan, and received a jury verdict of \$396 million against DuPont for poisoning a West Virginia community. KM also represented a northern New Jersey state recognized Indian tribe in a high-profile case against Ford Motor Company. That case resulted in the eventual relisting of the site on the national Superfund list (the first time in the program's history) after it had been declared "clean" by EPA more than fifteen years ago. The firm's litigation efforts on behalf of the tribe were chronicled in an HBO documentary titled *Mann v. Ford*.

4. Douglas & London, P.C.

Over the last two decades, Douglas & London has focused its practice on personal injury, mass tort, consumer class action, and environmental exposure litigation. In prosecuting these cases, the firm's co-founding partners have served in leadership roles as well as trial counsel in some of the largest national multidistrict litigations in the country. In the C-8 MDL, Gary Douglas served as co-lead trial counsel in the first two trial cases and lead counsel in the third case, securing a total combined award of more than \$20 million for the three plaintiffs. Michael London served as the lead negotiator for settlement in the C-8 litigation, successfully negotiating a \$670.7 million settlement with DuPont. Mr. London has served as either co-lead or liaison counsel in eight complex litigations that were resolved efficiently through overall settlements, with the resolutions accomplished in the span of eighteen to forty-seven months.

5. Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, P.A.

The Levin Papantonio ("LP") firm is recognized as one of the top litigation firms in the country. Its team of over thirty attorneys have been litigating personal injury and products liability cases since its inception in 1955. Over the last twenty years, the firm has developed a sophisticated mass torts and products liability department that is one of the most well recognized in the country. Members of the firm have served on Plaintiffs' Steering Committees and/or Plaintiffs' Executive Committees in over twenty MDL's across the nation. LP focuses on all aspects of trial preparation for our PFAS cases including working up expert reports, organizing discovery, taking depositions, organizing trial exhibits and drafting and defending *motions in limine* and *Daubert* motions. LP attorneys also served as trial counsel in all three of our PFAS cases that have gone to trial.

C. The Legal Team's Other PFAS Experience

In addition to each team's unique litigation skills, this team also has knowledge of PFAS that was developed across two decades of litigation against 3M and DuPont. Their efforts included the analysis of hundreds of thousands of documents (that total over six million pages), taking the depositions of dozens of DuPont and 3M representatives, the preparation of dozens of expert reports (and access to many other experts, including many of the world's leading scientific experts), and the culmination of three successful trials. There are simply no other attorneys who have a better grasp of the evidence at issue in these cases. As such our legal team can streamline discovery regarding 3M and DuPont's knowledge and egregious conduct which will substantially accelerate our clients' cases. For example, many of the documents and materials uncovered by the Taft Law firm were used by the State of Minnesota's Attorney General in its motion to amend its complaint to include punitive damages in its case against 3M, which resulted in a settlement three months after the motion and exhibits were filed.

Our legal team is currently pursuing legal claims against 3M and DuPont on behalf of municipal and state clients across the country for the investigation and treatment of drinking water supplies contaminated with PFAS. Each client has retained us on a contingency fee basis where our team covers all costs associated with the litigation and bears the risk of loss if a case is not successful. Again, the goal of this litigation is to hold the companies which profited from the use of PFAS financially responsible for the treatment costs rather than ratepayers. We currently represent over fifty public water suppliers throughout the country.

Some of these cases have been transferred into MDL proceedings in the District of South Carolina. That MDL was established to exclusively handle PFAS cases where the source of the PFAS contamination is from the use of aqueous film forming foam ("AFFF"), which was widely used at airports, air force bases, and fire training facilities. Non-AFFF PFAS cases are not part of the MDL and are being litigated in their home jurisdictions.

Recognizing the experience of the team, the Judge in the AFFF MDL appointed Mike London from Douglas & London as Co-Lead Counsel and Rob Bilott as Special Counsel. The Judge also appointed fourteen other attorneys from this team to additional leadership positions within the various plaintiff MDL committees.

Please let me know if you would like additional information.

Very truly yours,

Kevin J. Madonna



Commonwealth of Massachusetts

Executive Office for Administration & Finance

Federal Funds Office (FFO)

American Rescue Plan Act of 2021 (ARPA):

Guidance Briefing

May 2021



ARPA Guidance

Context

- US Treasury released materials associated with the launch of the Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) on May 10, 2021
 - › Updated state and local allocation amounts
 - › Guidance in the form of an “Interim Final Rule” providing further definitions, restrictions, and reporting requirements on the funds
 - › FAQ document



ARPA Guidance

Updated Allocations

- The Commonwealth now slated to receive **\$5.3 B**, an increase of approximately \$774 M versus the preliminary estimate of \$4.5 B
 - › Calculated based on more recent unemployment data relative to the rest of the country
- Local governments in Massachusetts to get **\$3.4 B**, similar to the preliminary estimate but with slightly different distribution among cities and towns
- In total, **\$8.7 B** for the state, counties, and municipalities in Massachusetts

