

Senior Deputy
Commissioner
of Local Services
Sean R. Cronin



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DOR 360



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Editor: Dan Bertrand

Editorial Board: Sean Cronin, Robert Bliss, Tara Lynch, Tony Rassias, Tom Dawley, Linda Bradley and Patricia Hunt

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\$30M in Pothole Repair Reimbursement Allocated for Cities and Towns

Lieutenant Governor Karyn Polito



The Baker-Polito Administration has launched the Winter Recovery Assistance Program (WRAP), a \$30 million targeted effort to assist cities and towns with repairs to roads and bridges under municipal jurisdiction.

"Since day one, we promised to partner with our cities and towns to provide them with the support needed to keep local infrastructure in reliable shape," said Governor Charlie Baker. "After an unprecedented winter of heavy snowfall and subzero temperatures, this additional support will allow municipalities to patch up potholes and address local repairs as needed."

"This winter's record-setting snowfall has left our cities and towns with a major maintenance deficit that needs to be addressed immediately," said Lieutenant Governor Karyn Polito. "This program gives our cities and towns additional resources to accelerate those repairs and make our roadways safer for everyone."

The \$30 million has been allocated from the existing FY2015 bond authorization for the Massachusetts Department of Transportation (MassDOT). While the WRAP is a distinct effort separate from the Chapter 90 program, to ensure equity, the funds will be distributed to cities and towns based on the Chapter 90 formula.

The Chapter 90 formula determines the apportionment of funding for municipal roads and bridges based on a weighted average of a city or town's population, employment, and total mileage of roads. To view how the \$30 million is apportioned to each city or town using the formula, click [here](#).

Under the WRAP, cities and towns can seek reimbursement from MassDOT on expenditures related to patching potholes, pavement cracking, surface defects, paving projects, repair or replacement of damaged signs, guardrail, storm drains and line striping.

In order to accelerate local repairs, the WRAP requires all work on municipal infrastructure to be completed by June 30th, 2015, and for all work invoices to be provided to MassDOT by July 31st, 2015. MassDOT will reimburse cities and towns as invoices are received.

Deadline for Enrollment in FY16 TAP is March 31st

Bob Bliss - DLS Regional Manager and Director of Strategic Planning

Time is running out for cities and towns to enroll in the Division of Local Services' Taxpayer Assistance Program (TAP), the initiative designed to help municipalities set their tax property rates earlier. Enrollment ends March 31.

Who might this program benefit?

- Local officials who do not enjoy scrambling to print and mail tax bills in the week between Christmas and New Year's.
- Finance officials who would like to spend December getting their ducks in a row for upcoming budget preparations rather than sweating out a December 31st photo finish to get the tax rate set.
- City and town managers and CFO's who would like to see their finance and assessing teams pulling in the same direction at the same time.

TAP provides a framework for those communities who see the advantages of setting their tax rate earlier.

Each TAP community meets with field representatives from the DLS Bureau of Accounts and Bureau of Local Assessment to create a work plan which lays out a schedule for the setting of a tax rates in November - or earlier - rather than in the December rush. Those meetings will take place this spring.

The work plan lays out a community's proposed schedule to reach that goal. The goal is set by the community, not by DLS. A sample work plan looks like [this](#).

Does TAP work? In the FY15 tax rate setting season, 13 communities enlisted. Nine of them met their goal of setting a tax rate in November rather than in December 2014; 11 of them set their tax rates earlier than in previous years, and only two of them fell short of equaling past performance by four and six days respectively.

Those results indicate that enrollment in TAP brings with it the promise, if not the guarantee, of getting your tax rate approved earlier.

TAP proved valuable in FY15 for certification as well as non-certification year communities. All four certification year communities set their rate earlier than they had done in their previous certification year.

If TAP sounds like something that would work in your community, please contact DLS Regional Manager and Director of Strategic Planning Bob Bliss at 508-792-7300 ext. 22312 or email blissr@dor.state.ma.us.

City & Town provided a full report on FY15 TAP, including a link to survey results, in [the February 5th edition](#).

Release of Lien and Potential Rollback Tax

James Crowley, Esq. - Bureau of Municipal Finance Law

The Appellate Tax Board (ATB) earlier this year issued a decision with findings on the issue of Chapter 61A rollback taxes. This case is [Zaniboni v. Assessors of Pembroke](#), docket No. F314713 (January 24, 2014).

Robert Zaniboni owned 88 acres of land in Pembroke which were used for cranberry production. The land was classified and assessed as agricultural/horticultural land under Chapter 61A for fiscal years 2007 to 2011 inclusive. There was a Chapter 61A lien on the land. In 2011 Zaniboni agreed to sell agricultural and development rights on 59 acres to the federal government. In return, Zaniboni would receive a substantial sum of money.

