

**DEDHAM
FINANCE AND WARRANT COMMITTEE**



**REPORT & RECOMMENDATIONS FOR THE
FALL ANNUAL TOWN MEETING
MONDAY, NOVEMBER 25, 2019 AT 7:00 P.M.**

DEDHAM HIGH SCHOOL AUDITORIUM

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Moderator's Letter to Town Meeting Representatives and the Residents of Dedham

TOWN OF DEDHAM

Dear Town Meeting Representative and Residents of Dedham:

The Warrant for this Annual Fall Town Meeting has only 16 articles but there is a lot to think about in those articles.

The most talked about articles fall into two categories: those involving Town finances and those involving what might be called community quality of life issues.

On the financial side you will be asked to consider funding recommendations for the old Village Cemetery and the new Town Hall/Senior Center. The development of the Striar/Manor Fields property is on our agenda as is education funding. Should Dedham grant residential property tax exemptions? Should we invest in a cellular tower?

Making decisions about Town finances is one of Town Meeting's most critical responsibilities. But there is more to living in Dedham than simply the financial side. The issue of zoning for firearms establishments has dominated the public discussion forums for several months. As Town Meeting Representatives, you will make the final decision on November 25th.

Dedham Town Meeting voted last year to declare a moratorium on mixed use buildings, buildings that offer commercial uses on the ground floor and residential units above. You are being asked to extend that moratorium until next Spring.

Less dramatic, but still important are proposals to study how the Town regulates commercial signage. We have a sign by-law in place and the Town's planning, building and development professionals believe we should look at updating it. And, Dedham is being asked to join many other communities in implementing an important environmental idea- controlling the use of one-time plastic bags.

Please take the time to study this Warrant Book and be prepared to ask your questions and cast your vote. Please feel free to contact me with any questions – djdriscoll29@gmail.com.

Thank you,
Dan Driscoll
Moderator

Finance Committee Chair's Letter to Town Meeting Representatives and the Residents of Dedham

Finance and Warrant Committee

To the Town Meeting Representatives and Residents of Dedham

The Fall Town Meeting this year will consider what action should be taken on sixteen Warrant Articles. Fourteen of those Articles fall within the jurisdiction of the Finance and Warrant Committee (FWC) (Articles 12 and 13 are within the jurisdiction of the Planning Board.). Presented here for your consideration are the recommendations of the FWC on those fourteen Articles.

The Committee conducted public hearings at which we heard from both proponents and any opponents of each Article. In many instances we sought further information from Town officials, particularly the Town Manager, Assistant Town Manager and Finance Director. In each case we received full cooperation.

The recommendation of the FWC on each Article is contained at the end of said Article. There are three recommendations however, that I would highlight.

The first is the appearance of an expenditure of \$500,000 for "materials removal" in the detail for Article 1. This represents the expense of removal of stored dirt and related substances from the former Striar property. Although we are recommending that this expense be paid out of Free Cash so that it does not directly affect the tax rate, we fully expect that a roughly comparable cost will become a regular part of each year's budget as the Town adjusts to new methods of moving and storing such substances.

The second is the payment of \$765,000 to the Dedham Retirement Board as the second installment of our FY 2020 assessment (Article 4). By itself it is not particularly noteworthy. It does however foreshadow a significant increase in the financial burden to be borne by the Town in upcoming years for its retirement obligations as the Retirement Board is increasing its estimate of the Town's unfunded liability from the previous figure of \$4.5 M to a new estimate of approximately \$32 M. This revision will have a dramatic impact on the Town's annual budget and will likely drive an increase of more than \$1 M per year for the next decade.

The third is, not surprisingly, the Manor Fields Project detailed in Article 6. The FWC voted 5 to 4 to recommend that Town Meeting approve this \$14.5M project.

If you have any question concerning any of our recommendations, please feel free to contact me at: kpreston@nage.org

Sincerely,
Kevin Preston
Chairman, Finance and Warrant Committee

Fall Annual Town Meeting Articles and Recommendations

All recommendations of the Finance and Warrant Committee are by unanimous vote except where noted.

1. LINE ITEM TRANSFERS FOR CURRENT FISCAL YEAR

ARTICLE ONE: *By the Finance Committee:* To see what sum of money the Town will vote to raise and appropriate, or transfer from available funds to meet additional expenses of the current fiscal year not adequately funded under Article Three of the 2019 Spring Annual Town Meeting, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That the following sums of money, totaling \$1,494,154.00 be transferred from current appropriations as scheduled on the following chart to meet additional expenses for the current fiscal year:

Line Item Transfers

From Dept/ Source			To Department			
	Line item	Amount	Line Item	Amount		
1	Finance	Wages clerical	\$ 14,000	Finance	Accounting services	\$ 14,000
2	Police	Wages	\$ 16,950	Police	Safety supplies	\$ 16,950
3	Fire	Wages & Stipends	\$ 185,000	Fire	Overtime	195,000
	Fire	Vehicle maintenance	\$ 10,000			
4	Library	Wages director	\$ 11,000	Library	Overtime	\$ 11,000
5	GF Reserve	Free Cash	\$ 500,000	Public Works	Materials removal	\$ 500,000
6	Legal	Judgements	\$ 5,000	Town Manager	Insurance	\$ 10,000
	Police	Wages civilian	\$ 5,000			
7	Police	Wages civilian	\$ 3,000	Health	Wages non-clerical	\$ 3,000
8	Police	Wages civilian	\$ 4,500	Health	Car allowance	\$ 4,500
9	Police	Wages civilian	\$ 7,500	H/R	Intern	\$ 7,500
10	Town Facilities	Wages	\$ 66,704	School Facilities	Wages maintenance	\$ 66,704
11	Tax Levy	Raise & Appropriate	\$ 15,500	Town Manager	General Liability	\$ 10,000
					Travel & Dues	\$ 5,500
12	GF Reserve	Free Cash	\$ 650,000	School Admin	Salary contingency	\$ 650,000
			<u>\$ 1,494,154</u>			<u>\$ 1,494,154</u>

Notes for Line Item Transfers

1. Reclassify salary due to short-term vacancy to purchased services for adequate coverage in
2. Reclassify patrol officer wages to cover officer/safety equipment.
3. Reclassify wages and vehicle maintenance in Fire to cover additional overtime due to vacancies and training.
4. Reclassify surplus wages at Director in Library to cover additional overtime.
5. Appropriate available reserves to cover additional materials removal costs.
6. Reclassify amounts from legal judgements and civilian wages in Police to cover additional insurance deductibles.
7. Reclassify civilian wages in Police to cover new car allowance for Town nurse.
8. Reclassify civilian wages in Police to cover mid-term coverage stipend during vacancy.
9. Reclassify civilian wages in Police to cover internship wages in Human Resources.
10. Reclassify maintenance wages between Town and School Facilities.
11. Raise & appropriate taxes to cover additional general liability insurance deductible, dues & travel.
12. Appropriate available reserves to cover reinstatement of teachers salary contingency for Schools.

Article 1 transfers money from one municipal account to another for the payment of additional expenses in the current fiscal year ending June 30, 2020.

2. APPROPRIATION FOR PRIOR YEARS BILLS

ARTICLE TWO: *By the Director of Finance.* To see what sum of money the Town will vote to raise and appropriate or transfer from available funds for payment of outstanding bills of prior fiscal years or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That it be indefinitely postponed.

Article 2 would, if needed, fund payment of outstanding bills of prior years.

3. ADDITIONAL APPROPRIATION FOR AMES BUILDING

ARTICLE THREE: *By the Town Manager.* To see what sum of money the Town will vote to raise and appropriate, transfer from available funds or borrow to be added to the amounts appropriated under Article 19 of the April 12, 2014 Annual Town Meeting for the purpose of improvement, renovation, demolition, construction/reconstruction, and equipping of the Ames Building, 450 Washington Street, and for all incidental and

related costs, and to authorize the Board of Selectmen to apply for, accept, and expend any grants or loans in connection herewith, to enter into all agreements, execute any and all documents, and take all action necessary to carry out this project, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That the sum of \$890,000.00 be appropriated and added to the amounts appropriated under Article 19 of the May 14, 2014 Annual Town Meeting for the purpose of improvement, renovation, demolition, construction/reconstruction, and equipping of the Ames Building, 450 Washington Street, and for all incidental and related costs; and to meet this appropriation, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum pursuant to G.L. c.44 §§7 or 8 or any other enabling authority and issue bonds and notes of the Town therefor; and further, that any premium received upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; and further to authorize the Board of Selectmen to apply for, accept, and expend any grants or loans in connection herewith, to enter into all agreements, execute any and all documents, and take all action necessary to carry out this project.

Article 3 appropriates additional funds to complete the renovation project, including costs associated with services provided by the Owner's Project Manager and Architect.

4. APPROPRIATION FOR FY'20 ASSESSMENT FROM RETIREMENT BOARD

ARTICLE FOUR: *By the Town Manager.* To see what sum of money the Town will vote to raise and appropriate, transfer from available funds or borrow for the purpose of meeting the Fiscal Year 2020 Assessment from the Dedham Retirement Board or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That the Town vote to raise and appropriate the sum of \$765,000.00 for the purposes of paying the balance of the Fiscal Year 2020 Assessment from the Dedham Retirement Board.

Article 4 appropriates \$765,000.00 to pay the Town's remaining FY'20 assessment from the Dedham Retirement Board.

5. APPROPRIATION FOR RESTORATION OF VILLAGE AVENUE CEMETERY

ARTICLE FIVE: *By the Town Manager.* To see what sum of money the Town will vote to raise and appropriate, transfer from available funds or borrow for purposes of restoration of the historic Village Avenue Cemetery, including all incidental or related expenses, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That the sum of \$100,000.00 be appropriated from the Sale of Lots and Graves Account for the purpose of restoration of the historic Village Avenue Cemetery, including all incidental and related expenses.

Article 5 appropriates \$100,000.00 toward the ongoing restoration of the historic Village Avenue Cemetery.

6. AUTHORIZATION TO BORROW FOR THE DEVELOPMENT OF MANOR FIELDS

ARTICLE SIX: *By the Park and Recreation Commission.* To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to design, construct, and equip the property known as Manor Fields, 450 Sprague Street, identified in Assessor's Records as Parcel 157-8 and 170-096, to include playing fields and courts, dog parks, concession and restroom facilities, walking trails, parking and related facilities, as well as demolition and site preparation, and any and all incidental and related expenses; and, as funding therefor, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow such sum of money pursuant to G.L. c.44, §§7 or 8 or any other enabling authority and issue bonds and notes therefor; provided further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; and to authorize any and all incidental and related costs; authorize the Board of Selectmen and the Park and Recreation Commission to apply for, accept, and expend any grants or loans in connection herewith; and to authorize the Board of Selectmen to enter into all agreements, execute any and all documents, and take all action necessary to carry out this project; provided, however,

that the vote taken hereunder shall be expressly contingent upon approval by the voters at an election to exclude from the limitations imposed by Proposition 2 ½, so called, the amounts required to pay the principal and interest on the borrowing authorized hereunder, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: The Finance and Warrant Committee voted 5-4 that the Town vote to appropriate the sum of \$14,500,000 to design, construct, and equip the property known as Manor Fields, 450 Sprague Street, identified in Assessor's Records as Parcel 157-8 and 170-096, to include playing fields and courts, dog parks, concession and restroom facilities, walking trails, parking and related facilities, as well as demolition and site preparation, and any and all incidental and related expenses; and, as funding therefor, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow such sum of money pursuant to G.L. c.44, §§7 or 8 or any other enabling authority and issue bonds and notes therefor; provided further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; and to authorize the Board of Selectmen and the Park and Recreation Commission to apply for, accept, and expend any grants or loans in connection herewith; and to authorize the Board of Selectmen to enter into all agreements, execute any and all documents, and take all action necessary to carry out this project; provided, further, that it is anticipated that this matter will also be presented to the voters of the Town at the Annual Town election.