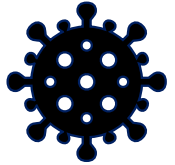
Note

- *Treasury is expected to release more information on local allocations in the coming days*



ARPA Guidance

Eligible Uses for the State and Local Aid



1. Respond to the public health emergency with respect to COVID-19 or its negative economic impacts



2. Provide *premium pay* to employees providing essential work during the COVID-19 public health emergency



3. Provide government services to the extent of the *reduction in revenue* due to COVID-19



4. Invest in *water, sewer, or broadband* infrastructure



ARPA Guidance

Respond to the public health emergency with respect to COVID-19 or its negative economic impacts

Potential Eligible Uses Include:

- Direct COVID-related costs (testing, contact tracing, etc.)
- Public health and safety staff
- Hiring state and local government staff up to the number of employees to pre-pandemic levels
- Assistance to unemployed workers, including job training
- Contributions to UI systems
- Small business assistance
- Nonprofit assistance
- Assistance to households
- Aid to impacted industries
- Expenses to improve efficacy of public health or economic relief programs
- Survivor's benefits
- Aid to disproportionately impacted populations or communities (see next slide)



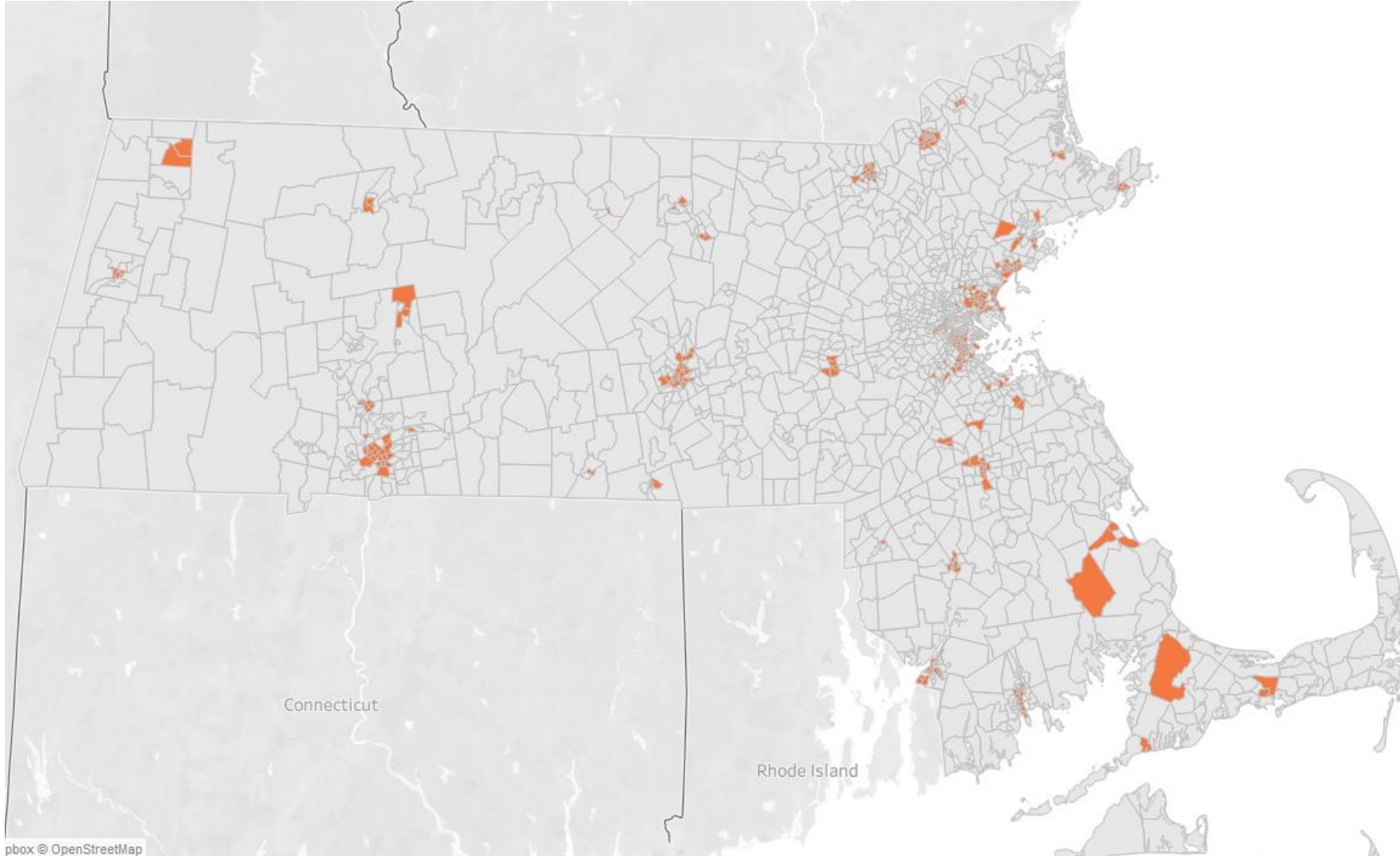
ARPA Guidance

Aid to Disproportionately Impacted Populations or Communities:

- › Two ways to define these populations or communities:
 - » Generate our own definition of disproportionately impacted populations or communities
 - » Qualified Census Tracts (QCTs) identified by HUD
 - There are 312 QCTs in Massachusetts located within 49 municipalities
 - The QCTs represent approximately 1.3 M people



ARPA Guidance



Stats on QCTs

- 312 QCTs in Massachusetts
- Represents approximately 19% of the population



ARPA Guidance

Aid to Disproportionately Impacted Populations or Communities:

- › Potential eligible uses for disproportionately impacted populations or communities:
 - » Programs that facilitate access to health and social services
 - » Programs that address housing insecurity, lack of affordable housing, or homelessness
 - » Programs that mitigate the impacts of COVID on education; and
 - » Programs that mitigate the impacts of COVID on childhood health or welfare



ARPA Guidance

Revenue replacement

- Helpful definition of revenue replacement:
 - › Create a counterfactual revenue collection scenario based on a set of assumptions described by Treasury
- Funds used for revenue replacement have broad ability to spend, but cannot be deposited in Stabilization Fund or use to support debt service costs

Covered Period

- *Expenses must be obligated by December 31, 2024, but actual payments can lag to December 31, 2026*



ARPA Guidance

Water, Sewer, and Broadband Infrastructure

- › Wide discretion for projects eligible for Clean Water Trust programs
- › Dams and culverts are not explicitly prohibited, but do not seem to align with the guidance

Compliance and Reporting Obligations

- › Need to carefully document and describe the eligibility of each expenditure, with caveats noted above
- › Extensive list of reporting requirements
 - » Also requires the development of a Key Performance Indicators framework (further guidance forthcoming)
- › These obligations will last until calendar year 2027



A&F Federal Funds Office (FFO)



Heath Fahle:
Special Director of
Federal Funds



Dana Ellis:
Assistant Director
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Commonwealth



Brendan Sweeney:
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Katie Tisinger



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Phone: 617-727-2040

From: [Formstack](#)
To: [Diana Schindler](#)
Subject: Coronavirus local fiscal fund payment request submission
Date: Friday, June 25, 2021 5:15:59 PM



Formstack Submission For: [Coronavirus local fiscal fund payment request](#)
Submitted at 06/25/21 5:15 PM

City/Town Name:	Hopedale
Tax Payer Identification Number:	04-6001185
DUNS Number:	151063112
Mailing Address for your city/town:	78 Hopedale Street PO Box 7 Hopedale 01747
State:	Massachusetts
Authorized Representative Name:	Brian R Keyes
Authorized Representative Title:	Chairman, Selectboard
Authorized Representative Email Address:	bkeyes@hopedale- ma.gov
Contact Person Name:	Diana Schindler
Contact Person Title:	Town Administrator
Contact Phone Number:	(508) 634-2203
Contact Email Address:	dschindler@hopedale-

	ma.gov
Operating Budget Amount:	28253869
Do you wish to request payment of your CLFRF allocation, or do you wish to decline payment and transfer your allocation to the State of Massachusetts?:	Request payment
Upload Signed Award Terms and Conditions Agreement:	View File
Upload Signed Assurances of Compliance with Title VI of the Civil Rights Act of 1964:	View File

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Formstack, 11671 Lantern Road, Suite 300, Fishers, IN 46038

