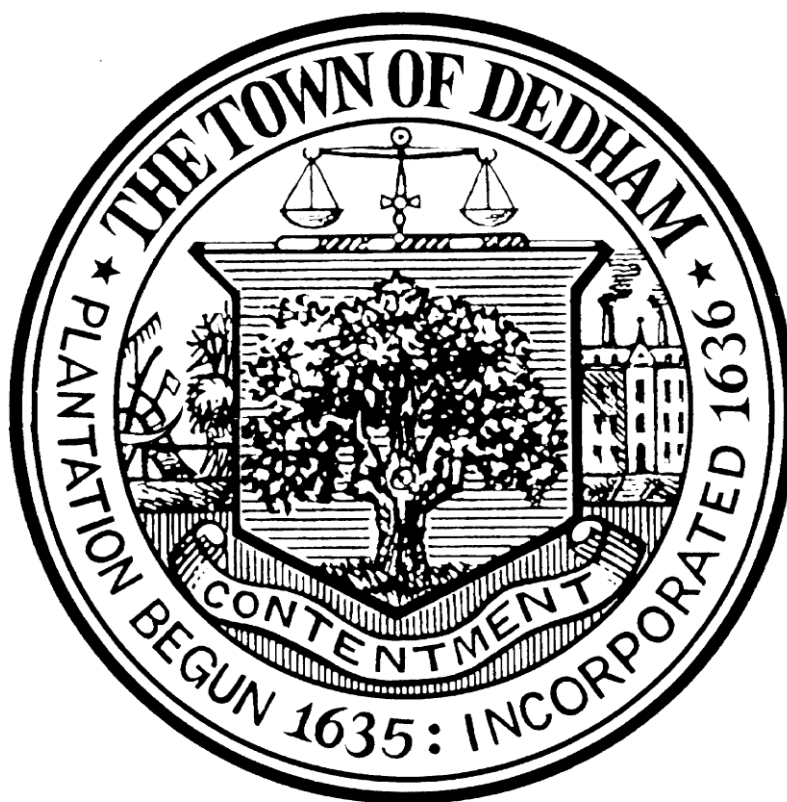


**DEDHAM
FINANCE AND WARRANT COMMITTEE**



**REPORT & RECOMMENDATIONS FOR THE
FALL ANNUAL TOWN MEETING
MONDAY, NOVEMBER 30, 2020 AT 7:00 P.M.**

**THE TOWN MEETING WILL BE HELD REMOTELY
USING THE ZOOM PLATFORM**

FISCAL YEAR 2021 DEDHAM FINANCE AND WARRANT COMMITTEE

	PRECINCT	TERM ENDS
KEVIN PRESTON, CHAIR	2	2022
DAVE ROBERTS, VICE	3	2020
BETH PIERCE, AT LARGE	1	2020
SUSAN FAY	4	2022
MICHELLE PERSSON REILLY	7	2021
JOHN HEFFERNAN	6	2020
KEVIN HUGHES	5	2021
MARTY LINDEMANN	1	2021
MICHAEL LEAHY, AT LARGE	5	2021

DANIEL J. DRISCOLL, MODERATOR (1993-PRESENT)

PAST MODERATOR

H. HOLTON WOOD (1964-1993)

PAST FINANCE COMMITTEE CHAIRS

2018-PRESENT	KEVIN PRESTON
2014-2017	JOHN HEFFERNAN
2012-2014	RUSSELL C. STAMM
2007-2012	DAVID N. MARTIN
2006-2007	MARK DRISCOLL
2002-2006	CHRISTOPHER E. MELLEN
2001-2002	WILLIAM A. PODOLSKI
2000-2001	VALERIE T. IRVING
1998-2000	CONSTANTINE P. CALLIONTZIS
1996-1998	PAUL G. JOYCE
1995-1996	FRANCIS T. KEALLY
1993-1995	RICHARD C. BREMER
1992-1993	DAVID E. KRUSZ
1991-1992	KEVIN E. YOUNG
1990-1991	JAMES A. MACDONALD
1989-1990	SANDRA A. LYNCH
1988-1989	JAMES V. HARRIGAN
1987-1988	STEPHEN P. RAHAVY
1986-1987	MARGOT C. PYLE
1985-1986	JAMES S. MCDONALD
1984-1985	FRANCIS J. SALLY
1983-1984	DAVID THIBODEAU
1981-1983	JOHN I. STANTON, JR.
1980-1981	ANTHONY THACHER

