

Social Service PILOT and Comparative Impact Study Committee
Conference Room 2 7:30 PM Memorial Building Framingham, Ma
Minutes
August 16, 2005

Attendance: Bob Berman, Dawn Harkness, Laurie Lee, Jim Palmer, Nick Sanchez, Cynthia Laurora., Steve Orr, Wes Ritchie Absent: Yaakov Cohn, Kurt Steinberg

Meeting called to order at 7:30 PM.

A brief discussion on Robert's Rules of order ensued among the committee members based upon clarifications requested by Mr. Sanchez.

Bob Berman summed up a discussion he had with Mr. Cosgrove regarding the intent of the motion he presented to Town Meeting which created our group. What was his understanding of comparative? For the record an email from Ted Cosgrove dated Tuesday 8/16 2005

Notwithstanding any future insights I may provide at a committee meeting, my intent of "comparative" was to look at the operations of the social service industry in Framingham relative to the surrounding communities that are in our region. The key to this is proportionality. If Framingham is to be the social services hub, does that necessarily mean it must be the exclusive community in which these services are sited?

My intent by way of a comparative study was to look at the number of social service facilities that are either owned or operated in the surrounding towns and have that compared to Framingham.

However, I believe that it is dangerous for Framingham to press this matter without a hard look at the real numbers and impacts in Framingham and the surrounding communities. Your committee was intended to be that body that provides the "hard look".

Ritchie: I also spoke with Mr. Cosgrove about the definition of social service and he said that if there is a social service function within another organization he thought that was within our scope to look at. My understanding of that is that we can look at other agencies that are not social service agencies if they provide social services. For example St. Georges and their AA program. Even though they are predominately worship, we have given them CDBG funds, \$10,000 at the last town meeting, so that groups like AA can access their facilities. I think it is within our scope.

Cynthia: I don't think that qualifies as a SS in the sense that it is not a formalized SS. It is voluntarily run. What percentage of that organizational function is geared towards SS? For example, St Bridget's has a food pantry, will we look at that?

Ritchie: While I think that impact is positive I think we should look at all such social services and know what is being provided.

Berman: One other piece to consider are houses of Worship that are renting out space. They are not running the program but renting the space.

Mr. Orr mentioned that we should focus on the agencies that are primarily social service agencies and having a great impact on town resources.

Mr. Wolf (public) suggested that we look at the concept of a two tiered pilot tax system, similar to the residential and commercial one.

Sanchez: Point of Order. We have strayed from the agenda and I suggest we get back to it.

Minutes of 8/9/05 meeting: Minutes discussed and approved as corrected. Vote to approve minutes 8 in favor 0 opposed, 0 abstain

Some organizational information regarding our meeting place, website and conflict of interest laws were briefly discussed.

Define Social Service:

Palmer: I make a motion to take the motion and amendment off the table. 8 in favor, 0 opposed, 0 abstain

Mr. Sanchez spoke against these motions because we are engaging in our own definitions and that we need a legal definition. He proposes that the approach of personal definitions and not legal ones, be postponed indefinitely. Rules given by the State and Federal government are needed.

Mr. Palmer also spoke with Mr. Cosgrove. Mr. Palmer understood. Mr. Cosgrove to say that we have to define what a social service is and upon consideration of what impact means, comparative means, social service means proposed the following motion:

Motion

Realizing that the motion passed at Town Meeting is limited in its scope and would not provide the Town Meeting Members or the (PILOT) Study Committee with the necessary information needed to draft a meaningful PILOT plan, I move that for the purposes of this study the committee define a Social Service Organization as: Any organization, public or private, that undertakes to improve the quality of life of individuals or families, by advocating for their needs and rights, providing services which may include but not limited to, social, rehabilitative, health, mental health, mental retardation, special education. Vocational employment and training and elder services. And I further move the comparative impact study is understood to be the impact and benefits that these organizations have on the town in terms of public service, schools and taxes.