First Name	Last Name	Term Ends	Board/Comm	Term Length	Response Yes	Response No	No Response
Matthew	Dailey	30-Jun-21	BOA	2 Years	X		
Joesphine	Yanovitch	30-Jun-21	BOR	3 Years		X	
Tim	Aicardi	30-Jun-21	Building Commissioner &	1 Year	X		
Tim	Aicardi	30-Jun-21	Building Inspector	1 Year	X		
Lisa	Pedroli	30-Jun-21	Burial Agent	1 Year	X		
Bob	Casali	30-Jun-21	COA	3 Years	X		
Cheryl	Moreci	30-Jun-21	COA	3 Years	X		
Mario	Sousa	30-Jun-21	Constable	3 Years	X		
Ann	Labrode	30-Jun-21	Cultural Council	3 Years	X		
Billi	Manning	30-Jun-21	Cultural Council	3 Years	X		
Ellen	Murphy	30-Jun-21	Cultural Council	3 Years	X		
Kelly	O'Malley	30-Jun-21	Cultural Council	3 Years	X		
Jeffrey	Ross	30-Jun-21	Deputy Wiring Inspector	1 Year	X		
Kevin	Chambers	30-Jun-21	Disability Commission	3 Years	X		
Mark	Francis	30-Jun-21	Disability Commission	3 Years	X		
Chief	Daige	30-Jun-21	EMD	1 Years	X		
Elizabeth	Callahan	30-Jun-21	Finance Committee	3 Years	X		
Chief	Daige	30-Jun-21	Fire Chief	1 Year	X		
Joseph	Zacchilli	30-Jun-21	Gas & Plumbing Asst. Insp	1 Year	X		
John	Fontana	30-Jun-21	Gas & Plumbing Inspecto	1 Year	X		
Jonathan	Chase	30-Jun-21	Historical Commission	3 Years	X		
Patrick	Giles	30-Jun-21	Historical Commission	3 Years	X		
Nancilee	Fuller	30-Jun-21	Housing Authority	1 Year		X	
Daniel	Soares	30-Jun-21	On-Call Wiring Inspector	1 Year	X		
Donna	Lamphere	30-Jun-21	Parking Fines Clerk	1 Year	X		
Brandon	Westfield	30-Jun-21	Recreational Field Ad Hoc	1 Year			X
Derek	Atherton	30-Jun-21	Recreational Field Ad Hoc	1 Year	X		
David	Guglielmi - concom rep	30-Jun-21	Recreational Field Ad Hoc	1 Year	HOLD - CONCOM NEEDS TO HAVE MEETING TO APPOINT REP		
Jim	Abbruzzese	30-Jun-21	Recreational Field Ad Hoc	1 Year	X		
Joseph	Drugan	30-Jun-21	Recreational Field Ad Hoc	1 Year	X		
Jennifer	McKeon	30-Jun-21	Recreational Field Ad Hoc	1 Year	X		
Keith	Smith	30-Jun-21	Recreational Field Ad Hoc	1 Year			X
Michael	Bresciani	30-Jun-21	Recreational Field Ad Hoc	1 Year			X
Michael	Reynolds	30-Jun-21	Recreational Field Ad Hoc	1 Year	X		
KP	LAW	30-Jun-21	Town Counsel	1 Year	X		
Stephanie	L'Etalien	30-Jun-21	Treasurer/Collector	1 Year	X		
Patrick	Morris	30-Jun-21	Veteran's Agent	1 Year	X		
Joseph	Scanzaroli	30-Jun-21	Wiring Inspector	1 Year	X		
Chris	Hodgens, Sr	30-Jun-21	Zoning Board of Appeals	3 Years	X		
Sandra	Biagetti	30-Jun-21	Zoning Board of Appeals	3 Years	X		

**Beyond Full
rent-\$750**

		<u>paid</u>	<u>date / ck#</u>	<u>comments</u>
FY total	8/1/2019	300.00	8/15/2019 - ck# 102	business opened 8/11/2019- partial payment
	9/1/2019	750.00	10/9/2019 - ck# 1342	
	10/1/2019	750.00	paid	
	11/1/2019	750.00	11/18/2019- ck# 113	
	12/1/2019	750.00	12/31/2019	
	1/1/2020	750.00	2/3/2020 - ck# 119	
	2/1/2020	750.00	3/2/2020	
	3/1/2020	375.00	4/21/2020 - ck# 123	at the April 13, 2020 BOS meeting, the Board voted to reduce the March rent to 1/2 and forgive April's rent payment
	4/1/2020	0.00		
5,362.50	5/1/2020	187.50	6/3/2020 - ck# 100	BOS partial payment decision
	6/1/2020	187.50	7/31/2020 - ck# 125	BOS partial payment decision
	7/1/2020	0.00		
	8/1/2020	187.50	9/1/2020 - ck# 126	BOS partial payment decision
	9/1/2020	187.50	10/6/2020 - ck# 127	BOS partial payment decision
	10/1/2020	187.50	11/6/2020 - ck# 130	BOS partial payment decision
	11/1/2020	187.50	11/24/2020 - ck# 132	BOS partial payment decision
	12/1/2020	187.50	12/3/2020 - ck# 134	BOS partial payment decision
	1/1/2021	0.00		waiting on BOS payment decision (partial or full)
	2/1/2021	0.00		waiting on BOS payment decision (partial or full)
	3/1/2021	0.00		waiting on BOS payment decision (partial or full)
	4/1/2021	750.00	4/27/2021 - ck# 148	
	5/1/2021	750.00	5/7/2021 - ck# 152	
2,625.00	6/1/2021			
	7/1/2021			
	8/1/2021			
	9/1/2021			
	10/1/2021			
	11/1/2021			
	12/1/2021			

Extension of Pandemic-Related Relief Relative to Municipal Operations June 17, 2021

Numerous legislative and gubernatorial enactments provided temporary relief from various provisions of state law as a result of the COVID-19 public health emergency. However, when the State of Emergency ended, those relief provisions either expired or were rescinded. Unfortunately, consensus was not reached between the Governor, House, and Senate on proposals extending some of those relief provisions before the State of Emergency expired. Late on June 15th, however, the House and Senate approved a compromise relief bill, signed by the Governor yesterday as Chapter 20 of the Acts of 2021 (the “Act”). The Act codifies and extends several pandemic-relief provisions important to municipal operations, explained below. Importantly, the Act does not contain any provisions relative to municipal elections, including mail-in or early voting, as it is reported that the Legislature is separately considering action on such matters.