TABLE OF CONTENTS

FALL ANNUAL TOWN MEETING ARTICLES AND RECOMMENDATIONS	1
1. PERSONNEL BY-LAW CHANGES AND COLLECTIVE BARGAINING AGREEMENTS	1
2. UNEXPENDED BALANCES OF SPECIAL ARTICLES	2
3. CAPITAL IMPROVEMENTS BUDGET	2
4. UNPAID BILLS OF PRIOR YEAR(S).....	3
5. LINE ITEM TRANSFERS.....	4
6. SPECIAL PURPOSE STABILIZATION FUNDS, APPROPRIATION	5
7. GENERAL STABILIZATION FUND	6
8. REDUCE THE TAX RATE.....	6
9. APPROPRIATION TO FUND TAX WORK-OFF PROGRAM FOR SENIORS AND VETERANS	7
10. APPROPRIATION FOR DEMOLITION OF TRANSFER STATION	7
11. APPROPRIATION TO ACQUIRE NEW SOLID WASTE CARTS.....	7
12. REPORTS OF COMMITTEES	8
13. APPROPRIATION TO PURCHASE ELECTRONIC VOTING SYSTEM.....	8
14. ADDITIONAL APPROPRIATION FOR PUBLIC SAFETY BUILDING.....	8
15. APPROPRIATION FOR PROPOSED TRENTON ROAD PLAYGROUND	9
16. APPROPRIATION FOR TREES FOR ABANDONED RAIL CORRIDOR.....	10
17. LEGISLATION FOR DEDHAM VETERANS COUNCIL ASSISTANCE FUND.....	11
18. ACCEPT M.G.L. c.59 sec.5 Clause Twenty-Second H KNOWN AS AN ACT RELATIVE TO VETERANS' BENEFITS, RIGHTS, APPRECIATION, VALIDATION AND ENFORCEMENT (BRAVE ACT)	11
19. INCREASE LIMITS FOR SENIOR TAX WORK OFF PROGRAM.....	12
20. ACCEPTANCE OF M.G.L. Ch. 59 Section 5C (SO-CALLED RESIDENTIAL EXEMPTION.....	13

21. ZONING AMENDMENTS – SPECIAL PERMITS	13
22. COMPREHENSIVE CONCEPT PLAN – 216 LOWDER STREET	14
23. ZONING AMENDMENT – DIMENSIONAL REQUIREMENTS	14
24. ZONING AMENDMENT – MIXED USE DEVELOPMENTS.....	16
25. ZONING AMENDMENT – AFFORDABLE HOUSING	22
26. ZONING AMENDMENT – RECODIFICATION OF DEDHAM ZONING BYLAW	28
27. GENERAL BY-LAW AMENDMENT TO OPEN SPACE AND RECREATION COMMITTEE BY-LAW.....	29
28. GENERAL BY-LAW - AMENDMENT TO STORMWATER MANAGEMENT FEE SCHEDULE	30
29. NEW GENERAL BY-LAW PROPOSED	31
30. PROPOSED LEGISLATION FOR ADDITIONAL LIQUOR LICENSES	31
Appendices	A1
Municipal Finance Terminology	A2
MOU’s	A4
Report of Electronic Voting Group.....	A33
Statutes and bylaws	A34

DANIEL J. DRISCOLL
MODERATOR



DEDHAM TOWN HALL
P.O. BOX 306
DEDHAM, MA 02027

TOWN OF DEDHAM
(COMMONWEALTH OF MASSACHUSETTS)

September 21, 2020

Hon. Dennis J. Teehan, Jr. and
Members of the Select Board
Dedham Town Hall
26 Bryant Street
Dedham, MA 02026

Re: November 30, 2020 Fall Annual Town Meeting -
Restated Request for Remote Participation

Dear Board Members,

This is to follow up on my correspondence dated September 9, 2020, which is attached hereto and incorporated by reference. Having determined that it is not possible to safely assemble the Town Meeting Members and interested members of the public in a common location for the conduct of the Fall Annual Town Meeting, in accordance with Chapter 92 of the Acts of 2020, and in order to comply with the requirements contained within the Act, I request that the Select Board call the Fall Annual Town Meeting to be held on November 30, 2020 at 6:00 PM, through remote participation, including, but not limited to, by means of a video or telephone conferencing platform. I have conferred with Mr. John Tocci, the Co-Chair of local disability commission, to confirm compliance with the federal Americans with Disabilities Act for such remote participation Meetings.