Discussion continued about what services and actions in town should be considered a social service and whether or not they are provided by an actual agency. Does an organic farm co-opt count as a social service agency? What if they donate food? Does a food pantry count? Should we leave the definition open enough to determine these situations on a case by case method?

Laurie raised the point that the definitions are becoming too subjective and based on personal opinions and that Mr. Sanchez's point about an objective legal definition makes the most sense. For example Bob Berman sent a link to the [State Purchasing definition: Human and Social Services](#). Services provided by a Contractor to assist, maintain or improve the personal, mental or physical well-being of Clients. This may include, but is

not limited to, social, habilitative, rehabilitative, health, mental health, mental retardation, special education, vocational, employment and training and elder services.

Mr. Sanchez agreed and reiterated his point about the need for a legal definition and to actually disallow the subjective definitions. He also suggested that a combination of the State definition and the Federal codes would be ideal. In fact, much of the data is based on Federal definitions and our adoption of these codes would prove consistent. Let's not reinvent the wheel.

Mr. Ritchie does not think this is a legal problem and the directive for our committee was not given by a body of lawyers. This is a Framingham specific problem and we should tailor the definition to anything we want in Framingham.

Dawn Harkness said that we need to define certain terms in the original motion that were not clearly defined for us. She would feel more comfortable with a legal definition from the State or Federal government but that in some ways goes beyond the scope intended in the original motion, as conversations with Mr. Cosgrove indicated. As a lawyer and part of town meeting I believe that we have to stick to our mandate no matter how much we might personally want not to.

Mr. Berman, who brought in the State definition, thinks we should go with this type of definition and then really set the direction of what we will be looking at with the Action Plans. We have a set of defined definitions. Mr. Palmer's concerns about different organizations having different definitions will be answered by this State definition because if they don't rely on this, they don't get their State money. These definitions come from the State purchasers and these are the guidelines that contractors have to follow in order to get State money. We need to work with the word contractor and might even want to remove the section. (See above definition) The definition of contractor is An individual or organization which enters into a contract with a Department or the State to provide Human or Social Services or which operates Programs approved by the Department of Education under M.G.L. c. 71B.

Sanchez: We could take this definition of contractor and only use the first half

Lee: What bothered me about this definition is what does Department imply and what if you have a contract to do services from an organization that is not the State. We need the contract to be more broadly defined.

Sanchez: If a private group of people decided to give money to another group of people that should not be our business and we should not include them at all.

Berman: If an organization was given a private grant, similar to those given by the State or Federal government, to open a social service facility those should be within our scope. By taking contractor out we are not identifying who is offering the programs, just defining what type of programs they are.

Mr. Palmer noted that once the word contractor is out, can an individual then be considered a social service provider?

Laurora: Would the State or federal definitions apply to Churches and Temples that provide incidental social services?

Ms Laurora also offered two examples of faith based properties being used or rented to social service contractors, with the State, to run full time social services. Many agreed that these should be counted. However, Mr. Sanchez argued that if such a program were run by a private agency it should not be considered.

Ms Harkness asked “What about the Boy Scouts?” They have tax exempt property in Framingham. Having a Boy Scout council in Framingham attracts people with Children to Framingham who will use services and schools. Aren't we only focusing on social services that own tax exempt properties? If they are renting from a business then the business pays taxes.

Laurora: The Boy Scouts aren't contracted by the government. And it is an association.

Harkness: Do we know that they don't get government grants?

Mr. Orr and Ms Laurora thought not but Ms. Harkness was not convinced.

Lee: For the PILOT study we are looking at the tax exempt properties but for the comparative study we are in fact interested in all properties, including taxed and rented.

Sanchez: I understand this conversation of Boy Scouts as going back to the issue of all non profit organizations. The town government precisely shut that down. We have a compromise involved with the word contractor. If these people are engaged in contract work from the State or Federal government than we should consider them. However, if it is private money we should not be involved.

