

**HYBRID SELECTBOARD MEETING  
TUESDAY, MAY 2, 2023  
AGENDA  
SENIOR CENTER MULTI-PURPOSE ROOM  
7 P.M.**

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<p><b>Note: Not all topics listed here may be reached for discussion. In addition, the topics listed are those which the chair reasonably expects will be discussed as of the date of this notice. This meeting may be audio and/or visually recorded.</b></p>
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- 1. CALL TO ORDER**
- 2. APPROVAL OF MINUTES:** Draft Minutes of April 18, 2023
- 3. ANNOUNCEMENTS / PUBLIC COMMENT**
- 4. CONSENT AGENDA**
  - A. Multiple One-Day Beer & Wine License Requests from Bridget Carroll for May 16, 19, 20 (Skinner Green) 20 (Rooke Theater) 20 (Rockefeller HallHall), 20 (Art Building), 20 (Dining Commons), 26, 27 (Fimble Maker), 27 (Community Center) & 27 (Dining Commons)
  - B. One-Day Beer & Wine License Request from Larry Dubois for May 5 at BATTERY BROOK PARK
- 5. NEW BUSINESS**
  - A. Sewer Use Abatements
  - B. Senior Work-Off Program
  - C. ARPA – Board of Health request
  - D. Town Meeting Review Committee – Selectboard appointees
- 6. OLD BUSINESS**
  - A. Town Meeting Warrant
  - B. Selectboard Policies - Review
- 7. TOWN ADMINISTRATOR’S REPORT**
- 8. ADJOURN**

**SELECTBOARD MEETING MOTIONS**  
**May 2, 2023**

**MINUTES**

- A. I move to accept the draft minutes of April 18, 2023.

**CONSENT AGENDA**

- A. I motion to approve the consent agenda as presented.

**NEW BUSINESS**

- A. I move to increase the sewer use abatement to \$100 per year.
- B. No action needed.
- C. I motion to approve \$75,000 in ARPA funds for the Health Department administration position.
- D. I move to appoint \_\_\_\_\_ to the Town Meeting Review Committee for a term beginning May 15, 2023 and ending June 30, 2024.

**ADJOURN**

I move to adjourn.

**HYBRID SELECTBOARD MEETING  
TUESDAY, APRIL 18, 2023  
DRAFT MEETING MINUTES  
SENIOR CENTER MULTI-PURPOSE ROOM  
7 P.M.**

*Present in person were Chair Jeff Cyr, Vice Chair Andrea Miles, Clerk Renee Sweeney, member Carol Constant, member Nicole Casolari, and Town Administrator Lisa Wong.*

**CALL TO ORDER**

Cyr called the meeting to order at 7:02 p.m.

**REORGANIZATION**

The board reorganized with Miles as chair, Constant as vice chair and Casolari as clerk.

**MINUTES**

Cyr moved to accept the draft minutes of April 4, 2023. Sweeney seconded. All in favor. Unanimous.

**ANNOUNCEMENTS**

Constant noted upcoming activities of the Friends of South Hadley Seniors, and a webinar on the accessory dwelling unit bylaw change on the annual town meeting warrant.

Sweeney thanked residents who voted in the annual town election, highlighting the 17 percent voter turnout. Miles informed the public she and Casolari were reelected for three-year terms.

**CONSENT AGENDA**

Constant motioned to accept to consent agenda as presented. Cyr second. All in favor. Unanimous. The consent agenda consisted of multiple one-day beer & wine license requests from Karen Franz for April 22, 24, May 2 and 3.

**RESIGNATION**

Cyr motioned to accept with thanks the resignation of George Francis as Veteran Grave Officer. Sweeney seconded. All favor. Unanimous.

**ARBOR DAY PROCLAMATION**

The Tree Committee asked the Selectboard to read the 2023 Arbor Day proclamation into the minutes, a requirement of the Tree City USA application.

Miles read, "Whereas, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and whereas, the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and whereas, Arbor Day is now observed throughout the nation and the world, and whereas, trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products, and whereas, trees in our town increase property values, enhance the economic vitality of business areas, and beautify our community, and whereas, trees, wherever they are planted, are a source of joy and spiritual renewal, now therefore I, Andrea Miles, chair of the Selectboard of the Town of South Hadley, MA, do hereby proclaim Friday, April 28, 2023 as Arbor Day in the Town of South Hadley, MA, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our

trees and woodlands, and further, I urge all citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations. Dated this 18th day of April the year 2023.

#### **7:10 PUBLIC HEARING – White Wing Liquor Violation**

Miles opened the public hearing at 7:10 p.m. and closed it at 7:30 p.m. The board heard from Police Chief Jennifer Gundersen, Rajendra Swadia of White Wing, and Arthur Pearlman representing Swadia. Pearlman noted his client did not deny the March 3, 2023 underage sales and noted his client has since purchased a scanner for IDs to accompany liquor sales. Gundersen noted the fake IDs were convincing and recommended the multiple incidents be considered a first offense by White Wing. The last violation occurred in 2015. Constant motioned to issue a warning to White Wing as a first offense for the liquor license policy violation. Cyr seconded. All in favor. Unanimous.

#### **7:30 p.m. INFORMATION SESSION – Wastewater Rates**

The board was presented with information about the waste water treatment plant and its needs by Water Pollution Control Superintendent Melissa LaBonte, accompanied by Town Accountant William Sutton and Treasurer/Collector Donna Whiteley.

#### **WASTEWATER RATES**

Cyr motioned to raise the sewer rate an additional \$80 to \$360 for FY24. Casolari seconded. All in favor. Unanimous. The board will discuss changes to sewer abatements at a future meeting. Cyr noted the \$80 will be split between the two sewer billings.

#### **HAMPSHIRE COUNTY RETIREMENT SYSTEM COLA OPTION**

Sweeney motioned to approve Chapter 269 of the Acts of 2022 – An Act Relative to Cost-of-Living Adjustments for Retirees, and further direct the South Hadley administration to notify the Hampshire County Retirement System in writing of this vote. Cyr seconded. All in favor. Unanimous.