Article 6 would authorize the Town to borrow \$14.5 million for the development of Manor Fields but not before a vote on the project at the Annual Town Election in April 2020.

7. PROPOSED RESIDENTIAL TAX EXEMPTION

ARTICLE SEVEN: *By Commissioner of Trust Fund Member Daniel O'Neil.* To see if the Town will vote to authorize the Board of Selectmen to file special legislation to promote home ownership and stake holding in the Town, to be effective fiscal year 2022, providing for a residential tax exemption for owned and occupied homes in the Town, in an amount no less than 2% and no more than 10% of a home's value, such exemption to be set annually before the start of the fiscal year by the Board of Selectmen. To be eligible for this exemption, the home must be a primary residence, owned for at least 6 months; residents must re-apply for such exemption each fiscal year in the same manner

as other exemptions, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That it be indefinitely postponed.

Article 7 is a petitioned article seeking to authorize special legislation to create a residential tax exemption within a set range, to be decided yearly by the Board of Selectmen.

8. APPROPRIATION FOR 375th MEMORIAL FOUNTAIN AT ENDICOTT ESTATE

ARTICLE EIGHT: *By Marie-Louise Kehoe on behalf of the 375th Anniversary Committee.* To see what sum of money the Town will vote to raise and appropriate, transfer from available funds or borrow for the construction of a granite fountain at the Endicott Estate, including all incidental and related expenses, in commemoration of the Town’s 375th anniversary, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That the sum of \$45,000.00 be appropriated from Free Cash for the purpose of construction a granite fountain at the Endicott Estate, including all incidental and related expenses, in commemoration of the Town’s 375th Anniversary.

Article 8 would authorize the expenditure of \$45,000.00 from free cash for the construction of a granite fountain to commemorate the Town’s 375th Anniversary.

9. APPROPRIATION FOR CONSTRUCTION OF CELLULAR TOWER AT DEDHAM TRANSFER STATION

ARTICLE NINE: *By the Director of Public Works.* To see what sum of money the Town will vote to raise and appropriate, transfer from available funds or borrow for the purposes of designing, permitting, equipping and constructing a cellular tower at the site known as the Dedham Transfer Station, 5 Incinerator Road, and shown as Assessor’s Map 77, Parcel 68, or take any other action relative thereto. *Referred to Finance and*

Warrant Committee for study and report.

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That the sum of \$650,000.00 be appropriated from Free Cash for the purposes of designing, permitting, equipping and constructing a cellular tower at the Dedham Transfer Station, 5 Incinerator Road, and shown as Assessor's Map 77, Parcel 68, including all incidental and related expenses.

Article 9 would authorize the expenditure of \$650,000.00 from free cash for the purposes of construction a cellular tower at the Dedham Transfer Station.

10. APPROPRIATION FOR STUDY TO EVALUATE AND UPDATE THE TOWN OF DEDHAM SIGN CODE

ARTICLE TEN: *By the Building Commissioner, Planning Director and Community Development Director.* To see what sum of money the Town will vote to raise and appropriate or transfer from available funds for the purpose of hiring a consultant to evaluate and update the Town of Dedham Sign Code or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That the sum of \$35,000.00 be appropriated from Free Cash for the purpose of hiring a consultant to evaluate and update the Town of Dedham Sign Code.

Article 10 would authorize the expenditure of \$35,000.00 from free cash for the purpose of evaluating and updating the Town of Dedham Sign Code.

11. APPROPRIATION TO FUND FISCAL YEAR 2020 SCHOOL DEPARTMENT CAPITAL REQUESTS

ARTICLE ELEVEN: *By the School Department.* To see what sum of money the Town will vote to raise and appropriate, transfer from available funds or borrow for the purposes of fully funding Fiscal Year 2020 capital projects for the School Department that were not fully funded under Article 4 of the May 20, 2019 Spring Annual Town Meeting, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That the sum of \$58,000.00 be appropriated from Free Cash for the purpose of funding the following capital items, including all incidental and related expenses; computer refresh

(\$30,000.00) and Dedham High School Exhaust Fans (\$28,000.00).

Article 11 would authorize the expenditure of \$58,000.00 from free cash to fund the aforementioned capital items requested but not fully funded in Article 4 of the 2019 Spring Annual Town Meeting.

12. **ZONING BY LAW AMENDMENT RE: RETAIL SALE OF FIREARMS**

ARTICLE TWELVE: *By the Planning Board and Board of Selectmen.* To see if the Town will vote to amend the Dedham Zoning By-Law as follows and as, as set forth in the amendments placed on file with the Town Clerk or take any other action relative thereto.

Amend Section 10.0 of the Zoning Bylaws to insert the following new definitions:

Firearm: A gun, pistol, or any weapon capable of firing a projectile and using an explosive charge as a propellant.

Firearms Business: A retail or wholesale operation involving the purchase or sale of firearms, with or without sale of ammunition and/or firearms accessories, by a federally licensed firearms dealer.

And to amend existing definitions to add the underlined language as follows:

Retail Business: Any retail operation with a gross floor area in excess of 10,000 square feet, excluding a Firearms Business.

Small Retail Business: Bookstore, delicatessen, dry goods store, drugstore, florist, gift shop, grocery or fruit store, hardware store, jewelry store, tobacconist, variety store, wearing apparel store, or like enterprise, not exceeding a gross floor area of 10,000 square feet, excluding a Firearms Business.

Amend Section 3.1.6, Table 1, Section E of the Zoning Bylaws to insert the following new use with accompanying footnotes:

PRINCIPAL USE – See Footnote Explanations Section 3.1.6	DISTRICTS											
	SRA SRB	GR	PR	PC ¹ 9	RDO	AP	LMA	LMB	H B	LB ¹ 8	GB	CB
E. COMMERCIAL USES												
17. Firearms Business	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO

or take any other action relative thereto. *Referred to Planning Board for study and report.*

NOTE: *The Planning Board, as of the date of the execution of the warrant, already provided notice and held a public hearing on the proposed amendment; be aware that the Planning Board’s recommendation may or may not include a prohibition as significant as set forth herein*

RECOMMENDATION OF THE PLANNING BOARD: The Planning Board held the required public hearing(s) regarding Article 12 on September 12, 2019 and October 3, 2019, and subsequently voted unanimously on October 24, 2019 to recommend the following zoning bylaw amendment(s):

1. Amend Section 6.1.1 (Purpose) to add the underlined and emboldened language as follows:

The purpose of this Bylaw is to address the well-documented secondary effects of Adult Uses, as defined herein, **and to provide a suitable location for Firearms Businesses**. Such secondary effects of Adult Uses have been found to include increased levels of crime, blight resulting from the clustering and concentration of Adult Uses, adverse impacts on the business climate of municipalities, and adverse impacts on property values of residential and commercial properties. Late night noise and traffic also increase due to the late hours of operation of many of these establishments. This Section is enacted pursuant to G.L. c. 40A, s. 9A, with the purpose and intent of addressing and mitigating the secondary effects of Adult Uses that are adverse to the health, safety, and welfare of the Town and its inhabitants.

2. Amend Section 6.1.3 (Definitions) to insert the following new definitions:

Firearm: A gun, pistol, or any weapon capable of firing a projectile and using an explosive charge as a propellant.

Firearms Business: A retail or wholesale operation involving the purchase or sale of firearms, with or without sale of ammunition and/or firearms

accessories, by a federally licensed firearms dealer.

3. Amend Section 6.1.4 (Scope of Permitting Authority) to add the underlined and emboldened language as follows:

Adult Uses **and Firearms Businesses**, as defined in this Section, may be permitted in the AUOD upon the granting of a Special Permit by the Board of Appeals, subject to requirements, conditions, and limitations as specified in this Section. Adult Uses **and Firearms Businesses** are not allowed in the Town, other than in the AUOD **in accordance with the requirements of this Section.**

- a. Adult Uses **and Firearms Businesses** shall not be considered accessory uses.
- b. A Public Hearing shall be held on an application for a Special Permit for an Adult Use **or Firearms Business**, and the Board of Appeals shall act on the application in accordance with the provisions of G.L. c. 40A, ss. 9, 9A, and 11; provided, however, that the hearing shall be closed no later than sixty (60) days after the opening of the hearing, and the Board of Appeals shall act on the application within thirty (30) days after the hearing is closed, unless the applicant consents in writing to an extension of such time periods.

4. Amend Section 6.1.5.1 (Special Permit Submittal Requirements) to delete the following strikethrough word and add the underlined and emboldened language as follows:

A completed application and form shall be submitted pursuant to the rules and regulations of the Board of Appeals. The completed application must also include all the following:

- a. Name, address, business address, and telephone numbers of the legal owner or owners of the proposed Adult Use **or Firearms Business**
- b. Name, address, business address, and telephone number of the manager of the proposed Adult Use **or Firearms Business**
- c. Name, address, business address, and telephone numbers of all persons having any equity, including beneficiaries or other interest in such Adult Use **or Firearms Business**, including but not limited to security interest,

liens, mortgages, or other interest. In the event that a corporation, partnership, trust, or other entity is listed, the name, address, business address, and telephone number of every person who is an officer, director, shareholder, or trustee of the entity must be listed, in order that the Board of Appeals may know who are the persons who actually own and control that Adult Use **or Firearms Business**

- d. A sworn statement that neither the application, the manager, nor any person having any equity or other interest in the Adult Use **or Firearms Business** has been convicted of violating the provisions of G.L. c. 119, s. 63 or G.L. c. 272, s. 28, or similar laws in other states
- e. The total number of employees
- f. Proposed ~~revisions~~ **provisions** for security within and without the Adult Use **or Firearms Business**
- g. The physical layout of the interior of the structure in which the Adult Use **or Firearms Business** will be located
- h. A full description of the intended nature of the business.

5. Amend Section 6.1.6 (Special Permit Submittal Requirements and Conditions) to add the underlined language as follows:

1. General

A Special Permit for an Adult Use **or Firearms Business** shall be granted by the Board of Appeals upon its written determination that the requirements and conditions of this Section 6.1.6 have been satisfied. The Board of Appeals may impose such reasonable conditions on the operation of the Adult Use **or Firearms Business** as the Board of Appeals deems appropriate for the protection of public health, safety, and welfare, including reasonable limits on the hours of operation. Section 9.3.2 of the Bylaw shall not apply to the consideration of an application for a Special Permit for an Adult Use.

2. Location

No Adult Use **or Firearms Business** may be located less than 150 feet

from a residential use or residential zoning district, school, library, church or other religious use, child-care facility, park, playground, recreational areas where large numbers of minors regularly travel or congregate, any establishment licensed under the provisions of G.L. c. 138, s. 12, or another Adult Use **and Firearms Business**. The distance specified above shall be measured by a straight line from the structure in which the Adult Use **or Firearms Business** is to be located to the nearest boundary line of a residential zoning district, or the nearest property line of any of the designated uses set forth herein.

3. Display

No signs, graphics, pictures, publications, videotapes, movies, covers, merchandise or other implements, items, or advertising depicting, describing, or relating to sexual content or sexual excitement as defined in G.L. c.272, s. 31 shall be displayed in the windows of, or on the building of, any Adult Use, or be visible to the public from the pedestrian sidewalks or walkways or from other areas outside such Uses. No exterior display of **Adult Use or Firearms Business** product or services is allowed.

4. Screening

All building openings, entries, and windows shall be screened in such a manner as to prevent visual access by the public to the interior of the Adult Use **or Firearms Business**. The Board of Appeals may impose conditions requiring that fencing or plantings be installed along rear and side lot lines to screen the premises from adjoining properties.