Mr. Palmer noted that if a privately funded organization that can operate under chapter 40, they should be considered.

Mr. Berman pointed out that they are exempt from property taxes because of the non profit status.

Laurora: Do the Boy Scouts fit the federal and State definition of social services?

Berman: According to the State definition without the contractor, they do.

Sanchez: If you look at the Federal definition, the Boy Scouts would come under code 86, not 83 the one that defines social services. Code 86 refers to membership organizations.

Discussion regarding what types of organizations or services would or would not fall under section 86 included the civic league and an AA meeting at a church.

Mr. Berman pointed out that he wanted to discuss the motion to indefinitely postpone. His own thoughts were to vote down the questions on the table and then bring up a new question.

We have the **main motion** by Mr. Ritchie

The definition of a social service agency/provider shall include private, nonprofit, tax-exempt organizations or programs that provide human services such as, but not limited to, housing assistance, rental voucher programs, residential group homes, vocational and day support, health related assistance, HIV supported housing, emergency, transitional and long-term family shelter services, rental assistance, substance abuse rehabilitation residential and otherwise, behavioral health and counseling, individual and family counseling, disability and mental health services, education and employment training and advocacy. This definition includes faith-based organizations that may provide opportunities for worship and human services similar to those provided by secular nonprofits. This definition of social service agencies shall include faith-based programs, agencies and organizations that may or may not have any religious signs and symbols in their offices, or on stationery and literature.

The definition shall include those agencies and programs that receive funding through federal and state grants and contracts from governmental agencies such as, but not limited to, DPH, DMH, DOC, DYS, MRC, HUD, DHCD and DTA and private donor contributions. These same agencies and programs are required by Massachusetts General Laws to file financial disclosure forms with the Division of Public Charities of the State Attorney General's office.

We have the **amendment** by Mr. Orr:

Amend the motion by removing the changes above and going back to the original definition

The definition of a social service agency shall include private, nonprofit, tax-exempt organizations or programs that provide human services such as, but not limited to, housing assistance, rental voucher programs, residential group homes, vocational and day support, health related assistance, HIV supported housing, emergency, transitional and long-term family shelter services, rental assistance, substance abuse rehabilitation residential and otherwise, behavioral health and counseling, individual and family counseling, disability and mental health services, education and employment training and advocacy. This definition includes faith-based organizations that may provide opportunities for worship but whose **primary** function is to deliver human services similar to those provided by secular nonprofits. This definition of social service agencies shall include faith-based programs, agencies and organizations that may or may not have any religious signs and symbols in their offices, or on stationery and literature.

The definition shall include those agencies and programs that receive funding through federal and state grants and contracts from governmental agencies such as, but not limited to, DPH, DMH, DOC, DYS, MRC, HUD, DHCD and DTA and private donor contributions. These same agencies and programs are required by Massachusetts General Laws to file financial disclosure forms with the Division of Public Charities of the State Attorney General's office.

Not included in this definition are Churches and temples whose **primary** function is to provide worship and spiritual services and are primarily funded through individual memberships.

We have Mr. Sanchez's **motion to indefinitely postpone** this line of personally defining social services

And we have **Mr. Palmer's motion**.

Mr. Palmer withdraws his motion

Mr. Orr would like to withdraw his motion.

He would like to make a new motion regarding the definition that we should be operating off of the State document discussed earlier. Mr. Berman suggested we clear the table first of the other motions before proposing new ones. No one has moved the question. A brief discussion on Robert's Rules of order ensued among the committee members based upon moving the question as requested by Mr. Sanchez.

**Vote on the motion to indefinitely postpone:
Favor 1, opposed 7 abstain 0**

**Vote on the Main Motion by Wes Ritchie:
Favor 2, opposed 5, abstain 1**

Mr. Sanchez: **Motion** I move that we accept the [federal definition of a social service entity](#) and that we accept the [State definition of human and social services](#) as provided in documents that have been submitted to this committee. Furthermore, it is understood that our concern is with the impact of contractors of the State or Federal government who are service providers and in addition are also not for profit.