#### **ANNUAL TOWN MEETING WARRANT**

Sweeney motioned to approve the annual town meeting warrant as presented and authorize Wong to switch the order of warrant articles as needed. Cyr seconded. All in favor. Unanimous.

#### **CAPITAL PLANNING COMMITTEE REPORT**

Capital Planning Committee Chair Ira Brezinsky reviewed the latest Capital Planning Committee report.

#### **SELECTBOARD POLICIES**

Miles encouraged board members to review the Selectboard policies in preparation of their next two meetings where the board will discuss and vote on any potential updates.

#### **TA REPORT**

For the full town administrator's report, see the April 18, 2023 Selectboard meeting packet on the town website.

**Respectfully submitted**  
**Kristin Maher**  
**Executive Assistant to Administration**



# OD-85

1 Day Alcohol License

**Status:** Active

**Date Created:** Apr 18, 2023

## Applicant Email

\*APPLICATIONS MUST BE SUBMITTED AT LEAST TWO WEEKS IN ADVANCE OF AN EVENT. APPLICATIONS SUBMITTED LESS THAN TWO WEEKS IN ADVANCE WILL NOT BE ACCEPTED FOR REVIEW BY THE SELECTBOARD.\*

## Permit Info

**Permit For**

1 Day Beer and Wine

**Check This Box to Request Multiple Dates**



**Number of Dates Requested**

10

**Check this box to acknowledge that individual applicants can be approved for up to 30 permits per year.**



## Event Details

**Date of Event**

05/19/2023

**Name or Organization Hosting Event**

Alumnae Association

**Provide a Detailed Description of What The Event Is**

Social

**Street Address of Where The Event is Held**

Art Building, 50 College St South Hadley, MA 01075

**Hours of Operation (Ex. 8:00 AM - 5:00 PM)**

4pm-9pm

**Date of Event**

**Name or Organization Hosting Event**

05/20/2023

Alumnae Association

**Provide a Detailed Description of What The Event Is**

Cookout

**Street Address of Where The Event is Held**

Skinner Green, 50 College St. South Hadley MA 01075

**Hours of Operation (Ex. 8:00 AM - 5:00 PM)**

11am-11pm

**Date of Event**

05/20/2023

**Name or Organization Hosting Event**

Alumnae Association

**Provide a Detailed Description of What The Event Is**

Social

**Street Address of Where The Event is Held**

Rooke Theater Patio, 50 College St South Hadley MA 01075

**Hours of Operation (Ex. 8:00 AM - 5:00 PM)**

3:30pm-9pm

**Date of Event**

05/20/2023

**Name or Organization Hosting Event**

Alumnae Association

**Provide a Detailed Description of What The Event Is**

Social

**Street Address of Where The Event is Held**

MacGregor, 50 College St. South Hadley MA 01075

**Hours of Operation (Ex. 8:00 AM - 5:00 PM)**

4pm-9pm

**Date of Event**

05/26/2023

**Name or Organization Hosting Event**

Alumnae Association

**Provide a Detailed Description of What The Event Is**

Social

**Street Address of Where The Event is Held**

Art Building, 50 College St South Hadley MA 01075

**Hours of Operation (Ex. 8:00 AM - 5:00 PM)**

4pm-9pm

**Date of Event**

**Name or Organization Hosting Event**

05/27/2023

Alumnae Association

**Provide a Detailed Description of What The Event Is**

Social

**Street Address of Where The Event is Held**

Fimble Maker, 50 College St South Hadley MA 01075

**Hours of Operation (Ex. 8:00 AM - 5:00 PM)**

4pm-9pm

**Date of Event**

05/27/2023

**Name or Organization Hosting Event**

Alumnae Association

**Provide a Detailed Description of What The Event Is**

Social

**Street Address of Where The Event is Held**

Lower Level of Community Center, 50 College St. South Hadley MA 01075

**Hours of Operation (Ex. 8:00 AM - 5:00 PM)**

4pm-9pm

**Date of Event**

05/20/2023

**Name or Organization Hosting Event**

Alumnae Association

**Provide a Detailed Description of What The Event Is**

Social

**Street Address of Where The Event is Held**

Art Building, 50 College St South Hadley MA 01075

**Hours of Operation (Ex. 8:00 AM - 5:00 PM)**

4pm-9pm

**Date of Event**

05/20/2023

**Name or Organization Hosting Event**

Alumnae Association

**Provide a Detailed Description of What The Event Is**

Dinner

**Street Address of Where The Event is Held**

Dining Commons, 50 College St South Hadley MA 01075

**Hours of Operation (Ex. 8:00 AM - 5:00 PM)**

4pm-11pm

**Date of Event**

**Name or Organization Hosting Event**

05/27/2023

Alumnae Association

**Provide a Detailed Description of What The Event Is**

Dinner

**Street Address of Where The Event is Held**

Dining Commons, 50 College St. South Hadley, MA 01075

**Hours of Operation (Ex. 8:00 AM - 5:00 PM)**

4pm-11pm



# OD-87

1 Day Alcohol License

**Status:** Active

**Date Created:** Apr 27, 2023

## Applicant Email

\*APPLICATIONS MUST BE SUBMITTED AT LEAST TWO WEEKS IN ADVANCE OF AN EVENT. APPLICATIONS SUBMITTED LESS THAN TWO WEEKS IN ADVANCE WILL NOT BE ACCEPTED FOR REVIEW BY THE SELECTBOARD.\*

## Permit Info

### Permit For

1 Day Beer and Wine

**Check this box to acknowledge that individual applicants can be approved for up to 30 permits per year.**



## Event Details

**Date of Event**

05/16/2023

**Name or Organization Hosting Event**

We Well Student Involvement

**Provide a Detailed Description of What The Event Is**

Social

**Street Address of Where The Event is Held**

Community Center Great Room

**Hours of Operation (Ex. 8:00 AM - 5:00 PM)**

6pm - 9pm



# OD-86

1 Day Alcohol License

**Status:** Active

**Date Created:** Apr 20, 2023

## Applicant Email

\*APPLICATIONS MUST BE SUBMITTED AT LEAST TWO WEEKS IN ADVANCE OF AN EVENT. APPLICATIONS SUBMITTED LESS THAN TWO WEEKS IN ADVANCE WILL NOT BE ACCEPTED FOR REVIEW BY THE SELECTBOARD.\*