The Meeting will be conducted using the Zoom platform. I certify that: (A) I have tested the video or telephone conferencing platform; and (B) the platform satisfactorily enables the Town Meetings to be conducted in substantially the same manner as if the Meetings occurred in person at a physical location and in accordance with the operational and functional requirements set forth in Section 8 of Chapter 92 of the Acts of 2020.

I look forward to your favorable response to this request in the interest of protecting public health and safety, and the issuance of an appropriate notice in that regard.

Respectfully submitted,

Daniel J. Driscoll
Town Moderator

DANIEL J. DRISCOLL
MODERATOR



DEDHAM TOWN HALL
P.O. BOX 306
DEDHAM, MA 02027

TOWN OF DEDHAM
(COMMONWEALTH OF MASSACHUSETTS)

September 9, 2020

Hon. Dennis J. Teehan, Jr.
and members of the Select Board
Dedham Town Hall
26 Bryant Street
Dedham, MA 02026

Re: Notice of Intent to Request Remote Fall Annual Town Meeting

Dear Members of the Select Board:

Having determined, after careful deliberation, that it is not possible to safely assemble the Town Meeting Representatives and interested members of the public in a common location, in accordance with Section 8 of Chapter 92 of the Acts of 2020, for the Fall Annual Town Meeting to be held in November, this is to inform you that I intend to formally request that the Fall Annual Town Meeting be held through remote participation, including, but not limited to, by means of a video or telephone conferencing platform.

I am currently identifying the details for the proceedings in order to comply with all statutory requirements, including finalizing plans as to use of an appropriate video or telephone conferencing platform. I will be consulting with the Town, Library and School IT personnel, the Commission on Disability or its designee, the Board of Health or its designee, as well as the Town Manager, Select Board and Finance Committee to ensure that we have a plan that will effectively and efficiently accommodate all those that wish to participate. I am hard at work on the specifics of creating an infrastructure that will ensure that Town Meeting will be conducted in substantially the same manner as if the meeting occurred in person, and in accordance with the operational and functional requirements required by law.

For your information, and for the information of the Town Meeting Representatives, please be informed that I have been working cooperatively with various Town officials to prepare for this new challenge. Similar to the preparation prior to the Spring Annual Town Meeting (held on August 10, 2020), we are considering ways to use the Town's website and technology to present substantive information to Town Meeting Representatives as soon as possible. To that end, we are once again requesting that all Town Meeting Representatives forward their e-mail addresses to the Town Manager so that we can communicate quickly and efficiently. Further, I am hopeful that the Town will be able to put together appropriately detailed presentations on the various articles, which can be posted on line for Representatives to watch at their leisure, as well as run several live "Zoom" sessions to answer questions from Town Meeting Representatives. The so-

called "mini-Town Meeting" will be a good opportunity to review generally the use of the remote application and do a few test run votes to practice. While a remote town meeting will, of course, allow for deliberation on the warrant articles, we want to ensure that everyone "arrives" for the meeting with their questions answered.

Finally, we are working to schedule a number of training opportunities for all Town Meeting Representatives to ensure that people are comfortable with platform and the processes to be used for typical Town Meeting actions such as making of motions, raising points of order and voting. We are mindful that people have differing levels of familiarity and comfort with Zoom, and with computers generally, and will be providing support services to all that need them. We will have a plan to assist any Representatives that cannot participate electronically, and will ensure that such opportunity is made widely known.

I am confident that we can hold a successful remote town meeting with everyone's help and commitment to being prepared, informed, and, perhaps most importantly, patient.

Accordingly, this is to inform you that I will be formally submitting a Request for a Remote Fall Annual Town Meeting and looking for the Board to act on that request at its next meeting on September 24, 2020. I look forward to providing the Select Board with the certifications required under said Chapter 92, and am anticipating to your favorable response to this request in the interest of preserving our democratic process while protecting public health and safety.

Respectfully submitted,



Daniel J. Driscoll
Town Moderator

DANIEL J. DRISCOLL
MODERATOR



DEDHAM TOWN HALL
P.O. BOX 306
DEDHAM, MA 02027

TOWN OF DEDHAM
(COMMONWEALTH OF MASSACHUSETTS)

REMOTE TOWN MEETING INFORMATION

As you are aware, Town Meeting is being held remotely using the Zoom Webinar platform.

Information regarding Zoom access to the meeting will be sent to Town Meeting Representatives via email.

Included in the recommendation book is a Zoom Cheat Sheet, designed to familiarize and assist you in using the Zoom platform.