Mr. Palmer: Second

Mr. Sanchez reiterated his rationale for this motion and focused on the importance of a contractor who relies on State and Federal monies to provide services.

Ms. Harkness asked if the previous examples of Bethany House where a Church building was being used by smoc would fit under this definition. Mr. Sanchez thought it would if they received Federal or state money. What about a social service renting from a commercial building which paid taxes on the property. Would we look at those too? Even though the property taxes are being paid?

Mr. Berman commented that we need to remember that we are looking at two different pieces. One is the PILOT program that looks at the payment in lieu of taxes, the other is the comparative study, and properties that are taxable are relevant for this. Details of this will come out with the Action Plan.

Lee: Is this definition limited to contracts with State or Federal government? What if there was a private contract or private organization which was not using State or Federal funds?

Sanchez: That is why it says Non Profit

Lee: What I like about this type of definition is exactly what we saw happen earlier. We had differing personal opinions about an organization such as the Boy Scouts and we were able to resolve it using the standards of the Federal codes.

Berman: For the record, those codes are included in the definition? Is that in the text? Where are we getting the definitions?

Sanchez: I provided through you the Federal government codes 83.

Berman: So your wording is what you have provided, and that is the link we received with the federal codes?

Sanchez: right

Mr. Palmer brought up the problem of the Salvation Army. In 1865 it was started by an ordained Methodist Minister and it is a religious organization. The basic Social Services remained an outward visible expression of the religious principles and they provide many of what we define as social services. Are they run by private funds? Will they be considered? The community seems to indicate that they want this organization to be considered. How does this motion deal with the SA?

Mr. Sanchez interpreted his motion as saying that: If they have State grants, we will consider them. If they don't have any grants, they are an independent group and it isn't our job to look into it. They will be considered a religious organization and even the Supreme Court would likely determine they cannot be considered.

Berman: There is a major difference between a religious practice and a social service that a religious organization provides.

Mr. Sanchez disagrees

Lee: I see a contradiction. On the one hand I heard Mr. Sanchez saying that if there were a private non profit organization they would be included

Sanchez: Yes

Lee: But now you just said if it is private and doesn't get any public funds it doesn't get included. What confuses me is if you have a private non profit operating with private funds instead of State or Federal funds, doing the same service as a private non profit using government grants, they should both be include in our study. They both have an impact and fall under the federal definition (83) of social service.

Sanchez: I said non profit.. I was speaking before about the issue of the Salvation Army

Lee: But it could be a private, non –profit operating on private funds

Sanchez: But the SA is a religious organization

Berman: I think what Laurie is trying to say is that there are other organizations (not the SA) that do not receive government grant monies that do have a major impact. They might not be religious based and could be a private organization. A foundation like we

discussed before. I personally feel that we should be looking at those. Do you think that your definition would not allow that?

Sanchez: If it falls within the definition of the federal government we should look at it.

Mr. Orr discussed the funding of non profit housing for all which received money to operate in Framingham from a private foundation called the Carlisle foundation.

Mr. Sanchez thought we could decide that particular case by where the organization falls within the federal codes.

Lee: I would like to make a friendly amendment and ask to just use the first half of the prior motion. That we accept the State Department of Housing and Human Services purchasing department's definition of Human and Social Services, deleting by a contractor under the provisions that those type of agencies that provide such services fall under the federal codes 83. So we have a working definition but we can go to the federal government to specifically define an organization. 83 is described as:

SOCIAL SERVICES (SIC MAJOR GROUP 83)

This group includes establishments providing social services and rehabilitation service to those persons with social or personal problems requiring special services and to the physically challenged and the disadvantaged. Also included are organizations soliciting funds to be used directly for these and related services, as well as community development and planning agencies. Government offices involved with the delivery of such services are out of scope of the census.