## Permit Info

### Permit For

1 Day All Alcohol

### Check This Box If Event(s) Is/Are Being Held On Town Property



### Check this box to acknowledge that individual applicants can be approved for up to 30 permits per year.



## Event Details

**Date of Event**

05/05/2023

**Name or Organization Hosting Event**

Friends of Buttery Brook Park

**Provide a Detailed Description of What The Event Is**

Free concert (Rat of elvis)

**Street Address of Where The Event is Held**

125 Willimansett St.

**Hours of Operation (Ex. 8:00 AM - 5:00 PM)**

4:00 pm - 8:00 pm

To: Selectboard  
From: Town Administrator Lisa Wong  
Re: Sewer Use fee - abatement  
Date: May 2, 2023

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**Rates:** The rate for the sewer use fee is voted yearly by the Selectboard and is determined based on the type of service. The rate is figured on a EDU (Equivalent Dwelling Unit) basis. The current residential rate for FY2023 is \$280 per EDU. A single family home is charged for 1 EDU. Multi Family homes are charged 1 EDU for each unit. The Selectboard voted to raise the rate from \$280 to \$360 for FY2024.

#### **Abatements / Exemptions**

Those eligible for 41C abatements on their real estate taxes will automatically qualify for an abatement on their sewer use fee. This applies to about 20 residents. The amount of the abatement is determined annually by the Selectboard and is deducted off the second bill which is issued in April. The current abatement is \$30, and should be increased. The recommendation is to increase the abatement from \$30 to \$100. The Town will make deductions of \$50 each from the two bills issued each year.

**Motion:** To increase the sewer use abatement to \$100 per year.

To: Selectboard  
From: Town Administrator Lisa Wong  
Re: Senior Work Off Program  
Date: May 2, 2023

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**Background:** Residents have reached out to the Town Administrator's and Council on Aging Departments to inquire about a Senior Work Off Program for the Town. Town Meeting has not adopted Mass General Law chapter 59, Section 5k to allow for such a program yet.

**Abatements:**

The maximum abatement volunteers may earn for a fiscal year is \$1,500 for seniors and \$1,500 for veterans.

**Next Steps:** No motion needed. If there is interest, the Town Administrator will form an internal committee to review the program and make recommendations. The attached memo from Town Counsel outlines the steps to adopt the program.



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TO: Lisa Wong, Town Administrator, Town of South Hadley  
FR: Lisa Mead, Town Counsel  
Ben Taylor, Town Counsel *(Wong)*  
RE: Guidance on Senior Tax Write-off Work Programs  
DA: April 20, 2023

Reference is made to the above captioned matter. In that connection, you requested we render guidance on the Town's potential adoption of a Senior Tax Write-off work program. In short, if the Town is to adopt a program that does not directly pay seniors (residents that are 60 years old and older), but rather pays them in the form of tax abatements, Town Meeting must accept G.L. c. 59, Section 5k, before adopting a bylaw and rules to implement same. If the Town wishes to create a similar program that pays participants directly and not through tax abatements, it would appear as though the Town would, at a minimum, adopt a bylaw establishing the program at Town Meeting and local rules via the Select Board and implemented by its Human Resources department. However, the number of examples of municipalities that have accepted the statute and implemented a program using tax abatements far outweighs the one example we were able to find where a municipality had a direct payment program in lieu of accepting the statute. Given that there is no statutory authority to adopt a direct payment program, it is our recommendation that the Town adopt the statutorily accepted program of tax write-off work program.

The steps to adopt such a program are as follows:

1. **Acceptance of G.L. c. 59, § 5K by vote of Town Meeting.** The acceptance vote should explicitly state the fiscal year in which the program under the particular statute will first be available. As with all statutory acceptances, the town clerk should notify the Municipal Databank if G.L. c. 59, § 5K is accepted. The notification should be made as soon as possible after the vote.
2. **Adoption of local program, bylaw and rules:** After acceptance of the statute, the Town may adopt a new by-law establishing the program and the Select Board, may further establish any local rules and procedures for the program. The Town should anticipate coordination of the assignment of program participants to the various municipal departments where they will perform their volunteer services.
3. **All program expenses are budgeted in the Overlay Account** rather than through appropriations. Therefore, the amounts needed to operate the programs should be considered when the municipal budget is developed. The assessors should factor in the amounts needed to fund the programs when determining overlay needs each year.
4. **At a minimum, the local rules/bylaw adopted should determine:**
  - The hourly rate at which the tax reduction is to be computed keeping in mind that the maximum abatement volunteers may earn for a fiscal year is \$1,500 under the Statute. Volunteers cannot receive credit for their services at an hourly rate higher than the state's minimum wage. The Town should also set the hourly rate no lower than the federal

*Millis Office*

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Millis, MA 02054  
Phone/Fax 508.376.8400

*New Bedford Office*

227 Union Street, Suite 606  
New Bedford, MA 02740



# Informational Guideline Release

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Bureau of Municipal Finance Law  
Informational Guideline Release (IGR) No. 21-20  
July 2021

**Supersedes IGR 02-210 and Inconsistent Prior Written Statements**

## **SENIOR CITIZEN AND VETERAN PROPERTY TAX WORK-OFF ABATEMENT PROGRAMS**

**(G.L. c. 59, § 5K and G.L. c. 59, § 5N)**

This Informational Guideline Release (IGR) informs local officials about an increase in the maximum abatement that may be earned by seniors and veterans under the local acceptance property tax work-off program. It also explains the standards and procedures that apply to those local acceptance property tax work-off abatement programs.