5. Building Appearance

The appearance of the building in which the Adult Use **or Firearms Business** is to be located shall be consistent with the appearance of buildings in similar (but not specifically “adult”) use in the Town, and shall not employ unusual colors or building design that would attract attention to the premises.

6. Interior Booths

If the Adult Use allows for the showing of films or videos within the

premises, the booths in which the films or videos are viewed shall not be closed off by curtains, doors, or screens. All such booth openings shall be clearly seen from the center of the establishment.

7. Minors

No Adult Use shall be allowed to disseminate adult matter to minors, to cause Adult Use displays to be viewed by minors, or to allow minors to linger on the premises. **No minors shall have access into or within a Firearms Business unless accompanied by an adult.**

8. Parking

Adult Uses **and Firearms Businesses** are subject to the requirements set forth in Section 5.1 of the Zoning Bylaw.

9. Lighting

No exterior lighting (or internal lighting visible from the exterior of the building) shall be flashing or intermittent in nature.

10. Owners and Managers

A Special Permit for an Adult Use shall not be granted if the Adult Use is owned by or to be managed by any person or persons convicted of violating the provisions of G.L. c. 119, s. 63 or G.L. c.272, s. 28, or similar laws in other states.

A Special Permit for a Firearms Business shall not be granted if the Firearms Business is owned by or to be managed by any person or persons convicted of violating the provisions of G.L. c.140, s.122B, G.L. c.140 s.130, G.L. c.140 s.131N, or similar laws in other states.

11. Adherence to Responsible Firearms Retailer Partnership

The Responsible Firearms Retailer Partnership is a 10-point code that will help ensure that guns do not fall into the wrong hands. Mayors Against Illegal Guns developed the code to curb some of the most common ways guns end up in the hands of criminals. Firearms Businesses are subject to the following Responsible Firearms Retailer Partnership 10-point code:

- a) Videotaping the Point of Sale for All Firearms Transactions. Permitted retailers shall videotape the point- of-sale of all firearms transactions and maintain videos for six months to deter illegal purchases and monitor employees.
- b) Computerized Crime Gun Trace Log and Alert System. Permitted Retailers shall develop a computerized system to log crime gun traces. Once the program is in place, if a customer who has a prior trace at that retailer attempts to purchase a firearm, the sale shall be electronically flagged. The retailer would have discretion to proceed with the sale or stop the sale.
- c) Purchaser Declaration. For sales flagged by the trace alert system, permitted retailers shall ask purchasers to fill out a declaration indicating that they meet the legal requirement to purchase the firearm.
- d) Deterring Fake IDs. Permitted retailers shall only accept valid federal- or state-issued picture IDs as primary identification. Retailers shall utilize additional ID checking mechanisms.
- e) Consistent Visible Signage. Permitted retailers shall post signage created by the Responsible Firearms Retailer Partnership to alert customers of their legal responsibilities at the point-of-sale.
- f) Employee Background Checks. Permitted retailers shall conduct criminal background checks for all employees selling or handling firearms.
- g) Employee Responsibility Training. Permitted retailers shall participate in an employee responsibility training program focused on deterring illegal purchasers.
- h) Inventory Checking. Permitted retailers shall conduct daily and quarterly audits of firearms within their stores.
- i) No Sales Without Background Check Results. Permitted retailers shall prohibit sales based on "default proceeds," which are permitted by law when the background check has not returned a result within 3 days.
- j) Securing Firearms. Participating retailers shall maintain firearms kept in customer accessible areas in locked cases or locked to racks.

6. Amend Section 6.1.7 (Termination of Special Permit for Adult Uses) to add the underlined language as follows:

1. A Special Permit for an Adult Use **or Firearms Business** shall be issued to the owner of the Adult Use **or Firearms Business**, and is not transferrable upon a sale, transfer, or assignment of the Adult Use **or Firearms Business**, except with the approval of the Board of Appeals.
2. If there is a change in the identity of the manager of the Adult Use **or Firearms Business**, the Building Commissioner and the Board of Selectmen shall be notified of such change. Failure to comply with this provision shall terminate the Special Permit.
3. A Special Permit for an Adult Use **or Firearms Business** shall be terminated if the owner or manager of the Adult Use **or Firearms Business** is found to have been convicted of violating G.L. c. 119, s. 63, or GL c. 272, s.28, or similar laws in other states.
4. **A Special Permit for a Firearms Business shall be terminated for violating G.L. c.140, s.122B, G.L. c.140 s.130, G.L. c.140 s.131N, or similar laws in other states.**

Article 12 would authorize new language regulating retail firearms businesses, and allowing them, by special permit, in the existing Adult Use Overlay District.

13. ZONING BY LAW AMENDMENT RE: TEMPORARY MORATORIUM RELATIVE TO MIXED USE DEVELOPMENTS

ARTICLE THIRTEEN: *By the Planning Board.* To see if the Town will vote to amend the Dedham Zoning By-Laws to extend the temporary moratorium on the granting of special permits for mixed use developments, as follows:

Delete Section 7.4.5.2 (Temporary Moratorium) in its entirety and replace with the following new Section 7.4.5.2:

7.4.5.2 Temporary Moratorium.

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on issuance of special permits for the use of land or structures for mixed use developments. The moratorium shall be in effect through May 31, 2020 or the date on which the Town adopts amendments to the Zoning Bylaw concerning Mixed Use Development, whichever occurs earlier. During the moratorium period, the Town shall continue to undertake a planning process to study, review, analyze and address whether any

revisions the Zoning Bylaw relative to Mixed Use Development are needed or desirable to provide for mixed use development consistent with the Town's future general planning goals for economic development and housing; or take any other action relative thereto. *Referred to Planning Board for study and report.*

RECOMMENDATION OF THE PLANNING BOARD: The Planning Board conducted their required Public Hearing on October 24, 2019. At their meeting on October 24, 2019, they voted 3-2 to recommend approval to Town Meeting.

Article 13 would authorize an extension of the temporary moratorium relative to Mixed Use Development which was originally approved at the May 2019 Spring Town Meeting.

14. AMENDMENT TO PUBLIC SERVICE RECOGNITION COMMITTEE

ARTICLE FOURTEEN: *By the Town Moderator.* To see if the Town will vote to amend the vote taken under Article 38 of the May 21, 2012 Annual Town Meeting warrant, which vote established the Public Service Recognition Committee, to provide that such committee shall be comprised of nine members, appointed by the Town Moderator, which members shall be Dedham residents or employees, provided however, that no more than one Town Meeting Representative from each precinct may be appointed to such Committee, or take any other action relative thereto. *Referred to By Law Review Committee and Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That it be so voted, so that the charge to the Commission provides as follows:

1. Establishment, terms

There is hereby established a Public Service Recognition Committee consisting of seven residents of the Town of Dedham to be appointed by the Moderator, provided that no more than one resident from each precinct may be appointed to said Committee. Members shall be appointed for terms of three years, arranged in such a manner that as near an equal number as possible will expire each year.

2. Duties

At the outset of one of the Annual Town Meetings, the Committee shall recognize with an appropriate gesture of gratitude for one or more residents who have performed outstanding acts of service to the community.

Article 14 amends the composition of the Public Service Recognition Committee eliminating the requirement that all members be Town Meeting Members.

15. PROPOSED NEW BY LAW – PLASTIC BAG REDUCTION

ARTICLE FIFTEEN: *By Sustainability Advisory Committee and its Sub-Committee Community Members.* To see if the Town will vote to amend the Town of Dedham By Laws, by inserting a new bylaw entitled, “Plastic Bag Reduction,” section as follows:

PLASTIC BAG REDUCTION

Section 1: Purpose

The purpose of this bylaw is to protect the Town of Dedham’s unique natural beauty and resources, water, and inhabitants by substantially reducing the impact of single-use plastic checkout bags while also promoting the use of reusable bags.

It has been shown that the production and use of thin-film single-use plastic checkout bags have significant impacts on the environment, including, but not limited to, polluting the natural environment; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; contributing to the potential death of aquatic and land animals through ingestion and entanglement; and requiring the use of millions of barrels of crude oil for their manufacture.

Section 2: Definitions

“Checkout bag” – a carryout bag provided by a retail store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by a consumer to deliver such items to the point of sale or checkout area of the store.

“Recyclable paper bag” – a paper bag that is 100% recyclable and contains at least 40% post-consumer recycled content and displays the words “recyclable” and “made from 40% post-consumer recycled content” in a visible manner on the outside of the bag.

“Retail store” – any business facility that sells goods directly to the consumer whether for- or not-for-profit, including, but not limited to, retail stores, full- and quick-service restaurants, pharmacies, convenience stores, grocery stores, liquor stores, seasonal and temporary businesses.

“Reusable checkout bag” – A sewn bag with stitched handles that is specifically designed for multiple reuse and that (1) can carry 25 pounds over a distance of 300 feet; (2) is

machine washable or is made of a material that can be cleaned or disinfected more than 125 times; (3) is either (a) made of natural fibers (such as cotton or linen) or (b) made of durable, non-toxic plastic (other than polyethylene or polyvinyl chloride) that is generally considered a food-grade material and that is more than 4.0 mils thick.

“Thin-film single-use plastic bags” – bags, typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non-woven polypropylene fabric), if said film is less than 4.0 mils in thickness (0.004 inches).

“Enforcement Officer” – grant funded position through the Environmental Department or its designee responsible for oversight of bylaw.

Section 3: Use Regulations

- (A) Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any retail store within the Town of Dedham.
- (B) If a retail store provides or sells checkout bags to customers, the bags shall be either: (1) recyclable paper bags, or (2) reusable checkout bags. The retail store may charge for said bags.

Section 4: Exemption

Thin-film plastic bags typically without handles used to temporarily contain newspapers, produce, meat, bulk foods, wet items, dry cleaning and other similar merchandise or pet waste are not prohibited under this bylaw.

Section 5: Effective Date

This bylaw shall take effect six (6) months following approval of the bylaw by the Attorney General and all the requirements of G.L. c. 40 section 32 have been met.

Upon application by an owner or an owner’s representative, the Environmental Coordinator may exempt a retail store from the requirements of this bylaw for up to six months upon a finding that the requirements of this bylaw would cause temporary undue hardship; or the owner’s retail store requires additional time to draw down an existing inventory of checkout bags.

Section 6: Education

No later than five months prior to the effective date of this bylaw, the Environmental Department shall provide notice of its adoption and effective date by: posting in several public spaces, such as the Town website, newspaper of general circulation in the Town,

Town Hall, and Town social media, and (2) mailing to Retail Stores a copy of this bylaw and the Attorney General's approval thereof.

Section 7: Enforcement

Each Retail Store shall comply with all sections of this bylaw. Violations of this by law shall be enforced in accordance with Section 1-6 of the Bylaws.

Section 8: Severability

If any provision of this bylaw is declared invalid or unenforceable the other provisions shall not be affected thereby.

or take any other action relative thereto. *Referred to By Law Review Committee and Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That it be so voted.

Article 15 proposes to ban the use of plastic bags in the Town of Dedham.

16. PROPOSED LEGISLATION AUTHORIZING AN ADDITIONAL LIQUOR LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES AT 3 EASTERN AVENUE

ARTICLE SIXTEEN: *By District 5 Town Meeting Member Keith P. Hampe on behalf of the Miracle of Coffee, LLC dba Big Bear Coffee and Espresso Bar.* To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to adopt the following legislation provided, however, that the Legislature may reasonably vary the form and substance of the requested legislation subject to the approval of the Board of Selectmen, which Board is hereby authorized to approve amendments within the scope of the general public objectives of this petition.

AN ACT AUTHORIZING THE TOWN OF DEDHAM TO GRANT ONE ADDITIONAL LICENSE FOR THE SALE OF BEER & WINE TO BE DRUNK ON THE PREMISES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding Section 17 of Chapter 138 of the General Laws, or any other general or special law to the contrary, the licensing authority of the Town of Dedham may grant one (1) additional license for the sale of beer and wine to be drunk on the premises under Section 12 of said Chapter 138. The licenses shall be subject to all of said Chapter 138, except said Section 17.