When the federal government discovered the Chapter 61A lien in the course of the title examination, the government required Zaniboni to obtain a release of the Chapter 61A lien. When consulted, the Pembroke assessors refused to release the lien unless rollback taxes were paid. Zaniboni paid \$89,000 in rollback taxes and, rather than releasing just the 59 acres that were the subject of the agreement with the federal government, the lien on the entire 88 acres was released. Upon release of the lien, Zaniboni granted a warranty easement deed on the 59 acres to the federal government. The easement deed placed a restriction on Zaniboni's use of the 59 acres. He only retained the undeveloped recreational use of the land and could not use the land for "developed recreation" including camping facilities, recreational vehicle trails and a firearms range.

Once the deed was recorded, Zaniboni then contested the rollback tax. At the Appellate Tax Board (ATB), Zaniboni argued the rollback tax should not have been imposed since Chapter 61A provides that rollback taxes cannot be assessed on land that meets the definition of Chapter 61B recreational land. He contended that the easement deed on the 59 acres required the parcel be kept in a natural, wild or open condition which fits the description of Chapter 61B recreational land. As a result, he claimed the land was not subject to rollback tax under Chapter 61A Section 13. For their part, the assessors argued the Chapter 61A rollback tax was owed since the easement deed constituted a change in use and the activities permitted under the easement deed did not conform to the definition of recreational land under Chapter 61B.

The ATB agreed that the easement deed protected the parcel's natural

resources, and, since the environmental benefits fit squarely within the definition of recreational land, the conveyance did not trigger penalty taxes. According to the ATB, rollback taxes were not due and the assessors could not require payment of rollback taxes as a condition of releasing the lien. The ATB then granted an abatement refund of the entire \$89,000 rollback tax.

This is an unusual decision because of the release of a Chapter 61A lien on an entire 88 acre parcel despite only 59 acres being subject to the easement. The lien on the entire parcel was released seemingly at the insistence of the federal government. Yet, even if the lien were never released, the government would not be subject to Chapter 61A penalty taxes imposed by the town. The federal government could only be taxed if authorized by Congress.

The assessors' concern was that the release of the lien would prevent the town from imposing and collecting penalty taxes if Zaniboni develops the remaining 29 acres. In our view, the 29 acres are still subject to rollback taxes for five years based on the fiscal year the change in use occurs. Even though there is no lien and a tax taking could not be made for unpaid penalty taxes, the collector could assert the claim against the owner who develops the property during the five year period. It is similar to a situation where the collector issues an erroneous municipal lien certificate and neglects to include the unpaid fourth quarter taxes on the lien certificate. If the erroneous municipal lien certificate were to be duly recorded, the town would lose its lien but the assessed owner would remain personally liable for the taxes. In the event of nonpayment of the fourth quarter bill, the collector could bring a lawsuit to enforce collection against the assessed owner. Similarly, in the Zaniboni case the collector could through a lawsuit seek to collect rollback taxes from the person or entity that changed the use of the land and is liable for the penalty tax. Other collection remedies are also available to the collector, such as a denial of a license or permit, if there is nonpayment of the rollback tax.

From the situation presented in [Zaniboni](#) we can conclude that the release of a Chapter 61A lien does not immunize the owner from liability for rollback taxes. However, if assessors face a similar situation in the future where an easement to be granted by the owner to the federal government covers only a portion of the land subject to Chapter 61A lien, assessors should consult with their local counsel to ensure that they release the Chapter 61A lien only on the portion of the land on which the easement will be conveyed to the federal government.

Gateway Modernization Project Undergoes First Rollout

DLS Information Technology

As you probably know, the Division of Local Services' Gateway application is undergoing its first major revision since its inception in 2009. The Gateway Modernization Project is a multi-year enhancement initiative that will add important new functionality for municipal officials and DLS staff. It will also bring Gateway's infrastructure up to modern IT standards for greater stability and better performance.

With the first rollout of new "Gateway 2.0" code this week, local account administrators will notice some differences in the Security module. We've released a new Local Administrator Guide' to help local Gateway administrators navigate the Security module. A copy of the guide is on the Gateway Help System page on our website. To view it, click [here](#).

Existing functions haven't changed significantly, but the look and feel of the module is slightly different. In general, local administrators are gaining a lot of control over user rights. Instead of assigning a local official rights to an entire module, you'll be able to grant access to only those forms or parts of the business process a user really needs. The module is still under construction - form level, or "3rd level" rights aren't functioning yet - but you'll no doubt notice the expanded list of options. In the next release you'll have full control over the tasks users have permission to do in Gateway.