Topical Index Key:

Abatements and Appeals  
Tax Bills

Distribution:

Assessors  
Collectors  
Treasurers  
Accountants and Auditors  
Selectmen/Mayors  
City/Town Managers/Exec. Secys.  
Finance Directors  
City/Town Councils  
City Solicitors/Town Counsels

**Supersedes IGR 02-210 and Inconsistent Prior Written Statements**

**SENIOR CITIZEN AND VETERAN  
PROPERTY TAX WORK-OFF ABATEMENT PROGRAMS**

**(G.L. c. 59, § 5K and G.L. c. 59, § 5N)**

**SUMMARY:**

This Informational Guideline Release (IGR) informs local officials about two local acceptance statutes that allow cities and towns to establish property tax work-off programs for senior citizens and veterans.

The board of selectmen, town council or mayor with the approval of the city council in a community that has accepted [G.L. c. 59, § 5K](#) or [G.L. c. 59, § 5N](#) may establish a property tax work-off program for taxpayers who are over 60 years old or veterans. The statutes for the senior and veteran work-off abatement must be separately accepted by the municipality's legislative body. Under those programs, the senior or veteran "volunteers" his or her services to a city or town and earns a reduction in his or her property tax bill.

These guidelines supersede prior guidelines on the property tax work-off abatement program and any inconsistent prior written statements or documents. The guidelines also update the features and operation of the local option [G.L. c. 59, § 5N](#) for veterans and address the features and operation of both programs generally.

**GUIDELINES:**

**I. LOCAL ACCEPTANCE**

**A. Acceptance**

Acceptance of [G.L. c. 59, § 5K](#) (seniors) or [G.L. c. 59, § 5N](#) (veterans) is by vote of the municipality's legislative body, subject to charter. [G.L. c. 4, § 4](#).

A municipality may accept either, both or neither of the two statutes.

**B. Effective Date**

The acceptance vote should explicitly state the fiscal year in which the program under the particular statute will first be available.

**C. Revocation**

Acceptance may be revoked, but the city or town must wait until at least three years after acceptance. Revocation is also by vote of the legislative body, subject to charter. [G.L. c. 4, § 4B](#).

**D. Notice of Acceptance or Revocation**

The city or town clerk should notify the [Municipal Databank](#) if [G.L. c. 59, § 5K](#) (seniors) or [G.L. c. 59, § 5N](#) (veterans) is accepted or revoked. The notification should be made as soon as possible after the vote.

**II. SCOPE OF ABATEMENT**

**A. Seniors**

An individual must be over 60 years of age to earn a property tax abatement under a program for seniors established under [G.L. c. 59, § 5K](#).

**B. Veterans**

An individual must be a “veteran” as defined in [G.L. c. 4, § 7, Clause 43](#) to earn a property tax abatement under a program for veterans established under [G.L. c. 59, § 5N](#). If the veteran has a service-connected disability or is deceased, the veteran’s spouse or surviving spouse may earn the abatement instead.

**C. Ownership**

Volunteers must be the assessed owner of the property on which the tax to be abated is assessed or have acquired ownership before the work is performed and the abatement applied. If the property is subject to a trust, the volunteer must have legal title, i.e., be one of the trustees, on the applicable January 1 assessment date, or at the time the work is performed.

More than one qualifying owner of the parcel may earn an abatement, unless local program rules limit multiple abatements on a parcel.

If both spouses own the property and each would qualify separately for a work-off abatement program, then either one could work the entire number of hours or each could work half or some other part of the time to make the total number of hours. In addition, under that program the number of volunteer hours do not necessarily have to be worked in full, and the taxpayer may be entitled to a partial abatement based on the reduced hours worked up to the cut-off date to apply the abatement to the tax bill.

**D. Domicile**

The volunteer does not have to be domiciled on their property to qualify for either volunteer work-off abatement program unless the municipality adopts a local rule requiring domicile.

**E. Maximum Abatement and Hourly Rate**

The maximum abatement volunteers may earn for a fiscal year is \$1,500 for seniors and \$1,500 for veterans.

Volunteers cannot receive credit for their services at an hourly rate higher than the state's minimum wage.

Cities and towns should also set the hourly rate no lower than the federal minimum wage unless advised by the Wages and Hours Division of the United States Department of Labor that the federal fair labor standards act does not apply to the program.

**F. Personal Exemptions and Deferrals**

Volunteers may earn abatements under the work-off program in addition to any property tax exemptions they may be eligible for under other statutes, such as personal exemptions under [G.L. c. 59, § 5](#) or residential exemptions under [G.L. c. 59, § 5C](#). They may also defer the balance of their taxes under [G.L. c. 59, § 5, Clause 41A](#) if they are eligible to do so.

The senior exemptions and deferral contained in [G.L. c. 59, § 5, Clauses 41, 41A, 41B, 41C and 41C ½](#) require the applicant to be an owner of the property on July 1. That is a different standard from the requirement to have a legal obligation to pay the tax in [G.L. c. 59, § 5K](#) and [G.L. c. 59, § 5N](#).

**G. Multiple Employers**

There is an opinion issued by the State Ethics Commission (EC-COI-04-4) that indicates that municipal employees may participate in a property tax work-off abatement program under certain circumstances. The opinion can be accessed at: <https://www.mass.gov/files/documents/2016/08/sd/rulings-04.pdf>.

Municipal employees seeking to participate in the program are advised to check with municipal counsel or the State Ethics Commission.

**H. Proxies**

The person performing the work must have a legal obligation to pay the tax. However, a city or town, by vote of its legislative body, subject to its charter, may vote to allow an approved representative to perform the services for an eligible taxpayer physically unable to provide services to the city or town.

Treasurers in a community that adopts this option should consult with the United States Internal Revenue Service (IRS) regarding the proper reporting procedure when the earnings result from work performed by a proxy.

**I. Trusts**

Being a trustee of the property on which the tax to be abated is assessed is sufficient for the senior or veteran to participate in property tax work-off programs under [G.L. c. 59, § 5K](#) or [G.L. c. 59, § 5N](#) because the trustee is under a legal obligation to pay the tax on the property.