SECTION 2. The licensing authority shall restrict the license granted under Section 1 above to a site-specific location at 3 Eastern Avenue, Dedham MA 02026. The license issued pursuant to this Act shall be non-transferable to any other location, persons, corporations, or organizations.

SECTION 3. Notwithstanding Sections 12 and 77 of Chapter 138 of the General Laws, the licensing authority for the Town of Dedham may restrict the licenses issued pursuant to this Act to holders of common victualler licenses.

SECTION 4. The additional licenses authorized by this Act shall be subject to an original application fee of \$5,000.00 more than the annual fee for existing alcoholic beverages licenses in the Town of Dedham. The additional \$5,000.00 fee shall be deposited into an economic development account in the Town of Dedham and expended consistently with the purposes of such account.

SECTION 5. The license granted under this Act if revoked or no longer in use, may be granted by the licensing authority to new applicants who meet the criteria of this Act.

SECTION 6. This Act shall take effect upon its passage.

Referred to Finance and Warrant Committee for study and report.

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That it be so voted.

Article 16 proposes the Town petition the State via special legislation for one additional license for serving beer and wine beverages (only) at Big Bear and Espresso Bar.

APPENDICES

EXCERPTS FROM MASSACHUSETTS GENERAL LAWS

Ch 44, Municipal Finance, §7(1) and §7(1A), Cities and Towns, Purposes for Borrowing Money Within Debt Limits

Section 7 Cities and towns may incur debt, within the limit of indebtedness prescribed in section ten, for the purposes hereinafter set forth, and payable within the periods hereinafter specified or, except for clauses (3C), (11), (16), (18), (19), (21) and (22), within such longer period not to exceed 30 years based upon the maximum useful life of the public work, improvement or asset being financed, as determined in accordance with guidelines established by the division of local services within the department of revenue:

(1) For the construction or reconstruction of surface drains, sewers, sewerage systems and sewage treatment and disposal facilities, thirty years

(1A) For the lining by cement or metal of sewers constructed for sanitary and surface drainage purposes and for sewage disposal, ten years

(2) For acquiring land for public parks or playgrounds or public domain under chapter forty-five, thirty years; but no indebtedness incurred for public domain shall exceed one half of one per cent of the equalized valuation of the city or town

(2A) For the construction of an artificial ice-skating rink for which refrigeration equipment is required on land owned by the city or town, fifteen years

(2B) For the construction of an outdoor swimming pool on land owned by the city or town, fifteen years

(3) For acquiring land, or interests in land, for any purpose for which a city or town is or may hereafter be authorized to acquire land or interests therein, not otherwise specifically provided for; for the construction of buildings which cities or towns are or may hereafter be authorized to construct, or for additions to such buildings where such additions increase the floor space of said buildings, including the cost of original equipment and furnishings of said buildings or additions, twenty years

(3A) For remodeling, reconstructing or making extraordinary repairs to public buildings owned by the city or town, including original equipment and landscaping, paving and other site improvements incidental or directly related to such

remodeling, reconstruction or repair, for a term not exceeding 20 years

(3B) For energy conservation, alternative energy or renewable energy improvements to public buildings or facilities owned or leased by the city or town, or on property owned or leased by the city or town, 20 years

(3C) For a revolving loan fund established under section 53E3/4; to assist in the development of renewable energy and energy conservation projects on privately-held buildings, property or facilities within the city or town, 20 years

(4) For the construction or reconstruction of bridges of stone or concrete or of iron superstructure, twenty years

(5) For the original construction of public ways or the extension or widening thereof, including land damages and the cost of pavement and sidewalks laid at the time of said construction, or for the construction of stone, block, brick, cement concrete, bituminous concrete, bituminous macadam or other permanent pavement of similar lasting character, or for the original construction and surfacing or the resurfacing with such pavement of municipally owned and operated off-street parking areas, under specifications approved by the department of highways, ten years

(6) For macadam pavement or other road material, or for the resurfacing with such pavement or other road material of municipally owned or operated off-street parking areas, under specifications approved by the department of highways, or for the construction of sidewalks of brick, bituminous concrete, stone or concrete, five years

(7) For the construction of walls or dikes for the protection of highways or property, ten years

(8) For the purchase of land for cemetery purposes, ten years

(9) For the cost of equipment, 5 years

(9A) For the remodeling, reconstruction or rehabilitation of existing firefighting apparatus and heavy equipment including, but not limited to, front-end loaders, road graders, sidewalk plows and motorized sweepers; five years

(10) For connecting dwellings or other buildings with common sewers, when the cost is to be assessed in whole or in part on the abutting property owners, five years

(11) For the payment of final judgments, one year

[There is no clause (12)]

(13) In Boston, for acquiring fire or police boats, fifteen years

(14) For traffic signal, or public lighting installations, fire alarm or police communication installations and for the purpose of extending and improving such installations, ten years

(15) In Boston, for the original construction, or the extension or widening, with permanent pavement of lasting character conforming to specifications approved by the state department of highways and under the direction of the board of park commissioners of the city of Boston, of ways, other than public ways, within or bounding on or connecting with any public park in said city, including land damages and the cost of pavement and sidewalks laid at the time of said construction, or for the construction of such ways with stone, block, brick, cement concrete, bituminous concrete, bituminous macadam or other permanent pavement of similar lasting character under specifications approved by said department of highways, ten years

(16) For the payment of premiums for fire insurance contracts or policies covering a period of five years, four years

(17) For improvements made under section twenty-nine of chapter ninety-one and for the construction or reconstruction of public wharves, ten years

(17A) For dredging of tidal and non-tidal rivers and streams, harbors, channels and tidewaters, 10 years

(18) For the payment of charges incurred under contracts authorized by section four of chapter forty for the expert appraisal of taxable property or for the preparation of assessors maps, including charges for aerial mapping in connection with the preparation of such maps, ten years

(19) For the payment of charges incurred under contracts authorized by section four D of chapter forty, but only for such contracts as are for purposes comparable

to the purposes for which loans may be authorized under the provisions of this section Each authorized issue shall constitute a separate loan, and such loans shall be subject to the conditions of the applicable clauses of this section

(20) For developing land for burial purposes and for constructing paths and avenues and embellishing the grounds in said developed areas in a cemetery owned by the city or town, five years The proceeds from the sale of the exclusive rights of burials in any of the lots in such cemetery shall be kept separate from other funds and be appropriated for the payment of any indebtedness incurred for such developments, notwithstanding the provisions of section fifteen of chapter one hundred and fourteen

(21) For the cost of architectural services for plans and specifications for any proposed building for which a city, town or district is authorized to borrow, or for the cost of architectural services for plans and specifications for additions to buildings owned by a city, town, or district where such additions increase the floor space of said buildings, five years if issued before any other debt relating to said buildings or additions is authorized, otherwise the period fixed by law for such other debt relating to said building or additions; provided, however, that at the time the loan is issued the city, town or district owns the land on which the proposed building or additions would be constructed

(22) For the cost of engineering or architectural services for plans and specifications for any project not defined in clause (21) for which a city, town or district is authorized to borrow, five years if issued before any other debt relating to said project is authorized, otherwise the period fixed by law for such other debt relating to said project

(23) For the construction of municipal tennis courts, including platform tennis courts and the acquisition of land and the construction of buildings therefor, including the original equipment and furnishing of said buildings, fifteen years

[There is no clause (24)]

(25) For the construction of municipal outdoor recreational and athletic facilities, including the acquisition and development of land and the construction and reconstruction of facilities; fifteen years

(26) For energy audits as defined in section three of chapter twenty-five A, if

authorized separately from debt for energy conservation or alternative energy projects; five years

(27) For the undertaking of projects for the preservation and restoration of publicly-owned freshwater lakes and great ponds in accordance with the provisions of section thirty-seven A of chapter twenty-one

(28) For the development, design, purchase and installation of computer hardware, other data processing equipment and computer assisted integrated financial management and accounting systems; ten years

(29) For the development, design, purchase of computer software incident to the purchase, installation and operation of computer hardware and other data processing equipment and computer assisted integrated financial management and accounting systems; five years

(30) For installation, repair or replacement of exposed structural or miscellaneous steel, which has been treated with the hot-dip galvanizing process; three years

(31) For the purpose of removing asbestos from municipally owned buildings; ten years

(32) For the cost of cleaning up or preventing pollution caused by existing or closed municipal facilities not referenced in clause (21) of section 8, including cleanup or prevention activities taken pursuant to chapter 21E or chapter 21H, 10 years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to and approved by the department of environmental protection

(33) For the construction or reconstruction of seawalls, riprap, revetments, breakwaters, bulkheads, jetties and groins, stairways, ramps and other related structures, 20 years

(34) For any other public work, improvement or asset not specified in this section, with a maximum useful life of at least 5 years, determined as provided in this paragraph, 5 years

Debts may be authorized under this section only by a two-thirds vote.

**Ch 44, Municipal Finance, §8 Cities and Towns, Purposes for Borrowing Money
Outside Debt Limits**

Section 8. Cities and towns may incur debt, outside the limit of indebtedness prescribed in section ten, for the following purposes and payable within the periods hereinafter specified or except with respect to clauses (1), (2), (3A), (5), (6), (7), (9) and (19), within such longer period not to exceed 30 years based upon the maximum useful life of the public work, improvement or asset being financed, as determined in accordance with guidelines established by the division of local services within the department of revenue:

(1) For temporary loans under sections four, six, six A, seventeen and seventeen A, the periods authorized by those sections.

(2) For maintaining, distributing and providing food, other common necessities of life and temporary shelter for their inhabitants upon the occasions and in the manner set forth in section nineteen of chapter forty, two years.

(3) For establishing or purchasing a system for supplying a city, town, or district and its inhabitants with water, for taking or purchasing water sources, either from public land or private sources, or water or flowage rights, for the purpose of a public water supply, or for taking or purchasing land for the protection of a water system, thirty years.

(3A) For conducting groundwater inventory and analysis of the community water supply, including pump tests and quality tests relating to the development of using said groundwater as an additional source or a new source of water supply for any city, town or district, ten years.

(4) For the construction or enlargement of reservoirs, and the construction of filter beds, standpipes, buildings for pumping stations including original pumping station equipment, and buildings for water treatment, including original equipment therefor, and the acquisition of land or any interest in land necessary in connection with any of the foregoing, thirty years.

(4A) For remodeling, reconstructing or making extraordinary repairs to reservoirs and filter beds, thirty years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental protection, and the approval of said department has been granted therefor.

(5) For the laying and relaying of water mains of not less than six inches but less than sixteen inches in diameter, and for lining and relining such mains with linings of not less than one-sixteenth of an inch, for the development of additional well fields, for wells and for pumping station equipment, forty years.

(6) For constructing and reconstructing and laying and relaying aqueducts and water mains of sixteen inches or more in diameter, and for lining such mains with linings of not less than one-sixteenth of an inch, forty years.

(7) For the extension of water mains, forty years.

(7A) For the purchase and installation of water meters, ten years.

(7B) For the payment of the town's share of the cost to increase the storage capacity of any reservoir, including land acquisition, constructed by the water resources commission for flood prevention or water resources utilization, twenty years.

(7C) For the purchase, replacement or rehabilitation of water departmental equipment, ten years.

(8) For establishing, purchasing, extending, or enlarging a gas or electric lighting plant, a community antenna television system, whether or not operated by a gas or electric lighting plant, or a telecommunications system operated by a municipal lighting plant, 20 years; but the outstanding indebtedness so incurred shall not exceed in a town 5 per cent and in a city 2.5 per cent of the equalized valuation of such town or city; provided, however, that the majority of the members of the municipal finance oversight board, may authorize a city to incur indebtedness under this clause in excess of 2.5 per cent but not in excess of 5 per cent of the equalized valuation of such city, and may authorize a town to incur indebtedness under this clause in excess of 5 per cent but not in excess of 10 per cent of the equalized valuation of such town.