If you are not able to join via Zoom, or have any other concerns, please reach out to me directly as soon as possible at Djdriscoll29@Gmail.com or 617-510-1797.

On November 30, if you experience any issues with Zoom, please call the Town Meeting help line at **781-493-4299**.

Thank you!

Dan Driscoll
Moderator
Djdriscoll29@Gmail.com
617-510-1797

Dedham Town Meeting

First time using Zoom? Follow the easy steps below to get started!

To join with Meeting ID and Password:

1. Make sure you are connected to the internet
2. Open your web browser (Chrome, Safari, or Firefox)
3. Visit the link [Zoom.com](https://zoom.us) in your browser
4. Click on "Join a Meeting"
5. Type in the Meeting ID and click "join"
6. When prompted, click on "open.zoom.us"
7. When prompted, enter the meeting password
8. Enter your name and email address and click "join webinar"
9. Click "join with computer audio"

To join with a hyperlink

1. Click on the link and it should take you directly to the meeting
2. Follow steps 5 -9 as needed

ZOOM CHEAT SHEET

Visit [Zoom's Help Center](https://support.zoom.us/hc/en-us)
<https://support.zoom.us/hc/en-us>
For video walkthroughs,
quickstart guides, and
more resources.

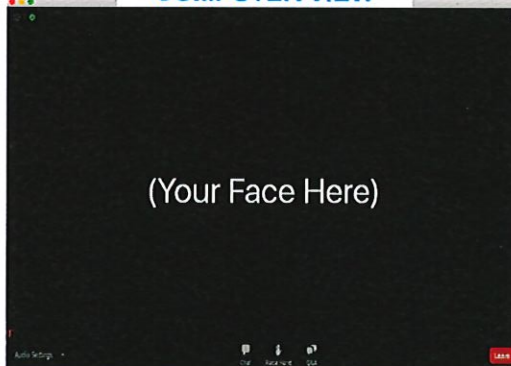
Helpful Tips

- Zoom Webinar has two types of participants: **panelists** and **participants**. Town Meeting Members will be "participants" unless they are speaking or presenting, when they will be moved to "panelist."
- Panelists' microphone & video controls are in the bottom left corner. Please stay muted unless you are speaking. Participants will be automatically muted.
- If possible, use headphones with a built-in microphone to maximize sound quality.
- Please log on a few minutes early to allow your computer time to connect.
- If you are using a tablet/smartphone, you will need to download the app the first time you log in so be prepared to have the time, passwords, and connectivity to do so.

PHONE VIEW



COMPUTER VIEW



Having Problems? Troubleshooting Guide:

If your screen is freezing:

- check your internet bandwidth
- close applications not in use
- make sure others in your house aren't online
- move closer to your router

If you can't hear:

- check audio by clicking "Audio settings" or the arrow to right of mute button
- check speaker volume
- if not already, try using headphones

If others cannot hear you:

- make sure you are not muted
- check audio by clicking "Audio settings" or the arrow to right of mute button
- try using headphones with built-in microphone

How to Navigate in the Meeting

Here's a brief explanation of the functionality of the buttons across the bottom (on tablets/iPads these buttons will be displayed across the top). Note not all buttons may be enabled depending on the meeting format.

1. **Mute** - mute or unmute your microphone
2. **Video** - start or stop video feed
3. **Chat** - open the chat window if it is enabled
4. Click **Raise Hand** Icon at the bottom of the Webinar Controls to notified the host you've raised your hand.
5. **Q & A** allows you to type a question
6. **Leave** - leave the meeting
7. **Zoom Polls**- Will pop up in a separate window when the host launches them. If you can't find the poll window minimize your zoom window.

How to Mute/Unmute

1. Click the Mute button to mute your microphone
2. To unmute, click the same button (now relabeled as Unmute)

Note that when you are on MUTE, the button will read UNMUTE, and vice versa.

If you are calling in by phone, press star (*) 6 to mute/unmute yourself

Microphone ICON



How to Start/Stop Video

1. Click the Start Video button to start video and share your camera
2. To stop video, click the same button (now relabeled as Stop Video)

Whether or not you may display your video will depend on how the meeting is being run. Some meetings will allow you to use video, while others will not.

Video ICON



How to Use Gallery View

If you cannot see all meeting participants at once, and you wish to, toggle on Gallery View.