Open Meeting Law (Section 20 of the Act):

Perhaps the most eagerly anticipated provision of the Act for public sector entities is the extension until **April 1, 2022** of the relief provided by Governor Baker’s temporary suspension of certain provisions of the Open Meeting Law (OML), authorizing public bodies subject to the OML to continue to hold public meetings entirely by virtual or remote means. Attached are some examples of updated language that could be included on meeting notices, indicating that a meeting will be held via remote means.

The Act continues the rules and requirements applicable during the State of Emergency under Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20. (For more information on those requirements, please see our March 13, 2020 eUpdate, found [here](#)). Importantly, this means that even in municipalities where the Chief Executive Officer has not adopted remote participation for boards and committees, individual public bodies may independently decide to continue holding entirely virtual meetings.

Public bodies may, but are not required to, continue to hold entirely virtual meetings until April 1, 2022 or such later time as the Legislature may deem it appropriate to amend the OML permanently for such purposes. It is anticipated, however, that with more public buildings re-opening, some municipalities may decide to move forward with entirely in-person meetings, while others may choose to hold “hybrid” meetings simultaneously in person and via remote means.

While many boards and committees faced difficult decisions on or before June 15th about whether to move forward with virtual meetings/hearings that were posted or advertised prior to the expiration of the State of

Emergency, the Act ratifies any such meetings for purposes of the OML if they were held in compliance with the Governor's previous Executive Order. Unfortunately, this portion of the Act was added to the legislation at the last minute, and thus many boards and committees either postponed or continued meetings scheduled for June 15th or 16th.

Other provisions of the Act of interest to municipalities are summarized below.

Outdoor Dining & Alcohol "To Go":

- **Outdoor Dining** (Section 19 of the Act): Extends until **April 1, 2022** the ability of cities and towns to approve requests for expansion of outdoor dining service. This section also extends until **April 1, 2022** a local licensing authority's ability to approve, without further ABCC review or approval, changes in the description of a licensed premises for outdoor alcohol service. The Act also authorizes a local licensing authority to extend or modify the scope of an earlier approval issued under the now-rescinded Governor's Executive Orders to address potential issues with snow removal, pedestrian traffic or similar concerns. The authority to permit an extended area for alcohol service without ABCC approval is unlikely to be extended again, so local licensing authorities may wish to advise license holders, when they are filing their renewal applications in November, that they should file an Alteration of Premises application (which requires both local and ABCC approval) if they wish to request the extended outdoor space through 2022 and beyond.
- **Beer, Wine and Cocktails to Go** (Sections 1, 2, 10 and 11 of the Act): Extends until **May 1, 2022** the sale of beer, wine and cocktails "to go" and requires prices for on-premises and off-premises consumption to be the same. (For more information, please see our May 25, 2021 eUpdate, found [here](#)).

Town Meetings:

- **Quorum** (Section 8 of the Act): Extends until **December 15, 2021** the ability of a town Select Board, in consultation with, and approval of, the Moderator, to lower a Town Meeting quorum requirement. The procedural prerequisites for adopting a lower quorum are the same as originally adopted under Chapter 92 of the Acts of 2020. (For more information, please see our May 5, 2020 eUpdate, summarizing S.2680, found [here](#)).
- **Remote Representative Town Meeting** (Section 9 of the Act): Extends until **December 15, 2021** the ability of a town Moderator to request, through the Select Board, that a representative town meeting be held remotely. The requirements for a remote representative town meeting are the same as originally provided for by Chapter 92 of the Acts of 2020. The Act **does not** authorize open Town Meetings to meet remotely. (For more information, please see our May 5, 2020 eUpdate, summarizing S.2680, found [here](#)).

Virtual Notarization:

- Section 7 of the Act extends until **December 15, 2021** the ability to perform “virtual” notarizations, including for the execution of documents to be filed in the registry of deeds and other specific functions. (For more information on virtual notarization requirements, please see our April 28, 2020 eUpdate, found [here](#)).