(8A) For remodeling, reconstructing, or making extraordinary repairs to a gas or electric lighting plant, a community antenna television system, or a telecommunications system operated by a municipal lighting plant, when approved by the majority of the members of the municipal finance oversight board, for such number of years not exceeding ten, as said board shall fix; provided, however, that the indebtedness incurred under this clause shall be included in the limit of indebtedness for gas and electric lighting plants, community antenna

television systems or telecommunications systems that are operated by municipal lighting plants, as set forth in clause

(8). Each city or town seeking approval by said board of a loan under this clause shall submit to it all plans and other information considered by the board to be necessary for a determination of the probable extended use of such plant, community television antenna system or telecommunications system likely to result from such remodeling, reconstruction, or repair, and in considering approval under this clause of a requested loan and the terms thereof, special consideration shall be given to such determination.

(9) For emergency appropriations that are approved by the director, not more than 2 years or such longer period not to exceed 10 years as determined by the director after taking into consideration the ability of the city, town or district to provide other essential public services and pay, when due, the principal and interest on its debts, the amount of federal and state payments likely to be received for the purpose of the appropriations and such other factors as the director may deem necessary or advisable; provided, however that for the purposes of this clause, "emergency" shall mean a sudden, unavoidable event or series of events which could not reasonably have been foreseen or anticipated at the time of submission of the annual budget for approval; provided further, that emergency shall not include the funding of collective bargaining agreements or items that were previously disapproved by the appropriating authority for the fiscal year in which the borrowing is sought; and provided further, that for the purposes of this clause, debt may be authorized by the treasurer of the city, town or district, with the approval of the chief executive officer in a city or town, or the prudential committee, if any, or by the commissioners in a district.

(9A) For emergency appropriations approved by a majority of the members of the municipal finance oversight board, up to the period fixed by law for such debt as determined by the board; provided, however, that this clause shall apply only to appropriations for capital purposes including, but not limited to, the acquisition, construction, reconstruction or repair of any public building, work, improvement or asset and upon a demonstration by the city, town or district that the process for authorizing debt in the manner otherwise provided by law imposes an undue hardship in its ability to respond to the emergency; provided further, that for purposes of this clause, "emergency" shall mean a sudden, unavoidable event or series of events which could not reasonably have been foreseen or anticipated at the time of submission of the annual budget for approval; and provided further,

that for the purposes of this clause, debt may be authorized by the treasurer of the city, town or district, with the approval of the chief executive officer in a city or town, or the prudential committee, if any, or by the commissioners in a district.

(10) For acquiring land or constructing buildings or other structures, including the cost of original equipment, as memorials to members of the army, navy, marine corps, coast guard, or air force, twenty years; but the indebtedness so incurred shall not exceed one half of one per cent of the equalized valuation of the city or town.

The designation of any such memorial shall not be changed except after a public hearing by the board of selectmen or by the city council of the municipality wherein said memorial is located, notice of the time and place of which shall be given, at the expense of the proponents, by the town or city clerk as the case may be, by publication not less than thirty days prior thereto in a newspaper, if any, published in such town or city; otherwise, in the county in which such town or city lies; and notice of which shall also have been given by the proponents, by registered mail, not less than thirty days prior to such hearing, to all veterans' organizations of such town or city.

[There is no clause (11).]

(12) For acquiring street railway property under sections one hundred and forty-three to one hundred and fifty-eight, inclusive, of chapter one hundred and sixty-one, operating the same, or contributing toward the sums expended or to be expended by a transportation area for capital purposes, ten years; but the indebtedness so incurred shall not exceed two per cent of the equalized valuation of the city or town.

(13) For the acquisition, construction, establishment, enlargement, improvement or protection of public airports, including the acquisition of land, ten years; but the outstanding indebtedness so incurred shall not exceed one per cent of the equalized valuation of the city or town. The proceeds of indebtedness incurred hereunder may be expended for the acquisition, construction, establishment, enlargement, improvement or protection of such an airport, including the acquisition of land, jointly by two or more municipalities.

(14) For the financing of a program of eradication of Dutch elm disease, including all disbursements on account of which reimbursement is authorized or may be authorized by the commonwealth, county, any city or town, or by any manner of

assessment or charges, pursuant to and consistent with the provisions of chapter one hundred and thirty-two, five years.

(15) For the construction of sewers, sewerage systems and sewage treatment and disposal facilities, or for the lump sum payment of the cost of tie-in to such services in a contiguous city or town, for a period not exceeding 30 years; provided, however, that either (i) the city or town has an enterprise or special revenue fund for sewer services and that the accountant or auditor or other officer having similar duties in the city or town shall have certified to the treasurer that rates and charges have been set at a sufficient level to cover the estimated operating expenses and debt service related to the fund, or (ii) the issuance of the debt is approved by a majority of the members of the municipal finance oversight board.

(16) For the construction of municipal golf courses, including the acquisition of land, the construction of buildings, and the cost of original equipment and furnishings, twenty years.

(17) For the payment of charges incurred under contracts authorized by section four D of chapter forty, but only for such contracts as are for purposes comparable to the purposes for which loans may be authorized under the provisions of this section. Each authorized issue shall constitute a separate loan, and such loans shall be subject to the conditions of the applicable clauses of this section.

(18) For the construction of a regional incinerator for the purpose of disposing solid waste, refuse and garbage by two or more communities, twenty years, but the indebtedness so incurred shall not exceed three per cent of the last preceding equalized valuation of the city or town.

(19) For the lending or granting of money to industrial development financing authorities and economic development and industrial corporations, with the approval of the Massachusetts office of business development and the director of housing and community development. For the purpose of this clause the city or town may borrow outside its debt limit to an amount not to exceed one hundred thousand dollars or two and one half per cent of its equalized valuation, whichever is the lesser.

(20) For the purposes of implementing project financed in whole or in part by the Farmers Home Administration of the United States Department of Agriculture, pursuant to the provisions of 7 USC 1921, et seq., up to forty years. Regional school

districts established pursuant to the provisions of any general or special law shall be authorized to incur debt for the purposes and within the limitations described in this clause.

(21) For the cost of cleaning up or preventing pollution caused by existing or closed landfills or other solid waste disposal facilities, including clean up or prevention activities taken pursuant to chapter twenty-one E or chapter twenty-one H, thirty years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental protection and the approval of said department has been granted therefor.

(22) For the construction of incinerators, refuse transfer facilities, recycling facilities, composting facilities, resource recovery facilities or other solid waste disposal facilities, other than landfills, for the purpose of disposing of waste, refuse and garbage, twenty-five years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental protection and the approval of said department has been granted therefor.

(23) For remodeling, reconstructing or making extraordinary repairs to incinerators, refuse transfer facilities, recycling facilities, resource recovery facilities or other solid waste disposal facilities, other than landfills, owned by the city, town or district, and used for the purpose of disposing of waste, refuse and garbage, for such maximum term not exceeding 10 years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental protection and the approval of said department has been granted therefor.

(24) For the purpose of closing out a landfill area, opening a new landfill area, or making improvements to an existing landfill area, twenty-five years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental protection and the approval of said department has been granted therefor.

(25) For the acquisition of a dam or the removal, repair, reconstruction and improvements to a dam owned by a municipality, as may be necessary to maintain, repair or improve such dam, 40 years; provided, however, that this clause shall include dams as defined in section 44 of chapter 253 acquired by gift, purchase,

eminent domain under chapter 79 or otherwise and located within a municipality, including any real property appurtenant thereto, if such dam and any appurtenant real property is not at the time of such acquisition owned or held in trust by the commonwealth.

Debts, except for temporary loans, may be authorized under this section only by a two thirds vote.

Debts for purposes mentioned in clauses (3), (4), (4A), (5), (6), (7), (7A) and (7B) of this section shall not be authorized to an amount exceeding ten per cent of the equalized valuation of the city or town.

Chapter 44: Section 20. Proceeds from sale of bonds; restrictions on use; disposition of premiums

[Text of section as amended by 2016, 218, Sec. 67 effective November 7, 2016.] Section 20. The proceeds of any sale of bonds or notes shall be used only for the purposes specified in the authorization of the loan; provided, however, that such proceeds may also be used for costs of preparing, issuing and marketing the bonds or notes, except as otherwise authorized by this section. If a balance remains after the completion of the project for which the loan was authorized, the balance may at any time be appropriated by a city, town or district for any purposes for which a loan may be incurred for an equal or longer period of time than that for which the original loan, including temporary debt, was issued. Any balance not in excess of \$50,000 may be applied, with the approval of the chief executive officer, for the payment of indebtedness. If a loan has been issued for a specified purpose but the project for which the loan was authorized has not been completed and no liability remains outstanding and unpaid on account thereof, a city, by a two-thirds vote of all of the members of the city council, or a town or district, by a two-thirds vote of the voters present and voting thereon at an annual town or district meeting, may vote to abandon or discontinue the project and the unexpended proceeds of the loan may be appropriated for any purpose for which a loan may be authorized for an equal or longer period of time than that for which the original loan, including temporary debt, was issued. Any premium received upon the sale of the bonds or notes, less the cost of preparing, issuing and marketing them, and any accrued interest received upon the delivery of the bonds or notes shall be: (i) applied, if so provided in the loan authorization, to the costs of the project being financed by the bonds or notes and to reduce the amount authorized to be borrowed for the project by like amount; or (ii) appropriated for a project for which the city, town or district has authorized a borrowing, or may authorize a borrowing, for an equal or longer

period of time than the original loan, including any temporary debt, was issued, thereby reducing the amount of any bonds or notes authorized to be issued for the project by like amount. Notwithstanding this section, no appropriation from a loan or balance thereof shall be made that would increase the amount available from borrowed money for any purpose to an amount in excess of any limit imposed by general law or special act for that purpose. Additions to the levy limit for a debt exclusion are restricted to the true interest cost incurred to finance the excluded project.

or an amendment thereto takes effect it shall also be published in a town bulletin or pamphlet, copies of which shall be posted in at least five public places in the town; and if the town is divided into precincts, copies shall be posted in one or more public places in each precinct of the town; or instead of such publishing in a town bulletin or pamphlet and such posting, copies thereof may be published at least twice at least one week apart in a newspaper of general circulation in the town. The publication of a zoning by-law shall include a statement that claims of invalidity by reason of any defect in the procedure of adoption or amendment may only be made within ninety days of such posting or of the second publication and a statement indicating where copies of such by-law may be examined and obtained. The requirements of publishing in a town bulletin or pamphlet and posting, or publishing in one or more newspapers, as above, may be dispensed with if notice of the by-laws is given by delivering a copy thereof at every occupied dwelling or apartment in the town, and affidavits of the persons delivering the said copies, filed with the town clerk, shall be conclusive evidence of proper notice hereunder. This section shall not apply to cities.