#### **J. Volunteer Employment Limitations**

Eligible taxpayers must provide services to the city or town to which they owe taxes in order to earn a property tax credit under either program. Eligible taxpayers may not provide services to a regional school district since they do not owe tax to the district which will employ them or to a non-profit organization.

#### **III. ADOPTION OF LOCAL PROGRAM RULES**

After acceptance of the statute, the selectmen, town council or mayor with approval of the city council may establish a senior or veteran work-off program consistent with any local rules and procedures the municipality may adopt by by-law or ordinance. Those officials should coordinate the assignment of program participants to the various municipal departments where they will perform their volunteer services.

All program expenses are budgeted in the overlay rather than through appropriations. Therefore, the amounts needed to operate the programs should be considered when the municipal budget is developed. The assessors should factor in the amounts needed to fund the programs when determining overlay needs each year.

A municipality should adopt rules to determine:

- The hourly rate at which the tax reduction is to be computed;
- Any eligibility date;
- Any income asset limitations on eligibility;
- Any limitation of eligibility to a tax reduction on a volunteer's domicile;
- Any limitations on the number of volunteers or the types of work they may do;
- The use, if allowed, of approved representatives to perform the services for volunteers physically unable to perform the work themselves;
- Any other restrictions or regulations consistent with the intent of the law it elects to implement.

#### **IV. CERTIFICATION OF SERVICE**

The board, officer or department supervising the taxpayer's volunteer services must certify to the assessors the hours of services performed by the taxpayer **before** the actual tax for the fiscal year is committed. The certification must state the amount actually earned as of that time. Services performed after that date are credited toward the next

fiscal year's actual tax bill to the extent consistent with the program rules established by the municipality.

A copy of the certification must also be given to the taxpayer before the actual tax bill is issued. (See attached model that may be adapted to suit local needs).

## **V. TREATMENT OF "EARNED" AMOUNT**

### **A. Treatment for State Tax Purposes**

The amount of the property tax reduction earned by the taxpayer under this program is not considered income or wages for purposes of **state** income tax withholding or workmen's compensation. Zeroes may be inserted into the state wages box on the Forms W-2 for seniors and veterans who have participated in the property tax work-off programs under [G.L. c. 59, § 5K](#) and [G.L. c. 59, § 5N](#). The state wages box on the Form W-2 is for reporting the total amount of taxable wages earned in the state. [G.L. c. 59, § 5K](#) and [G.L. c. 59, § 5N](#) both provide that the income "earned" under the programs is not subject to state income tax.

### **B. Treatment by Federal Government**

The IRS, however, has ruled that under current federal law the abatement amount is included in the taxpayer's gross income for both federal income tax and Federal Insurance Contribution Act (FICA) tax purposes. In addition, if the community pays the taxpayer's share of FICA taxes, that amount is also income subject to federal income tax. Treasurers should verify with the IRS that their procedures comply with all applicable federal laws regarding income, Social Security and Medicare tax withholding on abatements earned under these programs, including issuance of a W-2.

Here, the "earnings" will have to be run through the payroll system in order to generate proper withholdings and reports to the IRS. Manual adjustments and reversing entries will then have to be made in order to have accurate state tax reports and have the earned amounts charged to the overlay account for abatements rather than salary appropriations.

## **VI. ACCOUNTING FOR ABATEMENTS**

### **A. Credit Applied to Actual Tax Bill**

Earned reductions must be applied to the actual tax bills for the fiscal year. The assessors must commit the full tax for the year and process the gross amount earned as certified by the board, officer or department supervising the taxpayer's volunteer services as an abatement to be charged against the overlay account. The taxpayer's actual tax bill, however, should only show a credit for the amount earned net of any federal withholdings. The municipal share of federal Social Security and Medicare taxes may also be charged to the overlay unless the community has otherwise provided.

**B. Example:**

Abatement Earned:	\$750.00
Less: Social Security	\$46.50
Less: Medicare at 1.45%	\$10.88
Credit to tax bill:	\$692.62

Since the amounts earned under [G.L. c. 59, § 5K](#) or [G.L. c. 59, § 5N](#) must be applied to the actual tax bills for the fiscal year as abatements, no checks should be issued to volunteers for return or deposit. Even if a municipality's computer system must generate a check for W-2 purposes, no checks should be issued to the volunteers.

**C. Municipal Accounting for Credits**

The gross amount earned should be paid out of the overlay. An actual abatement, however, should be processed only for the net amount. The difference attributable to federal tax withholdings should be transferred by the accountant to the agency account for the taxes. The treatment is analogous to employee salaries: the gross amount is charged to the salary budget, but the employee is paid the net amount, with withholdings held in an agency account until paid over to the taxing authority. The employer's FICA share should ordinarily be paid out of the regular appropriation that the municipality has for that purpose. However, if the community did not budget the FICA expense for the Senior or Veteran Work Program, that amount may be charged to the overlay account.

**D. Community Preservation Surcharge Reduction**

The community preservation surcharge should be reduced to reflect a work-off abatement. The abatement should be treated the same as other property tax abatements or exemptions for purposes of calculating the surcharge.

**E. Banking of Credits Not Permitted**

Earned reductions must be applied to the actual tax bills for the fiscal year in which they are earned. Services performed in the current fiscal year after the actual tax bills are issued must be credited toward the next fiscal year's bills. Excess reductions earned in the current fiscal year before the actual tax bills are issued may not be "banked" and applied to actual tax bills of future years.

**F. Late Notice of Work Performed**

In the event that a municipal department inadvertently fails to report the hours worked by a volunteer to the assessors before the actual tax commitment, the assessors may administratively abate an amount equivalent to the hours worked.

**G. Sale of Property**

Persons who participate in the program should be advised that all earnings are "paid" exclusively in the form of an abatement. Therefore, if a volunteer sells the property on which the tax is to be abated due to the performance of work-off services, it is up to the seller to ensure the reduction is taken into account at the time of closing in order for the

benefit to be credited to the seller in the same manner as exemptions they are eligible for in that fiscal year.

