

MANS&C Quarterly

Massachusetts Association of Nonprofit Schools and Colleges

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www.mansac.org

Fall '03

Senator Rosenberg to speak in October

State Senate President Pro Tempore Stanley C. Rosenberg will share his insights about pending legislation with MANS&C members on Oct. 17 at Deerfield Academy. The informal meeting is one of a series held so members and Massachusetts legislative leaders can become better acquainted.

A Democrat from Amherst, Sen. Rosenberg became the first president pro tempore of the Massachusetts Senate earlier this year when the position was created by the new Senate president.

Sen. Rosenberg also serves on the legislature's Foster Kid Caucus and plays a key role with legislation affecting education, the environment and health care. He recently was named an Outstanding Legislator by the

Massachusetts Collectors and Treasurers Association (MCTA) for his efforts during the fiscal '04 budget preparation and his work on the Municipal Relief Bill.

Before becoming president pro tempore, Sen. Rosenberg held a number of leadership positions in the Senate. He spent four years as assistant majority leader and was the first senator from Western Massachusetts to be named chairman of the Senate Ways and Means Committee. Sen. Rosenberg also served as chairman of the Banks and Banking Committee and the state's Redistricting Committee, which redrew the state and federal voting districts in Massachusetts in line with the 2000 census.

The veteran lawmaker was first elected to the state House of Representatives in 1986. He served there until 1991, when he won a special election for the state Senate seat vacated by John Olver.

Before his election to the state legislature, Sen. Rosenberg was a district director for U.S. Congressman Chester Atkins from 1985–86. He was a staff member for the Massachusetts Democratic Party from 1983–85 and an aide to the man he eventually succeeded in the Senate—Olver—from 1980–83.

Sen. Rosenberg graduated from the University of Massachusetts in 1977. After graduation, he worked at the university for eight years as director of the Arts Extension Service and later as director of the Community Development and Human Service programs in the Division of Continuing Education.

To learn more about Sen. Rosenberg, go to his Web site at www.stanrosenberg.com. For more information about attending the meeting, please call Debbie Martin at 978-749-4107.

Massachusetts Association of Nonprofit Schools and Colleges

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Membership Drive

MANS&C's annual membership drive is under way. Members are being asked to renew their commitment to our organization, and potential members are being contacted about the benefits of MANS&C membership.

No other organization provides such a cost-effective yet successful way to influence the decision-makers at the State House. There truly is strength in numbers, as demonstrated by MANS&C's history of success in helping to defeat bills that would have been detrimental to our members' interests.

Institutions that belong to MANS&C receive important information about troublesome legislation through our legislative alerts, newsletters and Web site articles.

In addition, MANS&C members benefit from:

- ◆ Extensive information on legislative and tax-status issues that your financial and business officers will find especially interesting
- ◆ Personal contact with key legislative leaders at meetings and luncheons throughout the year
- ◆ A low dues structure, thanks to our all-volunteer board

We ask you to renew your membership promptly and also to talk with your non-member colleagues about the benefits of MANS&C membership. If you have any questions, please call Debbie Martin at 978-749-4107.

SAVE THE DATE!



Government Relations Luncheon

Friday, December 12, 2003

Suffolk University Law School

MANS&C is pleased to announce that Senate Majority Leader Frederick E. Berry will be the speaker at the annual Government Relations Luncheon at Suffolk University Law School at noon on Friday, December 12, 2003. Please save the date and watch for an invitation!

LEGISLATIVE REPORT

MANS&C is keeping a close watch on several troublesome pieces of legislation as the state legislature swings back into action after its summer recess. The following bills would threaten the special status provided to nonprofit schools and colleges in Massachusetts and would significantly add to the financial burden that our members already carry in this challenging economy. Our legislative consultant, John Spillane, and the MANS&C board will continue to apprise you of new developments in these and other important bills in the coming weeks.

SENATE BILL 84: An Act Relative to Adult Fitness Facility Services

Originally this bill was proposed by for-profit fitness clubs that believed YMCAs, colleges and hospitals were unfairly competing with them for members. The fitness club industry temporarily abandoned its true target, the YMCAs, because they realized such legislation could never pass. Instead their focus is squarely against colleges and hospitals in the hope for some legislative success. If enacted, Senate Bill 84 would subject colleges and hospitals to a cumbersome and time consuming regulatory process that would be a constant irritant. A mandatory 14-step arbitration process would be established for each complaint, resulting in increased staff legal work that would have to be dedicated by MANS&C members.

Status

The bill received a public hearing on June 2 before the Commerce and Labor Committee. MANS&C's legislative consultant, John Spillane, reiterated our position in an Aug. 22 meeting with the committee chairmen and other interested parties. MANS&C is currently contacting committee members to explain our opposition to this bill.

On Sept. 9, the Public Policy Management Committee of the Massachusetts YMCAs rejected a proposal that would redraft Senate Bill 84 specifically to exempt YMCAs. In a letter to Spillane, Evelyn Tobin, public policy director for the Massachusetts YMCAs, called Senate Bill 84 "poor public policy which would have an adverse effect on nonprofits in general." MANS&C and the YMCA board are working with representatives from Boston University, the

Massachusetts Catholic Conference, the Massachusetts Hospital Association, the Jewish Community Relations Council and Mount Wachusett Community College to oppose Senate Bill 84.