Notwithstanding the provisions of the preceding paragraph, if the attorney general finds there to be any defect in the procedure of adoption or amendment of any zoning by-law relating to form or content of the notice of the planning board hearing prescribed in section 5 of chapter 40A, or to the manner or dates on which said notice is mailed, posted or published as required by said section 5, then instead of disapproving the by-law or amendment because of any such defect, the attorney general may proceed under the provisions of this paragraph. If the attorney general so elects, written notice shall be sent to the town clerk within a reasonable time setting forth with specificity the procedural defect or defects found, including a form of notice thereof, whereupon the running of the 90 day period provided for the attorney general's review pursuant to this section shall be suspended. The town clerk shall forthwith post the notice in a conspicuous place in the town hall for a period of not less than 14 days, and shall

publish it once in a newspaper of general circulation in the town. The notice shall state that any resident, the owner of any real property in the town, or any other party entitled to notice of the planning board hearing, who claims that any such defect was misleading or was otherwise prejudicial may, within 21 days of the publication, file with the town clerk a written notice so stating and setting forth the reasons supporting that claim. Forthwith after the expiration of said 21 days, the town clerk shall submit to the attorney general either (a) a certificate stating that no claim was filed within the 21 day period, or (b) a certificate stating that one or more claims were filed together with copies thereof. Upon receipt of the town clerk's certificate, the 90 day period provided for the attorney general's review pursuant to this section shall resume; but if the expiration of the 90 day period is less than ten days from the date on which the town clerk's certificate was received, then the review period shall be extended to the tenth day following such receipt. If no claim was made, the attorney general may waive any such defect; but, if any claim is made then the attorney general may not waive any such defect. However, by not filing a claim under this paragraph, a person shall not be deprived of the right to assert a claim of invalidity arising out of any possible defect in the procedure of adoption or amendment as provided in this section and in section 5 of chapter 40A.

Notwithstanding the provisions of the first paragraph of this section, the attorney general and the town counsel may, by an agreement in writing setting forth the reasons therefor and filed with the town clerk before the end of the 90 day period, extend the 90 day period provided for the attorney general's review pursuant to this section for not more than an additional 90 days.

M.G.L. c.40 section 32

Section 32. Except to the extent that a zoning by-law may take effect as provided in section five of chapter forty A, before a by-law takes effect it shall be approved by the attorney general or ninety days shall have elapsed without action by the attorney general after the clerk of the town in which a by-law has been adopted has submitted to the attorney general a certified copy of such by-law with a request for its approval, a statement clearly explaining the proposed by-law, including maps and plans if necessary, and adequate proof that all of the procedural requirements for the adoption of such by-law have been complied with. Such request and proof shall be submitted by the town clerk within thirty days after final adjournment of the town meeting at which such by-law was adopted. If the town clerk fails to so submit such request and proof within such thirty days, the selectmen, within fifteen days thereafter, may submit a certified

copy of such by-law with a request for its approval, a statement explaining the proposed by-law, including maps and plans, if necessary, and adequate proof that all procedural requirements for the adoption of such by-law has been complied with. If the attorney general does not, within said ninety days, request of such town clerk in writing further proof of such compliance stating specifically wherein such proof is inadequate, it shall be presumed that the proof submitted was adequate. If the attorney general disapproves a by-law he shall give notice to the town clerk of the town in which the by-law was adopted of his disapproval, with his reasons therefor. If a by-law of a town takes effect by reason of the failure of the attorney general to seasonably act upon a request for its approval, the clerk of such town shall enter in his records a statement that the by-law has become effective by reason of such failure of the attorney general to act. Before a by-law or an amendment thereto takes effect it shall also be published in a town bulletin or pamphlet, copies of which shall be posted in at least five public places in the town; and if the town is divided into precincts, copies shall be posted in one or more public places in each precinct of the town; or instead of such publishing in a town bulletin or pamphlet and such posting, copies thereof may be published at least twice at least one week apart in a newspaper of general circulation in the town. The publication of a zoning by-law shall include a statement that claims of invalidity by reason of any defect in the procedure of adoption or amendment may only be made within ninety days of such posting or of the second publication and a statement indicating where copies of such by-law may be examined and obtained. The requirements of publishing in a town bulletin or pamphlet and posting, or publishing in one or more newspapers, as above, may be dispensed with if notice of the by-laws is given by delivering a copy thereof at every occupied dwelling or apartment in the town, and affidavits of the persons delivering the said copies, filed with the town clerk, shall be conclusive evidence of proper notice hereunder. This section shall not apply to cities.

Notwithstanding the provisions of the preceding paragraph, if the attorney general finds there to be any defect in the procedure of adoption or amendment of any zoning by-law relating to form or content of the notice of the planning board hearing prescribed in section 5 of chapter 40A, or to the manner or dates on which said notice is mailed, posted or published as required by said section 5, then instead of disapproving the by-law or amendment because of any such defect, the attorney general may proceed under the provisions of this paragraph. If the attorney general so elects, written notice shall be sent to the town clerk within a reasonable time setting forth with specificity the procedural defect or defects found, including a form of notice thereof, whereupon the running of the 90-day period provided for the attorney general's review pursuant to this section

shall be suspended. The town clerk shall forthwith post the notice in a conspicuous place in the town hall for a period of not less than 14 days and shall publish it once in a newspaper of general circulation in the town. The notice shall state that any resident, the owner of any real property in the town, or any other party entitled to notice of the planning board hearing, who claims that any such defect was misleading or was otherwise prejudicial may, within 21 days of the publication, file with the town clerk a written notice so stating and setting forth the reasons supporting that claim. Forthwith after the expiration of said 21 days, the town clerk shall submit to the attorney general either (a) a certificate stating that no claim was filed within the 21-day period, or (b) a certificate stating that one or more claims were filed together with copies thereof. Upon receipt of the town clerk's certificate, the 90-day period provided for the attorney general's review pursuant to this section shall resume; but if the expiration of the 90-day period is less than ten days from the date on which the town clerk's certificate was received, then the review period shall be extended to the tenth day following such receipt. If no claim was made, the attorney general may waive any such defect; but, if any claim is made then the attorney general may not waive any such defect. However, by not filing a claim under this paragraph, a person shall not be deprived of the right to assert a claim of invalidity arising out of any possible defect in the procedure of adoption or amendment as provided in this section and in section 5 of chapter 40A.

Notwithstanding the provisions of the first paragraph of this section, the attorney general and the town counsel may, by an agreement in writing setting forth the reasons therefor and filed with the town clerk before the end of the 90-day period, extend the 90-day period provided for the attorney general's review pursuant to this section for not more than an additional 90 days.

M.G.L. Chapter 138

Section 12: Licenses authorizing sale of beverages to be drunk on premises; license to farmer-winery to serve wine on premises of winery located on the premises of farm; veterans' organizations, corporations, etc.; suspension or revocation; hours of sale; liqueurs and cordials; liquor legal liability insurance requirement. [For text effective January 18, 2017, see below.]

A common victualler duly licensed under chapter one hundred and forty to conduct a restaurant, an innholder duly licensed under said chapter to conduct a hotel, a pub brewer, a continuing care retirement community and a keeper of a

tavern as defined by this chapter, in any city or town wherein the granting of licenses under this section to sell all alcoholic beverages or only wines and malt beverages, as the case may be, is authorized by this chapter, subject however, in the case of a tavern, to the provisions of section eleven A, may be licensed by the local licensing authorities, subject to the prior approval of the commission, to sell to travelers, strangers and other patrons and customers not under twenty-one years of age, such beverages to be served and drunk, in case of a hotel or restaurant or continuing care retirement community licensee, only in the dining room or dining rooms and in such other public rooms or areas of a hotel as the local licensing authorities may deem reasonable and proper, and approve in writing; and provided further, that the limitations relative to service and consumption in a restaurant or hotel or continuing care retirement community only in the dining rooms and such other public rooms or areas deemed reasonable and proper by the local licensing authority shall not be deemed to preclude the restaurant or hotel from allowing a patron to retain and take off the premises only so much as may remain of a bottled wine purchased by the patron in conjunction with a meal and not totally consumed by the patron during such meal; provided further, that the limitations relative to service and consumption in a tavern, club or war veterans' organization licensed pursuant to this section shall not be deemed to preclude the tavern, club or war veterans' organization from allowing a patron, member or guest, as the case may be, to retain and take off the premises only so much as may remain of a bottled wine purchased by the patron, member or guest in conjunction with a meal and not totally consumed by the patron, member or guest during such meal; provided further, that all such wine bottles shall be resealed in accordance with regulations promulgated by the commission and transported in a manner authorized in section 24I of chapter 90 when carried in a motor vehicle, as defined in section 1 of said chapter 90; provided, that no tavern license shall be granted to the holder of a hotel license hereunder. Such sales may also be made, by an innholder licensed hereunder, to registered guests occupying private rooms in his hotel, and in the dining room or dining rooms and in such other public rooms or areas of buildings on the same premises as the hotel and operated as appurtenant and contiguous to and in conjunction with such hotel, and to registered guests occupying private rooms in such buildings and in the case of condominium accommodations that are located appurtenant and contiguous to and also upon the same premises as a hotel, sales may be made by the hotel licensee as the local licensing authorities may deem reasonable and proper, and approve in writing. Such sales may also be made by a continuing care retirement community licensed hereunder, to residents or guests of residents in rooms in a continuing care retirement community, and in the dining rooms and in such other public rooms or

areas of buildings on the same premises as the continuing care retirement community and operated as appurtenant and contiguous to and in conjunction with such continuing care retirement community, and to guests of residents in such buildings; provided, however, that such sales may be made by the continuing care retirement community licensee as the local licensing authorities may deem reasonable and proper and approve in writing. Such sales may be made by a restaurant licensee at such stands or locations in a sports arena, stadium, ball park, race track, and auditorium or in any one building at an airport as the local licensing authority may deem reasonable and proper, and approve in writing. A local licensing authority may grant a license for the sale of all alcoholic beverages or a license for the sale of wines and malt beverages at any location on the grounds of a golf course as it deems reasonable and proper. Upon an application for a restaurant license, the local licensing authorities may in their discretion grant such a license authorizing the sale of alcoholic beverages on all days of the week or one authorizing such sale on secular days only, and the decision of such authorities as to which of the two types may be granted upon any particular application shall be final. During such time as the sale of such alcoholic beverages is authorized in any city or town under this chapter, the authority to grant innholders' and common victuallers' licenses therein under chapter one hundred and forty shall be vested in the local licensing authorities; provided, that if a person applies for the renewal of both a common victualler's license or an innholder's license under said chapter one hundred and forty and a hotel or a restaurant license, as the case may be, under this section and the local licensing authorities refuse to grant said common victualler's or innholder's license or fail to act on the applications therefor within a period of thirty days, such applicant may appeal therefrom to the commission in the same manner as provided in section sixty-seven and all the provisions of said section relative to licenses authorized to be issued by local licensing authorities under this chapter shall apply in the case of such common victualler's license or innholder's license.

[Second paragraph effective until August 10, 2016. Deleted by 2016, 219, Sec. 97.]

The local licensing authority of any city or town wherein the granting of licenses under this section is authorized, notwithstanding any limitation on the number of licenses the city or town is authorized to grant in section 17, may grant a license to the holder of a farmer-winery license under section 19B or from any other state for service to travelers, strangers, and other patrons and customers who are at least 21 years of age, such wine to be served and drunk on the premises of the winery at such locations on the premises of the farm as the local licensing authority may

deem reasonable and proper. For purposes of this section, a farm shall have the meaning ascribed to it in section 1A of chapter 128.

If a license granted under this section to a person holding a license as an innholder or common victualler is suspended or revoked for any particular cause, no action shall be taken on account thereof by such authorities with respect to such innholder's or common victualler's license prior to the expiration of the period provided for an appeal under section sixty-seven in case no such appeal is taken, or prior to the disposition of any such appeal so taken, nor thereafter, except for further cause, in case such disposition is in favor of the appellant. Any club in any city or town wherein the granting of licenses to sell alcoholic beverages, or only wines and malt beverages, as the case may be, is authorized under this chapter may be licensed by the local licensing authorities, subject to the approval of the commission, to sell such beverages to its members only, and also, subject to regulations made by the local licensing authorities, to guests introduced by members, and to no others.