Housing/Evictions:

- Notice to Quit (Sections 12 to 14, Section 32):
 - Effective upon the termination or nullification of the Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19 Order issued by the federal Centers for Disease Control and Prevention (the “CDC eviction moratorium”).
 - Extends until **December 30, 2022** the requirement that landlords include with a notice to quit for non-payment of rent a form informing tenants of their rights in an eviction case and rental assistance options. The Executive Office of Housing and Economic Development (EOHED) will develop this new form and make it publicly available on its website. Landlords issuing notices to quit after the termination or nullification of the CDC eviction moratorium should not use the old form, but instead the new EOHED form.
 - Extends until **December 30, 2022** the requirement that landlords submit a copy of a notice to quit for non-payment of rent to the EOHED.
- Eviction Continuance/Stay (Section 17): Extends until **April 1, 2022** the requirement that courts grant a continuance or stay of eviction in a case for non-payment of rent where the tenant has a pending rental assistance application and the non-payment is due to a financial hardship related to the COVID-19 emergency. (For more information, see our February 1, 2021 eUpdate, found [here](#), and our subsequent February 26, 2021 eUpdate, found [here](#)).

We will, of course, continue to keep you apprised of new developments. In the meantime, should you have questions, please contact your KP Law attorney or e-mail us at coronavirusinfo@k-plaw.com.

Disclaimer: This information is provided as a service by KP Law, P.C. This information is general in nature and does not, and is not intended to, constitute legal advice. Neither the provision nor receipt of this information creates an attorney-client relationship with KP Law, P.C. Whether to take any action based upon the information contained herein should be determined only after consultation with legal counsel.

Sample language for inclusion on meeting notices:

For “hybrid” meetings and public hearings, where the public will be allowed to access the meeting either by in person attendance or by virtual means:

Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted in person and via remote means, in accordance with applicable law. This means that members of the public body as well as members of the public may access this meeting in person, or via virtual means. In person attendance will be at the meeting location listed above, and it is possible that any or all members of the public body may attend remotely, with in-person attendance consisting of members of the public. The meeting may also be accessed remotely via [insert method of remote access, including login information or the contact information for someone who is available to provide that information prior to and through the meeting itself]. When required by law or allowed by the Chair, persons wishing to provide public comment or otherwise participate in the meeting, may do so by in person attendance, or by accessing the meeting remotely, as noted above. Additionally, the meeting will be broadcast live, in real time, via [insert information regarding how to access live broadcast to meeting, such YouTube, Facebook live, local cable access, etc.].

For entirely virtual public meetings, where the public will not be allowed to attend in person:

Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted via remote means. Members of the public who wish to access the meeting may do so in the following manner: [insert method of remote access, including login information or the contact information for someone who is available to provide that information prior to and through the meeting itself, and/or insert information regarding how to access live broadcast to meeting, such YouTube, Facebook live, local cable access, etc.]. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, for reasons of economic hardship and despite best efforts, we will post on the _____ website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

For entirely virtual public meetings including public hearings, where the public will not be allowed to attend in person:

Pursuant to Chapter 20 of the Acts of 2021, this meeting/public hearing will be conducted via remote means. Members of the public who wish to access the meeting may do so in the following manner: [insert method of remote access, including login information or the contact information for someone who is available to provide that information prior to and through the meeting itself]. No in-person attendance of members of the public will be permitted, and public participation in any public hearing conducted during this meeting shall be by remote means only.

Optional additional sentence, applicable for all of the above suggested statements:

Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting/hearing can be found on the _____ website at _____.



June 7, 2021

Board of Selectmen
Town of Hopedale
78 Hopedale Street
Hopedale, MA 01747

Re: Regional Sports Networks

Dear Chairman and Members of the Board:

We are committed to keeping you and our customers informed about changes to Xfinity TV services. As you may know, many sporting events and broadcasts were put on hold during the pandemic. We have been working hard to recover the fees regional sports networks charged us for those sporting events and broadcasts during the hiatus to pass back to our customers.

We are currently notifying customers in your community of a courtesy adjustment related to these fees. This adjustment reflects what has been committed to us by the regional sports networks in your area to date. We will continue to work to recover additional funds where possible. We are committed to giving our customers 100% of what we receive.

For more information, visit www.xfinity.com/sportsadjustments.

Please feel free to contact me at Catherine_Maloney@cable.comcast.com should you have any questions.

Very truly yours,

Catherine Maloney

Catherine Maloney, Sr. Manager
Government Affairs



THE COMMONWEALTH OF MASSACHUSETTS
STATE RECLAMATION & MOSQUITO CONTROL BOARD
**CENTRAL MASSACHUSETTS
MOSQUITO CONTROL PROJECT**

111 Otis Street, Northborough, MA 01532 - 2414
Telephone (508) 393-3055 • Fax (508) 393-8492
www.cmmcp.org



COMMISSION CHAIRMAN
RICHARD DAY

EXECUTIVE DIRECTOR
TIMOTHY D. DESCHAMPS

June 14, 2021

Town of Hopedale
Board of Health
Hopedale, MA 01747

Central Massachusetts Mosquito Control Project personnel will be in your community to respond to residents' concerns about mosquitoes in their area on the following dates in June/July:

June 28, July 6, 12, 19, 26

Any of the above dates are tentative, and all dates are subject to change due to weather conditions, mosquito populations, mosquito virus activity and/or special event spraying. This program will shut down when cool night time temperatures become predominant in the area. A detailed notice about our spray schedule is posted on the CMMCP phone system after 3:30 p.m. each day, and it is also listed on our website at <http://www.cmmcp.org>, click the "2021 Spray Schedule" button on the right. Please pay attention to the week of July 5th, as this schedule has been modified to ensure all communities are scheduled for service that week due to the July 4th holiday.