It's also important to note that because Gateway's infrastructure (the part you don't see) is being improved and modernized, older Web browsers may not display Gateway properly. Using a current version of Internet Explorer, Chrome or Firefox is also important for maintaining a secure computing environment, so update your Web browser if you have trouble viewing Gateway pages and you're not using a current version.

DLS Information Technology support staff is available to answer questions and to assist you with Gateway system problems. Please call us at (617) 626-2350 to speak to a DLS IT Support representative or email us at DLSITGroup@dor.state.ma.us.

Property Type Classification Codes and Certification Standards Updated

Bureau of Local Assessment

The Division of Local Services has updated the [Property Type Classification Codes, Non-Arm's Length Codes and Sales Report](#)

[Spreadsheet Specifications](#) booklet which advises Boards of Assessors about classification codes and uploads for LA3 Sales Report submissions. The revisions include detailed instructions on the Interim Year Adjustment and Sales Report Data Layout and upload process including a link to our [workshop](#) materials.

In addition, [Certification Standards,\(Guidelines for Development of a Minimum Reassessment Program\)](#) has been revised. This booklet advises assessors on their minimum reassessment program including triennial certification standards. Please note, changes have been made in the public disclosure requirements, discussing municipal website and email options. Communities in their triennial certification year should review the booklet for updates. If you have any questions, please contact your field advisor or email us at bladata@dor.state.ma.us.

Register Today for Assessment Administration: Law, Procedures and Valuation (also known as Course 101)

The Division of Local Services will offer the basic assessor training course "Assessment Administration: Law, Procedures and Valuation" (also known as Course 101) in Dudley this spring. The course will be held during normal business hours on three consecutive Thursdays starting April 2nd and ending on April 16th. The classes will run from 9am to 4:30pm.

Advanced registration is required and space is limited. Registrations must be received by Friday, March 29th, 2015. Click [here](#) for the registration form. If you have any questions, contact DLS Training Coordinator Donna Quinn at 617-626-3838 or by email at dlsregistration@dor.state.ma.us.

MASSbuys EXPO Returns to the DCU April 30th

Operational Services Division (OSD)

Designed for purchasing and procurement professionals, this EXPO brings together vendors on a statewide or departmental contract and procurement and purchasing professionals across the Commonwealth. [Register to Attend](#)

At MASSbuys you can:

- Meet more than 375 vendors on the exhibit floor
- Learn about new and innovative products to support your organization
- Attend Professional Development workshops designed to enhance your career
- Experience the COMMBUYS Pavilion
- Network with government and not-for-profit colleagues from across the Commonwealth
- Gain knowledge at our Government Resource Center
- Plan on free shuttle service from Boston or free parking in Worcester
- Enjoy a free continental breakfast and buffet lunch with your peers.

Hosted by the Commonwealth's Operational Services Division (OSD), MASSbuys is free for government and not-for-profit organizations. To learn more, visit our website at www.mass.gov/osd/massbuys. If you need assistance, please contact the MASSbuys Administrator via email at massbuysadmin@state.ma.us. MASSbuys is one hundred percent exhibitor funded.

March Municipal Calendar

March 1

DOR/MDM-TAB

Notification of Cherry Sheet Estimates for the Following Year (pending action taken by the Legislature)

The Cherry Sheet is an estimate of: 1) Receipts: local reimbursement and assistance programs as authorized by law and appropriated by the General Court; and 2) Assessments: state and county assessments and charges to local governments. All amounts listed on the Cherry

		<p>Sheet are estimates. Actual receipts and charges are determined based on detailed formulas or guidelines for each program. Cherry Sheets are posted on the DLS website and updated at each juncture of the state budget process.</p>
March 1	Personal Property Owner	<p>Submit Form of List</p> <p>This is a listing of all personal property filed by the owner with the Assessors each year for the purpose of determining taxes in the next fiscal year. The return is due on or before March 1, but the deadline may be extended by the Assessors to a date no later than the date abatement applications are due.</p>
March 1	Charitable Organization	<p>Submit 3ABC Forms</p> <p>This is a return of property held for charitable purposes filed by a charitable organization with the Assessors each year in order to be eligible for exemption from taxation for the next fiscal year. The return is due on or before March 1, but the deadline may be extended by the Assessors to a date no later than the date abatement applications are due.</p>
March 1	DOR/BLA	<p>Filing Deadline for Telecommunications Forms of List</p>
Final Day of Each Month	State Treasurer	<p>Notification of monthly local aid distribution.</p> <p>Click www.mass.gov/treasury/cash-management to view distribution breakdown.</p>

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