The local licensing authorities of any city or town wherein the granting of licenses under this section to sell all alcoholic beverages or only wines and malt beverages, as the case may be, is authorized by this chapter, may, subject to the approval of the commission and irrespective of any limitation of number of licenses contained in section seventeen, issue a license to any corporation the members of which are war veterans and which owns, hires or leases in such city or town a building, or space in a building, for the use and accommodation of a post of any war veterans' organization incorporated by the Congress of the United States, to sell such beverages to the members of such post only, and also, subject to regulations made by the local licensing authorities, to guests introduced by such members and to no others.

The local licensing authorities may determine in the first instance, when originally issuing and upon each annual renewal of licenses under this section, the amount of the license fee, for a tavern license or for any other license under this section for the sale of all alcoholic beverages, or for any other license under this section for the sale of wines and malt beverages, and provided that nothing herein shall prevent such authorities from establishing license fees differing in amounts within the limitations aforesaid for restaurant licenses authorizing such sale on secular days only. If different license fees are so established the fee for licenses authorizing the sale of alcoholic beverages on all days of the week shall not be more than twenty-five per cent higher than the fee for licensing such sale on secular days only. Before

issuing a license to any applicant here for under this section, or before a renewal of such license, the local licensing authority shall cause an examination to be made of the premises of the applicant to determine that such premises comply in all respects with the appropriate definition of section one and that the applicant is not less than twenty-one years of age and a person of good character in the city or town in which he seeks a license hereunder. No license shall be issued to any applicant who has been convicted of a violation of a federal or state narcotic drugs law.

The local licensing authorities may accept the surrender of a license issued under this section and may issue in place thereof to the same licensee any other form of license authorized under this section, and may allow as a credit on the fee for the new license the license fee paid for the license surrendered but no refund shall be authorized. Different licenses issued as aforesaid for any portion of the same license year to the same licensee shall count as one license for the purposes of section seventeen.

The hours during which sales of such alcoholic beverages may be made by any licensee as aforesaid shall be fixed by the local licensing authorities either generally or specially for each licensee; provided, however, that no such sale shall be made on any secular day between the hours of two and eight o'clock antemeridian and that, except as provided in section thirty-three, no such licensee shall be barred from making such sales on any such day after eleven o'clock antemeridian and before eleven o'clock postmeridian, and no tavern shall be kept open on any such day between one o'clock antemeridian and eight o'clock antemeridian; provided, further, that any such licensee or his manager shall not be prohibited from being on the licensed premises at any time; provided, further, that the employees, contractors or subcontractors shall not be prohibited from being upon such premises at any time for the purpose of cleaning, making renovations, making emergency repairs to or providing security for, such premises or preparing food for the day's business or opening or closing the business in an orderly manner. The licensing authority shall not decrease the hours during which sales of such alcohol beverages may be made by a licensee until after a public hearing concerning the public need for such decrease; provided, however, that a licensee affected by any such change shall be given 2 weeks' notice of the public hearing.

No license issued under this section shall be subject to any condition or requirement varying the occupancy of the licensed premises as certified by any person or state or local agency charged with the administration or enforcement of the state building code or any of its rules or regulations.

No person, firm, corporation, association or other combination of persons, directly or indirectly, or through any agent, employee, stockholder, officer or other person, or any subsidiary whatsoever, licensed under the provisions of sections eighteen or nineteen shall be granted a license under this section.

In cities and towns which vote to authorize under section eleven the granting of licenses for the sale of all alcoholic beverages, specific licenses may nevertheless be granted under this section for the sale of wines or malt beverages only, or both. The licensing authorities may refuse to grant licenses under this section in certain geographical areas of their respective cities or towns, where the character of the neighborhood may warrant such refusal.

All malt beverages sold by a licensee under this section containing not more than three and two tenths per cent of alcohol by weight shall be expressly sold as such.

No malt beverage shall be sold on draught from a tap, faucet or other draughting device, unless there shall plainly appear on or attached to such device, in legible letters, the brand or trade name of the malt beverage so sold therefrom.

In any city or town wherein the granting of licenses under this section to sell alcoholic beverages or wines and malt beverages is authorized, a person may be granted a general on-premise license by the local licensing authorities, subject to the prior approval of the commission, authorizing him to sell alcoholic beverages without food to patrons and customers subject to all other relevant provisions of this chapter, provided that such beverages shall be sold and drunk in such rooms as the licensing authorities may approve in writing. The annual license fee for such general on-premise license shall be determined by the local licensing authority. For the purposes of section eleven an affirmative vote on subdivision A or B shall be considered an authorization for the granting of general on-premise licenses in a city or town.

A common victualler who holds a license pursuant to this section may provide on premises sample wine or malt beverage tasting; provided however, that such licensee shall not solicit orders for wine or malt for off premises consumption; and provided further, that any such wine tasting shall be limited to one ounce per serving and any such malt beverage tasting shall be limited to two ounces per serving and food shall be served in conjunction with any such wine or malt beverage tasting.

In any city or town which votes to accept the provisions of this paragraph, a common victualler, who holds a license under this section to sell wines and malt beverages may, upon written approval, also sell liqueurs and cordials pursuant to said license, subject, however, to all other licensing provisions of this chapter.

A common victualler who holds a license for the sale of all alcoholic beverages or holds a license for the sale of wines and malt beverages and who also holds pursuant to this section written approval to sell liqueurs and cordials pursuant to his license may provide on-premises sample liqueurs and cordials tasting; provided however, that a licensee shall not solicit orders for liqueurs and cordials for off-premises consumption; and provided, further, that any such liqueurs and cordials tasting shall be limited to 1/4 of an ounce per serving and food shall be served in conjunction with any liqueurs and cordials tasting.

A common victualler who holds a license for the sale of all alcoholic beverages may provide on premises sample alcoholic beverages tasting; provided, however, that a licensee shall not solicit orders for alcoholic beverages for off-premises consumption; and provided further, that any tasting of alcoholic beverages, other than wines and malt beverages, shall be limited to 1/4 of an ounce per serving and food shall be served in conjunction with any alcoholic beverages tasting.

No license shall be issued or renewed under this section until the applicant or licensee provides proof of coverage under a liquor legal liability insurance policy for bodily injury or death for a minimum amount of \$250,000 on account of injury to or death of 1 person, and \$500,000 on account of any 1 accident resulting in injury to or death of more than 1 person. Proof of the insurance coverage required by this section shall be made by filing a certificate of insurance in a form acceptable to the local licensing authority. The insurance shall be subject to sections 5 and 6 of chapter 175A of the General Laws.

Section 17: Number of licenses quotas; licenses for wines and malt beverages per population unit; additional licenses; estimates of increased population; decrease in quota due to loss in population; determination of population of city or town

Section 17. Except as otherwise provided in this chapter, the number of licenses issued in any city or town under sections twelve and fifteen and in force and effect at any one time during any license year shall be limited as hereinafter provided:

The local licensing authorities of any city or town, except the city of Boston, may grant one license under the provisions of section twelve for each population unit of

one thousand or additional fraction thereof, and, in addition, one such license for each population unit of ten thousand or fraction thereof, over the first twenty-five thousand, but may, regardless of population, grant at least fourteen licenses under said section twelve; and the local licensing authorities may also grant one license under the provisions of section fifteen for each population unit of five thousand or additional fraction thereof, but may, regardless of population, grant at least two licenses under said section fifteen.

In addition to the number of licenses otherwise authorized to be granted by the provisions of this section, the local licensing authorities of any city or town, except the city of Boston, which has voted to grant licenses for the sale of all alcoholic beverages as provided in the first question appearing in section eleven, may grant not more than one license for the sale of wines or malt beverages only, or both under section twelve, for each population unit of five thousand or fraction thereof; provided, that in any such city or town, said authorities may grant at least five additional licenses for the sale of such beverages, irrespective of its population; and the local licensing authorities may also grant not more than one license for the sale of wines or malt beverages only or both under the provisions of section fifteen for each population unit of five thousand or fraction thereof; provided, that in any such city or town said authorities may grant at least five additional licenses for the sale of such beverages, irrespective of its population; and provided, further, that the establishment of this limitation shall not be construed to prevent the renewal of any license granted prior to June fifteenth, nineteen hundred and thirty-seven.

The local licensing authorities of any city or town, except the city of Boston, which has voted to grant licenses for the sale of wines and malt beverages, as provided in the second question appearing in section eleven, and which has also voted to grant licenses for the sale of all alcoholic beverages in packages, as provided in the third question appearing in the said section, may grant additional licenses under section fifteen for the sale of wines or malt beverages only, or both, equal to the number of licenses under the said section otherwise authorized to be granted in any such city or town by the provisions of this section.

The local licensing authorities of any city or town, except the city of Boston, may make an estimate prior to March the first in any year of any temporary increased resident population in such city or town as of July the tenth following, and one additional license under section fifteen, to be effective from April 1 to November 30 or from April 1 to the following January 15 at the discretion of the local licensing authority, may be granted by said authorities for each unit of five thousand or

additional fraction thereof of such population as so estimated, and the local licensing authorities of any city or town in Berkshire county, in which the city council, in accordance with the provisions of its charter, or the town, at an annual or special town meeting, votes to authorize such authority to grant winter seasonal licenses, or of any town in Franklin county, may make an estimate not later than October the fifteenth in any year of any temporary increased resident population in such city or town as of February the tenth following, and one additional license under section fifteen, to be effective from December the first to April the first of the year following, may be granted by said authorities for each unit of five thousand or additional fraction thereof of such population as so estimated; provided, that not more than one additional license shall be granted under this paragraph to the same person or for the same premises in any one year; and provided, further, that the local licensing authorities of any city or town, except the city of Boston, may grant, in addition to and irrespective of any limitation of the number of licenses contained in this section, seasonal licenses under section twelve, to be effective from April first to January fifteenth of the following year, or any portion thereof, and in any city or town in Berkshire county in which the granting of winter seasonal licenses is authorized as above provided, and in any town in Franklin county seasonal licenses under section twelve, to be effective from December the first to April the first, to the amount or number that such authorities deem to be in the public interest. Every estimate hereunder of temporary resident population shall be made and voted upon by the local licensing authorities at a meeting of said authorities called for the purpose after due notice to each of the members thereof of the time, place and purpose of said meeting and after investigation and ascertainment by them of all the facts and after co-operative discussion and deliberation. A copy of such an estimate, signed by a majority of the members of said authorities, stating under the penalties of perjury that all the foregoing requirements have been complied with and that the estimate is true to the best of their knowledge and belief, shall be forwarded forthwith to the commission. Upon the petition of twenty-five persons who are taxpayers of the city or town in which a seasonal license has been so granted, or who are registered voters in the voting precinct or district wherein the licensed premises are situated, filed within five days after the granting of such license, the commission shall, and upon its own initiative at any time may, after a hearing, examine and review any estimate made or action taken by the local licensing authorities in granting the same, and after such examination or review, may rescind, revoke, cancel, modify or suspend any such estimate or action. Nothing in this paragraph shall be deemed to authorize or permit the commission to deny a renewal of, or to rescind, revoke or cancel, because of a

decrease in population, any seasonal license outstanding and in full force on April thirtieth, nineteen hundred and fifty.

The licensing board for the city of Boston may grant 665 licenses for the sale of all alcoholic beverages under section 12. The board may grant 250 licenses for the sale of all alcoholic beverages under section 15. The number of licenses for the sale of wines and malt beverages only, or both, in the city shall not exceed 320. The transfer of existing licenses shall be subject to a public hearing in the neighborhood in which the license is to be relocated, properly advertised and at an appropriate time to afford that neighborhood an opportunity to be present.