Requests for service may be recorded by calling the CMMCP office at (508) 393-3055 between 7:00 AM - 3:30 PM, Monday through Friday, or logging on to <http://www.cmmcp.org>. Results of these requests may initiate an application of mosquito insecticides to defined, site-specific areas of town. Such an application may be accomplished by using truck mounted equipment depending on the extent of the application.

Per 333CMR13.03(1)(a): "Wide Area Applications of pesticides and mosquito control applications of pesticides approved by the State Reclamation and Mosquito Control Board shall not be made to private property which has been designated for exclusion from such application by a person living on or legally in control of said property." For more information please check: <http://www.cmmcp.org> and click the "No Spray Info" button on the right.

Please list this information in the local newspapers and on the local cable access channels if possible. Thank you for your assistance.

Sincerely,

Timothy D. Deschamps

Executive Director

cc: City/Town Clerk
Police Department

22 June 2021

Hopedale Conservation Commission
78 Hopedale Street
P.O. Box 7
Hopedale, MA 01747

RE: Grafton & Upton Railroad
2021 - 2025 Vegetation Management Plan

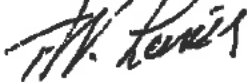
Dear Commission Members:

The Grafton and Upton Railroad's 2021 - 2025 Vegetation Management Plan (VMP) has been prepared and approved in accordance with the Massachusetts Rights-of-Way Management Regulations (333 CMR 11.00). The VMP may be viewed and downloaded at the following internet address:

<https://www.mass.gov/service-details/rights-of-way-vegetation-management-vmps-yops-and-notices>

A hardcopy of the VMP will be promptly mailed to you, if requested. Please call TEC Associates with any questions about this VMP.

Very truly yours,
TEC ASSOCIATES



Thomas W. Lewis

Enclosure

cc: Board of Health
Board of Selectmen
DAR Rights-of-Way Program
John DeWaele, G&U

<u>Activity/Project/Grant Title</u>	<u>Progress Effective 06/02/21</u>	<u>Anticipated Completion Date</u>	<u>Funding Source (if applicable)</u>	<u>Amount</u>	<u>Grant Closing Date</u>	<u>Dept. Project Manager</u>	<u>File Location</u>
FY22 Budget	debt exclusion vote scheduled for 6/29/21	6/29/2021	Town Meeting; Debt Exclusion			TA/Fin Com/Dept Heads	Coordinator, Budgets, FY22
FY22-FY26 Capital Planning	ongoing	9/15/2021				TA/Fin Com/Dept Heads	Coordinator, Budgets, FY22
Union Negotiations (5 Personal; 6 units & Schools)	Completed: 5 units remaining; clerical, PW, dispatch, fire, call fire	9/1/2021	Town Meeting	\$54,000		TA/BoS/ School Committee	
Municipal Vulnerability Preparedness (MVP) Planning	Invites sent for Stakeholder Workshops 1st Workshop completed; 36 Participants from Hopedale & Region, 2nd Workshop, Survey sent 3x to participants to complete. Public Listening Session Final Public Comments due	3/16/21 & 3/23/21 5/24/2021 6/21/2021	EOEEA Grant	\$17,000 & 150 hrs staff/vol match	6/15/2021	TA/EA	Coordinator, Projects
Bancroft Memorial Library Roof Repairs	Grant contracts co-signed and received by State Bids Due/Received Contract Awarded to Almar Notice to Award & Contract Docs Sent Contracts Signed. Construction Kickoff Meeting Work in Progress	2/28/2021 2/22/2021 3/4/2021 3/17/2021 6/28/2021	MA Historic Grant, FY21 Appropriation	\$55,000, \$100,000	6/30/2021	Library Director/Town Administrator	Coordinator, Library, Roof Repairs
Reconstruction of Mendon Street/Hopedale Street (aka Cumby's Intersection)	Easements prepared for ATM vote; Met w RR to relook at design due to RR Gate being installed. BSC incorporating RR signaling into design. Bid specs in final review.	6/28/2021	MassWorks Grant	\$1 million	6/30/2022	TA; Highway Superintendent	Coordinator, Projects
COVID Mitigation	Current Reconciliation sent 3/5/21; American Response Plan \$	10/31/2021	American Response Funds	\$506,000; \$500,000	X	TA/EMD/School Admin	Coordinator, CARES
Master Planning (Housing & Economic Development Chapters)	Visioning Workshop Complete Benchmark Review Underway Vision statement drafted. Housing, ED & Land Use Chapters in Development	10/31/2021	EEA	\$50,000	X	MPSC, CMRPC	Coordinator, Master Planning
Open Space & Recreation Plan Chapter & Zoning Review	Recruiting for vacancies for Open Space & Recreation Planning Committee	Committee to start meeting in July 2021	EEA	\$33,500	6/30/2022	TA, CMRPC	