1. Click the Gallery View button in the top right corner of your screen
2. Use the arrows to either side of the screen to toggle between screens of participants (depends on meeting size)
3. If instead you would like to see only the person speaking, simply click the Speaker View button in the same location

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



TOWN OF DEDHAM
Town Moderator

Dear Town Meeting Representative and Citizens of Dedham:

Usually there are one or more controversial articles that are the focus of attention for a Town Meeting. While we do have several articles like that on our Warrant, the hot topic is: how do we safely conduct this Meeting in the face of COVID 19.

The Spring Town Meeting was delayed until August and held on the Dedham High School football field. The response from you, the Town Meeting Representatives, was very heartening. Over 200 of you braved the heat and assembled to do the business we needed to do.

Now we are faced with our November Fall Annual Town Meeting. There are decisions that need to be made so that the Town can conduct its affairs. There are individual petitioners who had expected to be heard at the Spring Meeting but who accepted your decision to postpone their articles until the Fall.

Obviously, an outdoor Meeting is not an option on November 30 in New England. We made the difficult decision to conduct a virtual Meeting using the Zoom platform. Understandably, this is not everyone's preferred way of meeting. It is not mine. But we have no other safe option, a decision that seems even wiser now that Dedham has once again seen an increase in infections *and* positivity rates. A group of about twelve Town officials has been meeting weekly for months to work on ideas so that even those who are not comfortable with technology could participate.

Our plan calls for a virtual Town Meeting using the Zoom platform for listening, speaking and voting. We have worked out a way to insure that only elected members can vote. We were able to do this because you were very responsive when your

District Chairs' asked for your email addresses. We have been conducting a series of trainings on the use of Zoom, which have been very well attended. We are offering individual coaching and have loaner computers to offer. We have back-up accommodations for those who truly are *unable* to participate. Your cooperation and patience has been appreciated.

Thank you for stepping up during these most difficult times. The New England Town Meeting is the original form of true democracy in our country. Thanks to you, we can fulfill our responsibilities this year despite all that is working against us.

Dan Driscoll

Moderator

Djdriscoll29@Gmail.com 617-510-1797

FWC Chair's Letter to Town Meeting Representatives & the Citizens of Dedham



TOWN OF DEDHAM Finance and Warrant Committee

To the Town meeting Representatives and the Citizens of Dedham:

The Fall Town Meeting will consider what action should be taken on thirty Articles, twenty-four of which fall within the jurisdiction of the Finance and Warrant Committee. Our recommendations on each of those Articles are presented herein for your consideration.

For the most part, the Articles reflect routine business and a scaled down list of recommended capital items. There were also a number of Articles that the proponents requested be indefinitely postponed, to allow for further refinement and for resubmission at a future Town Meeting (e. g. Articles 10, 11, 13, 15, 19, and 20).

The one elephant in the room on this Fall's Warrant, is, of course, the request for an additional amount, just shy of \$10M, to supplement the previous authorization of \$45M to build and outfit a new Combined Public Safety Building. This unwelcome request was driven by the years-long failure of the Contractor to complete the renovation of the Ames Building. Coming as it did during a period of high inflation in construction costs, those delays alone rendered the original project budget for the Public Safety Building untenable.

No one "wants" to spend this additional amount. The simple facts are however, that if we do not approve this request, we would have spent approximately \$5M on design and other expenses that would be unrecoverable. We would also have to start from scratch on new proposals for both police and fire with all the delays and expense inherent in starting over. For these reasons, the FWC concluded that there was no viable alternative and we voted unanimously to recommend approval of the additional \$9.8M.

We look forward to seeing you at Dedham's first ever virtual Town Meeting.

Kevin Preston, Chair, 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. PERSONNEL BY-LAW CHANGES AND COLLECTIVE BARGAINING AGREEMENTS

ARTICLE ONE: *By the Select Board:* To see if the Town will vote to adopt changes in Schedule A (Classification Schedule), or Schedule B (Compensation Schedule), or Schedule C (Fringe Benefits) of the Personnel Wage and Salary Administration Plan; to act upon the recommendations of the Town Manager as to actions he deems advisable and necessary in order to maintain a fair and equitable pay level and compensation policy; to implement collective bargaining agreements listed below, the funding for which is included in the appropriate departmental budgets under Article Three:

1. AFSCME, Local #362 (Library Staff Unit)
2. Dedham Police Patrolman's Association, Massachusetts Coalition of Police, Local #448, AFL-CIO
3. Dedham Police Association (Lieutenants & Sergeants)
4. Dedham Firefighter's Association, Local 1735
5. AFSCME, Local #362 (DPW- Unit A)
6. AFSCME, Local #362 (DPW-Unit B)
7. AFSCME, Local #362 (Town Hall)
8. AFSCME, Local #362 (Parks)
9. AFSCME, Local #362 (Civilian Dispatchers)