The licensing board of the city of Boston may grant up to 25 additional licenses for the sale of all alcoholic beverages to be drunk on the premises and up to 30 additional licenses for the sale of wines and malt beverages to drunk on the premises. Notwithstanding the first sentence, 5 of the additional all alcoholic beverages licenses shall be granted only to innholders duly licensed under chapter 140 to conduct a hotel and 10 of the additional all alcoholic beverages licenses shall be granted to existing holders of licenses for the sale of wines and malt beverages under section 12 provided that those licensees return to the licensing board, the licenses that they currently hold. The remaining licenses for the sale of all alcoholic beverages to be drunk on the premises and the 30 additional licenses for the sale of wines and malt beverages to be drunk on the premises shall be granted in the areas designated by the Boston Redevelopment Authority as main street districts, urban renewal areas, empowerment zones or municipal harbor plan areas. Once issued to a licensee in a Boston Redevelopment Authority designated area, the licensing board shall not approve the transfer of that license to a location outside of the designated area. A license granted pursuant to this paragraph shall be nontransferable to any other person, corporation or organization and shall be clearly marked nontransferable on its face. A license issued under this paragraph, that is cancelled, revoked or no longer in use, shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing board and the licensing board may then grant that license to a new applicant consistent with the criteria set forth in this paragraph if the applicant files with the licensing board a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

In addition to the licenses granted pursuant to the preceding 2 paragraphs, the licensing board of the city of Boston may grant up to 45 additional licenses for the sale of all alcoholic beverages to be drunk on the premises and up to 15 additional licenses for the sale of wines and malt beverages to be drunk on the premises in either the zoning districts of Dorchester, East Boston, Hyde Park, Jamaica Plain, Mattapan, Mission Hill and Roxbury as designated by the Boston Zoning Commission or in the areas designated by the Boston Redevelopment Authority as main street districts. A license granted pursuant to this paragraph shall be nontransferable to any other person, corporation or organization and shall be clearly marked "nontransferable" and "neighborhood restricted" on its face. A license issued under this paragraph, if cancelled, revoked or no longer in use at the location of original issuance, shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing board which may then grant that license to a new applicant under the same conditions as specified in this paragraph if the applicant files with the licensing board a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid; provided, however, that a license issued under this paragraph that is cancelled, revoked or no longer in use at the location of original issuance shall only be issued to a new applicant in the same designated area of the city where the original license was granted."

As used in this section, the following words shall have the following meanings:--

"Airline club", an establishment that is not open to the general public and which is operated by or for an airline at the airport to provide exclusive or special accommodations to members and their guests in accordance with airline policy.

"Airport", the General Edward Lawrence Logan International Airport.

"Boston license", a license for the sale of alcoholic beverages issued pursuant to the preceding paragraph and subject to the city of Boston municipal quota.

"Passenger terminals", the passenger terminals and designated airline clubs within the airport.

"Restricted airport licenses", licenses for: (i) the sale of all alcoholic beverages to be drunk on the premises within the passenger terminals; and (ii) the sale of wines and malt beverages to be drunk on the premises within the passenger terminals.

The licensing board for the city of Boston may grant restricted airport licenses to common victuallers duly licensed under chapter 140 and operating within the passenger terminals, subject to the approval of the alcoholic beverages control commission. Once issued to a licensee within the passenger terminals, the licensing board shall not approve the transfer of a restricted airport license to a location outside of the passenger terminals. A restricted airport license shall be nontransferable to any other person, corporation or organization operating outside the passenger terminals and shall be clearly marked "nontransferable outside the passenger terminals at the airport" on its face. Notwithstanding this section or any other special or general law to the contrary, restricted airport licenses shall not be subject to or counted against the municipal quota set forth in this section including, but not limited to, the city of Boston quota set forth in the sixth paragraph. A restricted airport license, if revoked or no longer in use, shall be returned physically, with all of the legal rights and privileges pertaining thereto, to the licensing board which may then grant that license to a new applicant operating within the passenger terminals, consistent with this paragraph.

Notwithstanding the provisions hereof, no quota established hereunder for any city or town shall be decreased because of any loss in population.

[Eleventh paragraph following the introductory paragraph effective until August 10, 2016. Deleted by 2016, 219, Sec. 99.]

Unless expressly authorized by this chapter, local licensing authorities shall not grant licenses to any person, firm or corporation under more than one section of this chapter.

The population of any city or town for the purposes of this section shall be that enumerated in the most recent federal census.

In determining the population of any city or town for the purposes of this section the state secretary shall, if the last preceding census is the national census, by a writing filed by him in his office, make such adjustments in such census as will reflect the criteria used in making the last preceding state census.

Notwithstanding the provisions of this section, the number of licenses which a city or town was authorized to grant in nineteen hundred and thirty-three under this section shall not be decreased because of any loss in population, but only because of cancellation, revocation or failure to renew existing licenses, and no further original licenses shall be granted in a city or town where the population has

decreased since nineteen hundred and thirty-three until the number of licenses outstanding shall have been reduced for the aforementioned reasons to a number which is less than that which may be granted based on such reduced population and thereafter the number of licenses in force and effect at any one time during the license year shall be based on such reduced population as provided in this section.

[Fifteenth paragraph following the introductory paragraph effective until August 10, 2016. For text effective August 10, 2016, see below.]

In addition to the number of licenses otherwise authorized to be granted pursuant to this section, a city or town may grant additional licenses under sections 12, 15 or 15F to the holder of a farmer-winery license under section 19B or in any other state for the sale of wine produced by or for the applicant. A license granted by a city or town under said section 12, 15 or 15F shall not be include as a license for purposes of determining the number of licenses allowed to be granted by a city or town under this section. A license granted pursuant to this paragraph shall be nontransferable to any other person, corporation or organization and shall be clearly marked nontransferable on its face.

[Fifteenth paragraph following the introductory paragraph as amended by 2016, 219, Sec. 100 effective August 10, 2016. For text effective until August 10, 2016, see above.]

In addition to the number of licenses otherwise authorized to be granted pursuant to this section, a city or town may grant additional licenses under sections 15 or 15F to the holder of a farmer-winery license under section 19B or in any other state for the sale of wine produced by or for the applicant. A license granted by a city or town under said section 15 or 15F shall not be include as a license for purposes of determining the number of licenses allowed to be granted by a city or town under this section. A license granted pursuant to this paragraph shall be nontransferable to any other person, corporation or organization and shall be clearly marked nontransferable on its face.

Section 77: Cancellation of license upon cessation of licensed business

Section 77. The licensing authorities may, after hearing or reasonable opportunity therefor, cancel any license issued under this chapter if the licensee ceases to conduct the licensed business. If the local licensing authorities determine that a license should be cancelled as aforesaid the licensee may appeal to the commission as if such authorities had refused to grant the license upon an original application therefor, and the decision of the commission upon such appeal shall be final.

MUNICIPAL FINANCE TERMINOLOGY

The following terms are frequently used in the Annual Town Report and at Town Meeting. Definitions are provided in order to provide an understanding of their meaning:

FREE CASH: The amount certified annually by the State Bureau of Accounts by deducting from Surplus Revenue (formally the “Unreserved Fund Balance” or “Excess and Deficiency”) all uncollected taxes of prior years. Surplus Revenue is the amount by which the cash accounts receivable and other assets of the Town exceed the liabilities and reserves. Surplus revenues build up mainly from unexpended balances of general appropriations and from excess receipts from non-tax sources (Local Receipts) over estimated receipts. Free Cash may be appropriated by vote of the Town Meeting.

OTHER AVAILABLE FUNDS: Certain receipts, when received by the Town, must be set aside and reserved for particular appropriation. These include the Endicott Estate Receipts, Sale of Cemetery Lots and Graves, and Parking Meter Receipts. In addition, funds from the Overlay Surplus (the accumulated amount of the overlay for various years not used or required to be held in the overlay account) may be used by a town to offset budget requests for the next year. Also, all unused balances from prior years’ Special Article Appropriations may be transferred to meet a new appropriation.

CHERRY SHEET: Named for the cherry colored paper on which the Massachusetts Department of Revenue traditionally has printed it, listing the amounts of state and county assessments, as well as the estimated state distribution (State Aid).

RESERVE FUND: This fund is established by the Town Meeting and may be composed of (a) an appropriation (not exceeding 5% of last year’s levy), (b) money transferred from existing accounts or funds, or (c) both. The Reserve Fund amounts to an omnibus appropriation, to be transferred by vote of the Finance Committee for extraordinary or unforeseen expenditures where the Committee decides such expenditures would be approved by Town Meeting. “Extraordinary” covers items, which are not in the usual line, or are great or exceptional. “Unforeseen” includes items, which were unforeseen at the time of the Town Meeting, when appropriations were voted.

GENERAL STABILIZATION FUND: This fund serves as a general financial reserve for the Town. Money may be appropriated to the Fund up to ten percent of the

preceding year's tax levy, but the Fund may not exceed ten percent of the total tax valuation of the Town. The Fund may be used for any legal purpose by a two-thirds vote of the Town Meeting. Interest earned remains in the Fund.

OVERLAY SURPLUS: The Overlay is the amount from the property tax levy in excess of appropriations and other charges. It is used to cover abatements and exemptions granted locally or on appeal. The Overlay Surplus is the unused portion of previous years' overlays.

MITIGATION STABILIZATION: These are special purpose reserves created by vote of Town Meeting. Like the General Stabilization Fund, expenditures from these funds require a two-thirds vote of Town Meeting.

MAJOR CAPITAL FACILITIES STABILIZATION: This is another special purpose reserve created by vote of Town Meeting. Expenditures may be made from the fund only on a two-thirds vote of Town Meeting. It is a management policy of the Town that this fund be used for major construction or renovation of buildings estimated to cost \$4 million or more.

MWRA: The Massachusetts Water Resources Authority was established in 1985 to provide water supply services and sewer collection, treatment and disposal services to the region. To fund its operations and debt the MWRA sets user rates and assesses each town in the area according the metered flow of water through the sewers. Dedham funds its sewer assessment from billings based upon a metered water use rate set by the Selectmen. The Town is not assessed water use charges.

PROPERTY TAX LEVY: The total revenue a community raises through property taxes. Often just called the "levy," it is the largest source of revenue for most Massachusetts cities and towns. This is different from the tax rate, which is the tax amount charged individual properties per \$1,000 of property valuation. The tax rate is set each year by the town.

LEVY LIMIT: The maximum amount a community may levy in a year. The levy limit can increase only by 2 ½ percent each year, plus adjustment for new growth and the addition of the debt service for previously voted tax overrides, such as debt exclusions.

LEVY CEILING: The maximum amount a community may levy under all conditions. A community's levy ceiling is 2 ½ percent of the aggregated valuation of all taxable properties.

EXCESS LEVY CAPACITY: If a community sets its levy below its levy limit, the difference between them is called excess levy capacity. The levy limit is not affected by excess capacity, however, meaning that in future years a town can tax up to that limit regardless of the previous levy. For example, a one percent levy increase one year allows the town to raise the levy by 4 percent the next year - the normal 2 ½ percent, plus the 1 ½ percent not taxed the year before.

NEW GROWTH: A community can increase its levy limit annually based on new development and other growth in the tax base. Property that has increased in value because of new construction, new subdivision parcels and condominium conversions, and new properties are all considered new growth. An increase in property value assessed during triennial reevaluation (appreciation) is not considered new growth.

GENERAL OVERRIDE: Residents can vote to increase tax levies beyond the levy limit, as long as the community is below the levy ceiling. The increase is included in the levy for that year and added to the base used to calculate future levy limits. An override requires a majority vote of the town at a special town election.

DEBT EXCLUSION: A debt exclusion allows towns to raise funds to pay for debt incurred by the town. The amount of the payment is added to the levy for the life of the debt, and is not included in calculations of the new levy limit for future years. A debt exclusion requires a two-thirds majority vote to borrow at town meeting and requires a majority vote at a special town election.

CAPITAL OUTLAY EXPENDITURE EXCLUSION: A type of tax override that allows towns to raise funds for capital projects. Its rules are similar to those for debt exclusions, except the cost is only added to the levy for the year in which the project is undertaken.

FINANCE COMMITTEE



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