**VII. STATUS OF VOLUNTEERS**

Volunteers performing services in return for property tax reductions are employees for purposes of municipal tort liability. Therefore, municipalities are liable for damages for injuries to third parties and for indemnification of the volunteers to the same extent as in the case of injuries caused by regular municipal employees.

(MODEL)

(Copy must be given to the taxpayer before the actual tax bill is mailed)

City/Town of \_\_\_\_\_  
Certificate of Completion of Volunteer Services

(G.L. Ch.59 §5K)

To: Board of Assessors

\_\_\_\_\_ the owner of a parcel at \_\_\_\_\_ has completed  
(Taxpayer's name) (Property address)  
\_\_\_\_\_ hours of volunteer work to be credited toward the fiscal year \_\_\_\_\_ tax  
assessed on the parcel at the address listed above at the rate of \$ \_\_\_\_\_ per hour.

\_\_\_\_\_  
(Signature of Person Certifying Work)

\_\_\_\_\_  
(Board or Department)

(Date)

Program Name	<p align="center"><b>Work-off Abatement</b>  <b>Requires <u>Separate</u> Local Acceptance</b>  <b>G.L. c. 59, § 5K (seniors) or G.L. c. 59, § 5N (veterans)</b></p>	<b>Municipal Employment</b>
<b>Assistance Type</b>	<p>Reduces by means of an abatement the local property tax liability of senior/veteran volunteer in exchange for volunteer service to municipality</p> <p>Abatement of actual tax is <b>exclusive</b> means of providing assistance and head of department where senior/veteran volunteer worked <b><u>must certify hours worked and wage rate to assessors before actual tax committed</u></b></p>	<p>Provides supplemental income to help taxpayer pay local property taxes (or water, sewer or other local charges)</p> <p>Tax (or other bill) paid in part from earnings</p>
<b>Statutory Eligibility</b>	<p>Senior under G.L. c. 59, § 5K – Must be over the age of 60</p> <p>Veteran under G.L. c. 59, § 5N – Must meet definition of veteran in G.L. c. 4, § 7(43)</p> <p>Spouse of veteran with a service connected disability or surviving spouse of veteran also eligible</p>	Determined locally
<b>Other Eligibility (seniors/veterans who qualify for other tax reductions or co-own with others participating in program; income or assets tests, etc.)</b>	Determined locally	Determined locally
<b>Application Procedure</b>	Determined locally	Determined locally
<b>Assistance Amount</b>	<p>\$1,500 maximum for seniors and \$1,500 maximum abatement for veterans (or abatement attributable to 125 hours)</p> <p>Maximum hourly rate for service - state minimum wage– G.L. c. 151, § 1</p>	Determined locally
<b>Income Tax Treatment</b>	<p><i>Federal</i> – Abatement earned considered compensation subject to federal income and FICA taxes and must be reported to IRS (Treasurer should verify proper reporting procedure with IRS)</p> <p><i>State</i> – Abatement earned <b>not</b> income for state income tax (or workmen’s compensation purposes) and need not be reported to DOR</p>	Wages income for federal and state purposes and subject to all applicable federal and state withholding and reporting requirements
<b>Accounting</b>	<p>Gross earnings charged to overlay</p> <ul style="list-style-type: none"> <li>• Assessors process abatement for earnings net of federal withholdings (as determined by treasurer) after actual tax committed and before actual bills issued</li> <li>• Assessors notify accounting officer of gross amount to charge overlay and notify collector and accounting officer of abatement amount</li> <li>• Collector shows abatement as credit against actual tax and calculates installment payments based on tax, as abated</li> <li>• Accounting officer transfers federal withholdings amount to agency account for payment to United States (Municipal share of FICA taxes are charged to FICA appropriation, but may be charged to overlay if that appropriation not sufficient)</li> </ul>	<p>Gross earnings charged to appropriation</p> <p>Municipal share of FICA taxes charged to FICA appropriation</p>

minimum wage unless advised by the Wages and Hours Division of the United States Department of Labor that the federal fair labor standards act does not apply to the program.

- Any eligibility date.
- Any income asset limitations on eligibility.
- Any limitation of eligibility to a tax reduction on a volunteer's domicile. This is up to the Town's discretion. The volunteer does not have to be domiciled on their property to qualify for either volunteer work-off abatement program unless the Town adopts a local rule requiring domicile.
- Any limitations on the number of volunteers or the types of work they may do.
- The use, if allowed, of approved representatives as a proxy to perform the services for volunteers physically unable to perform the work themselves. However, allowing may cause additional requirements as DOR advises communities that adopt this option should consult with the United States Internal Revenue Service (IRS) regarding the proper reporting procedure when the earnings result from work performed by a proxy.
- The rules/bylaw, to be consistent with the Statute must be clear that an individual must be over 60 years of age to earn a property tax abatement under the program.
- Participants must be the assessed owner of the property on which the tax to be abated is assessed or have acquired ownership before the work is performed and the abatement applied. If the property is subject to a trust, the volunteer must have legal title, i.e., be one of the trustees, on the applicable January 1 assessment date, or at the time the work is performed.
- Broadly speaking, any other restrictions or regulations consistent with the intent of the law it elects to implement.

There are other considerations the Town may want to include and if the Town wishes to move forward we can draft a bylaw and/or regulations which incorporates those choices.