Ritchie: Does this mean that before we can look at an agency we have to consider its funding source? Such as the Salvation Army? I would still like to keep it up to our group what we consider as a social service agency in our community. Will we just quarrel later over this/

Palmer: the State definition is from the Purchasing Division of the State. Does HSS have a similar definition? Where does 83 come from?

Mr. Sanchez said this was the only State definition he could find. But any contractor that has business with the State has to follow this definition.

Palmer: I interpret it as any contractor that has anything to do with the purchasing division of the State has to abide by this.

Mr. Sanchez said that the reference of 83 came from studies and comparisons of the studies. The standards of such studies use the Federal government Standard Industrial Classification Codes.

Mr. Berman pointed out that the codes get very specific. The top level is the basic 83 definition but there are multiple levels. So residential care is 836:

RESIDENTIAL CARE (SIC 836)

Establishments primarily engaged in the provision of residential social and personal care for children, the elderly, and special

categories of persons with some limits on ability for self-care, but where medical care is not a major element. Included here are group foster homes; halfway group homes; homes for the retarded, the elderly, the deaf, and the blind; juvenile correctional homes; rehabilitation (residential) centers; and children's boarding homes. Boarding schools providing elementary and secondary education are classified in Industry 8211.

It really breaks it down to exactly what falls under these categories, which also fall under major group 83 of social services.

Mr. Palmer: What your motion is doing is taking federal law and (the purchasing division of) State law. Where our problem seems to be at this point is the whole concept of whether it is paid for by State and federal grants or if it can be privately funded. According to the chair contracts are based on organization.

Berman: Contractor: An individual or Organization that enters into a contract with the department of the State.

Palmer: Could we put contractor (individual or organization). That is the understanding of it. Leave the State or department out. Meaning it could be a private contract as well.

Mr. Palmer offered an amendment that we take the State definition but define contractor to be just an individual or organization whose funds come from either government or private funds.

Mr. Sanchez agreed with this as long as we also accept the federal standards. There was group agreement. Ms Lee's amendment will be so modified.

No further discussion.

Vote to be taken. **The motion with the friendly amendment:**

I move that we accept the [federal definition of a social service entity](#) and that we accept the [State definition of human and social services](#) (as in the friendly amendment)where contractor is defined as an individual or organization whose funds come from either government or private funds, as provided in documents that have been submitted to this committee. Furthermore, it is understood that our concern is with the impact of contractors (individual or organizations) who are service providers and in addition are also not for profit.

Mr. Orr pointed out that Mr. Sanchez was previously talking about non-profit and that not for profit is not the same thing?

It was pointed out that in fact we need to use non-profit.

Final Motion:

I move that we accept the [federal definition of a social service entity](#) and that we accept the State Department of Human and Social Service's purchasing department's [State definition of Human and Social Services](#) where contractor is defined as an individual or organization whose funds come from either government or private funds, as provided in documents that have been submitted to this committee. Furthermore, it is understood that

our concern is with the impact of contractors (individual or organizations) who are service providers and non-profit and in addition are also not- for-profit.

Vote:

6 in favor, 2 opposed, and 0 abstain

Mr. Berman: We can now move onto the Pilot Action Plan. Please refer to the outline and develop thoughts in your mind on how we shall move forward. Are these the right questions, ideas...?

Discussion ensued about the outline and all agreed that each person should work this week adding specific questions to each topic that they could come up with and also specifics of how to find the answers. In addition, if there are other topics not mentioned, that anyone thinks should be considered, they should be brought in to the next meeting. It was also noted that this Plan is for the Pilot Program and we will create a similar one for the Impact Study.

Now that we have a definition, the chair will post a message to Frambors and the MWDN about our group and how to access information.

Motion to adjourn:

8 in favor, 0 opposed, 0 abstain

Laurie Lee
TMM pct1
Clerk