



North Attleborough, MA  
Board of Public Works

## **Betterment's for Road & Utility Improvements**

### **A. Summary of Betterment Bylaws as adopted by the Town in compliance with MGL Chapter 80 and Chapter 332.**

1. **Sewer System**– Town can assess abutting property owners up to 66% of the total cost of construction of the improvements.
2. **Sewer System**- Allows for Town Meeting to vote to assess abutting property owners up to 100% of the total cost of construction of the improvements in accordance with the written policies of the Board of Public Works.
3. **Water System**- Town can assess abutting property owners up to 100% of the total cost of the construction of the improvements.
4. **Drain System**- Town can assess abutting property owners 100% or a portion of the total cost of the construction of the improvements.
5. **Roads** – Town can assess abutting property owners up to 50% of the total cost of the construction of the improvements.
6. **Curbstone & Sidewalks** – The total cost of construction of the improvements shall be exempt from assessment to the abutting property owners, unless an assessment is specified in an article for the improvements approved by Town Meeting vote. If this is the case, The Town can assess abutting property owners up to 50% of the cost of construction of the improvements.

### **B. Steps for Betterment Assessment**

1. Residents Petition the Board of Public Works to consider a betterment project for an area of Town. Petition should be signed by as many residents as possible in the project area.
2. DPW develops planning level or conceptual design and costs for project
3. An Informational Meeting is held for property owners to discuss the project.
4. The Board of Public Works will then take a formal survey to determine support for the project.
5. A Public Hearing will then be held to notify property owners of the results of the survey and hear comments from the public. (Not Required by State Law)

6. If more than half of the impacted properties are in favor of a Betterment project, the Board may vote to bring the project before RTM.
7. Obtain funding for the design of the project through Town Meeting action
8. Complete Final Design and Cost Estimating.
9. Hold Public Hearing for Impacted Residents/Businesses
10. Obtain funding for the construction of the project through Town Meeting action
11. Award Construction Contract and vote to order betterment assessments
12. Board of Public Works to prepare order, betterment plan and estimate for assessment (the estimate can be higher or lower than actual final cost of project) which shall be recorded within 90 calendar days of the contract award (Order).
13. Upon recording of the estimate a lien will be placed on the properties by Town Council
14. Within 45 calendar days of the Order the BPW will hold an Informational Hearing (Not required by law) to allow abutters to become familiar with the project and anticipated costs. Abutters are notified by certified mail of the informational hearing including an estimate of the betterment assessment.
15. Complete construction of project.
16. Board of Public Works has 6 months from completion of construction of the project to determine and assess the betterment.
17. Within a “reasonable” time, the Board of Public Works certifies list of assessments to the Assessors.
18. “Forthwith” Assessors commit bills to Tax Collector
19. By thirtieth day after commitment, bills are due and payable in full unless apportionment is requested.
20. Property owner has 6 months from date on which the bill was sent to file an application for abatement with the Board of Public Works.
21. Board of Public Works has 4 months from date of filing to act on application. There is a 30-day appeal period from deemed denial. There is no requirement to send a denial notice.
22. Board of Public Works shall send written notice of action within 10 days after making decision.

23. The property owner, if denied in whole or in part an abatement, may within 30 days after receiving notice of decision, file an appeal with the Superior Court or file an appeal with the County Commissioners.( One of the Two)
24. If the Board takes no action within the 4-month period the applicant has 60 days to appeal.
25. If appeal is filed with County Commissioner, the owner shall send written notice of same within 10 days after filing to the Board of Public Works or to the Clerk of the municipality.
26. Betterment's which were originally committed to the Tax Collector by the Board of Assessors prior to January 2<sup>nd</sup>,which have not been apportioned and which remain unpaid at the time the Assessors complete the valuation list, are certified by the Tax Collector to the Assessors who add the amount certified to the real estate tax. The certification, which is made on State Form 59A, includes separately stated interest computed from the 30<sup>th</sup> day after the original commitment to October 1<sup>st</sup>.
27. (Prior to completion of valuation book, the Assessors could without a request, apportion a betterment assessment. If the Assessors do not want the entire betterment to be added to the tax bill in one installment, they may request that the Collector advise them as to the betterment's which were committed prior to January 2<sup>nd</sup> and which remain unpaid so that the Assessors could, without a request, apportion such betterment.)
28. If apportioned, first apportionment is committed with interest from the 30<sup>th</sup> day to October 1<sup>st</sup>.
29. Subsequent apportionment is committed on an annual tax bill along with interest on unpaid balance computed from October 1<sup>st</sup> to October 1<sup>st</sup>.
30. If assessment on vacant land is suspended, interest must be paid annually and assessment must be paid in full within 3 months after expiration of extended time or if built upon.

### **C. Miscellaneous Related Items**

1. Mandatory Sewer Connection- Board of Health Rules & Regulation, Section XI. Requires residents to connect to public sewer system if available to property.