Why MANS&C opposes this bill

- ◆ The primary use of college fitness facilities is to benefit students, not to raise revenue.
- ◆ Fitness facilities can provide a source of revenue for colleges, particularly for state colleges facing massive budget cuts.
- ◆ All the evidence indicates that colleges have filed the necessary forms and are paying appropriate taxes for the fitness facilities they operate.
- ◆ Defending themselves against claims that inevitably would arise would be costly for colleges.
- ◆ Setting up an arbitration process would be a waste of taxpayer money at a time when the state has limited financial resources and far more pressing needs.

SENATE BILL 2063: An Act Relative to the Real Estate Tax Exemption

Seeking a major change in tax exemption for private institutions, Senate Bill 2063 would require private colleges and universities to pay property taxes on all real estate not used strictly for academic purposes. This would include dormitories, student or administrative housing, libraries, gymnasiums, athletic fields, student unions, theaters and cafeterias. Under this bill, municipalities could either require the property tax payments or enter into agreements with colleges on payments in lieu of taxes. Every five years, municipalities could switch between payment-in-lieu-of-taxes (PILOT) agreements and property taxation.

Status

The bill is currently with the Committee on Joint Rules. No public hearings have been scheduled.

MANS&C President Deborah Martin and Legislative Consultant John Spillane have spoken with the bill's sponsor, State Sen. Guy Glodis, to register MANS&C's objections to Senate Bill 2063.

Why MANS&C opposes this bill

- ◆ If passed, this bill would represent a significant financial burden to colleges and universities that are already financially strapped.
- ◆ Many colleges and universities already make voluntary payments to their communities for police and fire protection, trash disposal, and water, sewer and other fees.
- ◆ Colleges provide numerous services to their communities free of charge, including use of their athletic fields and facilities.
- ◆ Local residents are welcome to attend concerts, lectures and other events, and students spend countless hours in community service, enriching the social and cultural lives of the community.
- ◆ Colleges contribute to their communities' economic health by employing local residents, while the purchasing power of students and parents has a direct impact on local merchants.

SENATE BILL 1250: An Act to Promote Livable Communities and Zoning Reform A c t

The Dover Amendment, which grants zoning protections to religious groups and nonprofit educational institutions, is under attack in this bill. Under the Dover Amendment, municipalities may not regulate or restrict the use of land or structures used by religious groups or nonprofit educational institutions. All construction must, however, comply with local and state building codes and "reasonable regulations concerning the bulk and height of structures...yard sizes, lot area, setbacks, open space, parking and building coverage requirements" (see M.G.L. c.41A, 3.).

As proposed, Senate Bill 1250 would require religious groups and educational institutions to go through a site plan review in order to obtain a special permit for construction projects unless they obtain a waiver. Currently, churches and schools are not required to obtain site plan special permits from local review boards for approval of their construction plans.

Status

The bill was referred to the Committee on Natural Resources and Agriculture. John Spillane, MANS&C's legislative consultant, presented our members' objections to the bill at a public hearing on July 24, 2003. The committee plans to involve a study group in regard to this legislation. MANS&C hopes to play a part in this study.

Why MANS&C opposes this bill

- ◆ If passed, the law will be applied differently—and possibly inconsistently—in each municipality in the state.
- ◆ Lawsuits are likely to arise, which would be a financial drain on both educational institutions and municipalities alike.
- ◆ For the sake of good community relations, many schools and colleges currently agree to local requests for review.

From the President



The start of a new school year always brings with it the promise and excitement of new beginnings. Despite the hard work spent in preparation and the inevitable glitches that arise, all of us are energized by the onset of crisp fall weather and the arrival of our students.

Of course, the state's private schools, colleges and universities are not the only beneficiaries of the annual influx of students. It is important to be aware of these benefits these days as revenue-strapped communities turn to nonprofits as potential revenue sources.

From a financial perspective, local bookstores, athletic supply and clothing stores, travel agents, pizza parlors and other local businesses gain financially when students and their parents spend their money downtown. In addition, our schools and colleges themselves contribute significant amounts to the local economy through our institutional purchasing power and that of our faculty and staff. We also employ many local residents.

In MANS&C's recent Economic Impact Survey, our member institutions reported capital expenditures of \$1.7 billion in the last five years. Annual payrolls stood at \$1.5 billion, and the annual combined operating budgets of our members topped \$3 billion. We had more than 22,000 full-

time and 10,000 part-time employees, and enrolled more than 100,000 students. Many of those students come from our communities, which are spared the expense of educating them in local schools.

Educational institutions also pay taxes where appropriate and often contribute voluntary payments for fire and police protection, as well as water, sewer and trash disposal fees.

Many local government officials recognize the desirability of having educational institutions in their communities. In Lawrence, three colleges are about to open programs this fall, to the delight of city officials. "Universities are a positive influence in this city. Lawrence, the college town—that would be great to say in five years," Thomas Galligani, director of Lawrence's Office of Planning and Development, said in a recent article in *The Boston Globe* NorthWest section.

Today, it is becoming increasingly important to build strong relationships with our communities. I will moderate a workshop that will focus on this topic at the fall business conference of the Association of Independent Schools of New England. The workshop, called "Building Relationships with Town and Community," will be held Nov. 20 at the Crowne Plaza Hotel in Natick.

When schools and colleges are accused of not paying their fair share, it is important that we not lose sight of the countless ways our communities benefit from our presence.

For more information about attending the AISNE fall business conference, go to www.aisne.org.

—Deborah Martin