5. **Certification of participant's hours:** The board, officer or department supervising the taxpayer's volunteer services must certify to the assessors the hours of services performed by the taxpayer before the actual tax for the fiscal year is committed. The certification must state the amount actually earned as of that time. Services performed after that date are credited toward the next fiscal year's actual tax bill to the extent consistent with the program rules established by the Town. A copy of the certification must also be given to the taxpayer before the actual tax bill is issued.
6. **Treatment of the abatement by the participant for tax purposes are advised by DOR as follows:**
  - For State Tax Purposes:  
The amount of the property tax reduction earned by the taxpayer under this program is not considered income or wages for purposes of state income tax withholding or workmen's compensation. Zeroes may be inserted into the state wages box on the Forms W-2 for seniors who have participated in the property tax work-off programs under G.L. c. 59, § 5K. The state wages box on the Form W-2 is for reporting the total amount of taxable wages earned in the state. G.L. c. 59, § 5K provides that the income "earned" under the program is not subject to state income tax.
  - Treatment by Federal Government:  
The IRS, however, has ruled that under current federal law the abatement amount is included in the taxpayer's gross income for both federal income tax and Federal Insurance Contribution Act (FICA) tax purposes. In addition, if the community pays the taxpayer's share of FICA taxes, that amount is also income subject to federal income tax. Treasurers should verify with the IRS that their procedures comply with all

applicable federal laws regarding income, Social Security and Medicare tax withholding on abatements earned under these programs, including issuance of a W-2.

Here, the "earnings" will have to be run through the payroll system in order to generate proper withholdings and reports to the IRS. Manual adjustments and reversing entries will then have to be made in order to have accurate state tax reports and have the earned amounts charged to the overlay account for abatements rather than salary appropriations.

**7. For Municipal Accounting Considerations for the Program, DOR advises the following:**

- **Credit Applied to Actual Tax Bill:**  
Earned reductions must be applied to the actual tax bills for the fiscal year. The assessors must commit the full tax for the year and process the gross amount earned as certified by the board, officer or department supervising the taxpayer's volunteer services as an abatement to be charged against the overlay account. The taxpayer's actual tax bill, however, should only show a credit for the amount earned net of any federal withholdings. The municipal share of federal Social Security and Medicare taxes may also be charged to the overlay unless the community has otherwise provided.

Since the amounts earned under G.L. c. 59, § 5K must be applied to the actual tax bills for the fiscal year as abatements, no checks should be issued to volunteers for return or deposit. Even if a municipality's computer system must generate a check for W-2 purposes, no checks should be issued to the volunteers.

- **Municipal Accounting for Credits:**  
The gross amount earned should be paid out of the overlay. An actual abatement, however, should be processed only for the net amount. The difference attributable to federal tax withholdings should be transferred by the accountant to the agency account for the taxes. The treatment is analogous to employee salaries: the gross amount is charged to the salary budget, but the employee is paid the net amount, with withholdings held in an agency account until paid over to the taxing authority. The employer's FICA share should ordinarily be paid out of the regular appropriation that the municipality has for that purpose. However, if the Town did not budget the FICA expense for the Senior Work Program, that amount may be charged to the overlay account.
- **Community Preservation Surcharge Reduction:**  
The community preservation surcharge should be reduced to reflect a work-off abatement. The abatement should be treated the same as other property tax abatements or exemptions for purposes of calculating the surcharge.
- **Banking of Credits Not Permitted:**  
Earned reductions must be applied to the actual tax bills for the fiscal year in which they are earned. Services performed in the current fiscal year after the actual tax bills are issued must be credited toward the next fiscal year's bills. Excess reductions earned in the current fiscal year before the actual tax bills are issued may not be "banked" and applied to actual tax bills of future years.
- **Late Notice of Work Performed:**  
In the event that a municipal department inadvertently fails to report the hours worked by a volunteer to the assessors before the actual tax commitment, the assessors may administratively abate an amount equivalent to the hours worked.

- **Sale of Property:**  
Persons who participate in the program should be advised that all earnings are “paid” exclusively in the form of an abatement. Therefore, if a volunteer sells the property on which the tax is to be abated due to the performance of work-off services, it is up to the seller to ensure the reduction is taken into account at the time of closing in order for the benefit to be credited to the seller in the same manner as exemptions they are eligible for in that fiscal year.
  
- 8. **Clarification on employee status of program participants:** Volunteers performing services in return for property tax reductions are employees for purposes of municipal tort liability. Therefore, the Town would be liable for damages for injuries to third parties and for indemnification of the volunteers to the same extent as in the case of injuries caused by regular municipal employees.

Please be advised that the one municipality we were able to find that has a program that pays participants directly as opposed to giving them a tax abatement was the Town of Concord. While the implementation of this type of program does not require acceptance of the Statute, it would require a number of the same steps and considerations described above. We are happy to review this further, if you would prefer.

Should you have any further questions, please let us know.

Andrea Miles, Chair  
Carol Constant, Vice-Chair  
Nicole Casolari, Clerk  
Jeff Cyr  
Renee Sweeney

Lisa Wong  
Town Administrator

TO: Selectboard  
From: Lisa Wong  
Re: ARPA Request - BOH Support  
Date: April 26, 2023

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Request: \$75,000 for part time administrative position within the Health Department for three years or about \$25,000 per year from ARPA. The position would be evaluated annually to determine need. If the position is integrated into the budget, permit fees and revenue would be explored to ensure that the fees are appropriate and cover the cost of the work to administer the services. There is \$685,772.87 currently unallocated in ARPA.

The Health Department used to have a full time clerk. There also used to be additional vacant clerk positions in Town Hall that used to provide coverage. The Health Department covers a broad and important range of services that are critical to the health and safety of the community including:

- Food permitting/inspections
- Housing inspections
- Septic System review and installation
- Burial permitting
- Tobacco Control
- Health Complaints
- Animal Control
- Emergency Management
- Age/Dementia Friendly initiatives
- Mental Health

The Health Department is engaged in numerous public health partnerships, taking the lead on applying for and administering regional programs. Our Health Department also covers duties that are covered by other departments in other communities. The Health Director also serves as the Emergency Management Director. In other communities, this position may be full time and also be in another department such as a Fire Department. We want to ensure that adequate time is being dedicated to proactive emergency management preparedness as well as time to respond in the case of emergency.

This position will ensure that calls can be answered immediately and in-person assistance can be provided more consistently. The position will also assist with scanning and filing paperwork, along with taking in new information and addressing the continued increase in records requests. This allows management to spend more of their limited time focusing on strategy, policy and enforcement.

Motion: Move to approve \$75,000 in ARPA funds for the Health Department Administration Position.