Permitting Guide (DLTA hrs)	Planning Board Voted to Submit DLTA Application to CMRPC for Permitting Guide; CMRPC voted to fund on 3/31/21. Project to Proceed.		CMRPC DLTA	\$10,000	12/30/2021	TA, EA, CMRPC	Coordinator, Projects
Hazardous Mitigation Plan Update	RFP in process.		FEMA	\$17,500	6/30/2022	TA, Local Hazard Mitigation Committee	Coordinator, Projects
Electronic Permitting for BOH, Building & Fire Dept	RFQ in process. Team attending Demos	RFQ responses due 7/21/21	CC Municipal IT	\$47,000	12/31/2021	Town Admin/CBO/BOH/Fire Chief	Coordinator, Projects
Community One Stop for Growth	Planning Board Voted to Use CMRPC LPA (12 Hrs) for submittal Expression of Interest Submitted Feedback Report Received Full Application Submitted	3/3/2021 3/29/2021 4/12/2021 6/4/2021				CMRPC/TA	
Community Preservation Act (start 7/1/21)	Draft Bylaw Prepared Committee to Form after ATM	4/26/2021 6/30/2021	CPA Fund	CPA 1% surcharge		Town Admin	
Stormwater MS4 Permitting	PB Hearing To Be Scheduled for 4/28/21 Voted at ATM	FY25	Appropriation	\$500,000		TA/PB	Coordinator, Projects
Streetlight LED Conversion	Contracts Signed w RealTerm Energy Waiting for Acquisition Docs from National Grid Acquisition documents in works	mid-May 2021 7/15/2021	Appropriation (Borrowing Authorization)	\$268,000		TA	Coordinator, Projects
Green Communities Designation	Submitted & Awaiting Response Rebate Paperwork Submitted to National Grid for LED Conversions at Police Station, Bancroft Memorial Library & Jr/Sr High School); Met 4/5 to prepare and review projects; Town received designation 4/8. Paperwork to be returned in 90 days.	FY22	EOEEA	\$135,000	X	TA/EA, CMRPC	Coordinator, Projects
Complete Streets Implementation	Policy Adopted 2/8/21, Submitted to Portal & Under review by MA DOT; Policy scored 97 points. Proceed to Tier II planning.	ongoing	MA DOT			Town Admin	Coordinator, Projects
Website Redesign/Updates & Implementation	Approved & Submitted to Civic Plus for Final Development; EA working on updates to go live, 4/21/21	6/30/2021	Appropriation	\$4,500		Executive Asst	

Freedom Street Dam Repair/Reconstruction	Proposal Received; Sent to Owner; Approved by Road Commissioners on 3/10; Confirmed funding & sent to Tighe & Bond 3/21	FY22	FY16 Bond Issue			TA, Highway Super	Coordinator, Freedom St Dam
Draper Mill Demolition & Redevelopment	WBDC to Provide Update to MPSC on 3/17	FY24				Town Admin	Coordinator, Projects
GURR Settlement Agreement Implementation	Land Surveys ongoing; Rollback taxes being calculated; Superior Court Decision pending. Letter sent to Hopedale Foundation re donation 4/17.	6/30/2021				Town Admin/GURR	Coordinator, Projects
DC Pre-Development & TIF	Pre-development mtg w EY Boston; Develop TIF for ATM (for Rosenfeld Concrete site); Mtg 4/5 updates & TIF	ongoing				Town Admin/ED Development Team	
Zoning Bylaw Amendment - Cannabis Cultivation	BoS to vote to Refer to PB 4/12	ongoing				Planning Board	
Appeal from Green River Cannabis	Appeal filed on denial of Special permit for Green River Cannabis at 54 Mellen Street; Town Counsel met with ZBA on 4/22	ongoing	Town Appropriation			ZBA/Town Counsel	
PFAS Treatment Grant	for PFAS treatment in water system; Contract signed and returned.	6/30/2021; final paperwork due August 2021	MassDEP Grant	\$200,000		Water/Sewer Super	
Firefighter Equipment Safety Grant	To purchase replacement Washer Extractor Unit & Drying Cabinet Rack; contract signed and returned.	6/30/21; final paperwork due 7/23/21	EOPPS, Department of Fire Services	\$12,494		Fire Chief	
Library Director Hiring	Ad placed 6/1/2021 Applications Received	ongoing					