To: Selectboard  
From: Town Administrator Lisa Wong  
Re: Town Meeting Review Committee  
Date: May 2, 2023

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**Background:**

A Town Meeting Review Committee shall be appointed every five years beginning in 2015. Said committee shall include the Town Moderator, one representative each from the Selectboard, School Committee, Appropriations Committee, Planning Board, three Town Meeting members and up to four registered voters who are not Town Meeting members to be appointed by the Selectboard. Said committee shall report its findings and recommendations regarding ways and means to improve the effectiveness and efficiencies of Town Meeting to the Selectboard within six months of its appointment or such further time as the Selectboard may grant.

Term is May 15, 2023 to June 30, 2024

**Next Steps:**

Selectboard will need to appoint one member of the Selectboard to this committee as well as seek up to three additional non-Town Meeting members to appoint to the committee.

Andrea Miles, Chair  
Carol Constant, Vice-Chair  
Nicole Casolari, Clerk  
Jeff Cyr  
Renee Sweeney

Lisa Wong  
Town Administrator

**Town Administrator's Report to Selectboard  
May 2, 2023**

**Administration, Finance and Operations**

- **State Budget:** The House budget includes \$75,000 in funding for the Leaping Wells Nature Trail Project to construct a new lot for 12 cars and create an ADA accessible pocket park. There are still many steps in the state budget process and funding may change. Design plans completed and the project is ready to bid when funding becomes available. The Town unsuccessfully applied for a MassTrails Grant twice.
- **Personnel:** The Town is seeking an Assistant Town Administrator/Human Resources Director and Payroll/Benefits Coordinator. The positions will be posted online at: [www.southhadley.org/jobs](http://www.southhadley.org/jobs)

**Community**

- **Memorial Day Breakfast:** Memorial Day honors those who died while serving in the U.S. military. On Friday, May 26th at 8:30am, there is a breakfast open to Veterans and a guest. Breakfast by SHHS Culinary Department, music by SHHS Vocal Roar, distinguished speakers, military remembrances and ceremonies. Co-sponsored by The Friends of The South Hadley Seniors and South Hadley Veterans' Services.
- **Town Hall fun fact:** There is a cornerstone at Town Hall marked 1913. Behind that stone is a time capsule! The Town Administrator's office has a list of contents in the time capsule, which include:
  - Reprint of first catalogue of Mt. Holyoke Female Seminary, 1837
  - Copy of the Springfield Homestead of June 24, 1899, giving an account with illustrations of President and Mrs. McKinley's visit to South Hadley, Holyoke, Springfield and Northampton
  - United States Postage Stamps in use in 1913 including the Parcel Post and Panama issues of 1913
  - A piece of the iron wicket cut by Edward J. Robie from the lower locks of the first canal built in the United States about 1792. Parts of the locks near the Falls end of the Holyoke bridge still remain.
  - Photo of the laying of the foundation of the town hall and high school building October 4, 1913
  - Samples of paper manufactured by the Carew Manufacturing Company, Hampshire Paper company, and Japanese Tissue Mills
- **Arbor Day:** At a ceremony on Friday, April 28th, a native Eastern Redbud Tree will be planted in honor of Mike Lamontagne, former South Hadley Tree Warden, local naturalist and outdoor educator, by MESMS students and their teacher Maria Drobiak.
- **ValleyBike:** The City of Northampton, as the lead community for the regional ValleyBike share program, announces a delay in the spring rollout and temporary modifications to the bike share program as it attempts to renegotiate a contract with the vendor of the program, Bewegen. Earlier this year, Bewegen gave notice that it was initiating bankruptcy proceedings in its home country, Canada, in an effort to dissolve existing contracts with its bike-share communities around the world. Upon this action, the City, on behalf of all eight bike share communities of Springfield, West Springfield, Holyoke, Chicopee, Easthampton, Northampton, South Hadley, Amherst, and the University of Massachusetts Amherst, has been working on renegotiating a contract so that the system can reopen for users as soon as possible, and hopes to have a solution under this new model so that bikes can go back on the street for users by May.

**Planning**

- **Facade Program:** The town received numerous applications from businesses across the town. The applications will be reviewed and prioritized. The town has a total of \$86,000 to give out. These are reimbursement grants up to \$10,000 each.

**Public Health**

- **SAPHE 2.0:** The Joint Committee on Public Health is holding a public hearing for the bill, the [Statewide Accelerated Public Health for Every Community \(SAPHE 2.0\) Act](#) on Thursday, May 4, from 9:00 AM to 1:00 PM in State House Hearing Room A-2. Local health boards receive little state support and rely heavily on local property taxes, which has deepened regional inequities. SAPHE 2.0 directs DPH to estimate annually, before the governor files their budget, the funds needed for boards of health to meet minimum public health standards.

**Public Safety**

- **Roof:** The South Hadley Police Roof replacement project is substantially complete and will be finalized by May 5. The total project is \$55,000. \$90,000 was approved for the project and the unexpended funds can be reappropriated with recommendations by the Capital Planning Committee at a future Town Meeting.
- **School Event:** The South Hadley "Carts and Goggles" event (aka Fatal Vision) was held at the High School field. Kids don a pair of goggles and attempt to drive around a course of cones without crashing or going off the track. This is a collaboration between the school department, police department, both fire districts, the SH Drug and Alcohol Coalition, DPW Parks dept., and using golf carts from the Ledges golf course.

**Public Works**

- **Paving:** Paving is complete for River, Alvord, Lathrop, Sunset, Abbey, and Ludlow. Bolton, Walnut, Bombardier and Douglas are being paved now.
- **HCVE:** The City of Chicopee City Council approved at a Public Hearing approval the Heavy Commercial Vehicle Exclusion for Smith/Spring/Ludlow/Hartford roads in South Hadley, and Britton Street and New Ludlow Road in Chicopee. The signs for the South Hadley portion are up, and we dropped off signs at Chicopee DPW for them to install. This had already been approved by the South Hadley Selectboard.