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 fund the cost items of the fiscal year(s) of the collective bargaining agreements between the Town and the unions as listed below:

AFSCME, Local #362 (Library Staff Unit) - July 1, 2019 to June 30, 2020 & July 1, 2020 to June 30, 2021

Dedham Police Patrolman's Association, Massachusetts Coalition of Police, Local #448, AFL-CIO - July 1, 2020 to June 30, 2021

Dedham Police Association (Lieutenants & Sergeants) – July 1, 2019 to June 30, 2021

Dedham Firefighter's Association, Local 1735 – July 1, 2020 to June 30, 2021

AFSCME, Local #362 (Town Hall) – July 1, 2019 to June 30, 2020 & July 1, 2020 to June 30, 2021

AFSCME, Local #362 (Civilian Dispatchers) – July 1, 2019 to June 30, 2020 & July 1, 2020 to June 30, 2021

and, as funding therefor, to appropriate the total sum of \$578,395, of which \$375,000 was appropriated under Line 1 of the General Operating Budget approved under Article 3 of the 2020 Annual Town Meeting, and the remaining sum of \$203,395 shall be raised by taxation, and, further, to authorize the Town Accountant to allocate such funds consistent with the vote hereunder.

Article 1 authorizes funding for the Memorandums of Understanding executed between the Town and the respective bargaining units listed above.

2. UNEXPENDED BALANCES OF SPECIAL ARTICLES

ARTICLE TWO: *By the Finance Committee:* To see what sum of money the Town will vote to transfer from unexpended balances of special articles of prior years to fund expenses for Fiscal Year 2021, or take any other action relative thereto. *Referred to Finance & Warrant Committee for study and report.*

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

Article 2 would approve the transfer of balances from completed or cancelled capital expenditure projects, however no action is required at this time.

3. CAPITAL IMPROVEMENTS BUDGET

ARTICLE THREE: To see what sum of money the Town will vote to raise and appropriate, transfer from available funds or borrow to implement capital improvements and capital projects, 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 transfer the sum of \$523,210.00 from Free Cash to pay the costs of purchasing, installing and/or equipping the items as shown in the column labeled “FinCom” in the following table, including all incidental and related expenses:

Article 3: Capital

Department	Project Description	CEC Recomm	FinCom	Funding Source			
				Tax Levy	Free Cash	Enterprise	Bond
1 Fire	Portable Radios	\$ 128,000	\$ 128,000	\$ -	\$ 128,000	\$ -	\$ -
2 Fire	Communication Repeaters	\$ 66,810	\$ 66,810	\$ -	\$ 66,810	\$ -	\$ -
3 Police	Satellite Receiver	\$ 12,400	\$ 12,400	\$ -	\$ 12,400	\$ -	\$ -
Public Safety		\$ 207,210	\$ 207,210	\$ -	\$ 207,210	\$ -	\$ -
4 School	DMS HVAC Controllers	\$ 75,000	\$ 75,000	\$ -	\$ 75,000	\$ -	\$ -
5 School	Oakdale Exterior Door Replacements	\$ 5,000	\$ 15,000	\$ -	\$ 15,000	\$ -	\$ -
6 School	DHS Infrared Electrical Thermal Scan	\$ 15,000	\$ 15,000	\$ -	\$ 15,000	\$ -	\$ -
7 School	DHS Wood Shop Electrical Upgrades	\$ 50,000	\$ 50,000	\$ -	\$ 50,000	\$ -	\$ -
8 School	Greenlodge Room Darkening Classroom Shades	\$ 25,000	\$ 25,000	\$ -	\$ 25,000	\$ -	\$ -
School		\$ 170,000	\$ 180,000	\$ -	\$ 180,000	\$ -	\$ -
9 School Facilities	DHS Kitchen Storage	\$ 30,000	\$ 30,000	\$ -	\$ 30,000	\$ -	\$ -
10 Parks & Rec	F550 Truck	\$ 106,000	\$ 106,000	\$ -	\$ 106,000	\$ -	\$ -
Total All Capital:		\$ 513,210	\$523,210	\$ -	\$523,210	\$ -	\$ -

Article 3 funds capital requests for FY2021 using \$523,210.00 from Free Cash.

4. UNPAID BILLS OF PRIOR YEAR(S)

ARTICLE FOUR: *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 the sum of \$39,508.00 be transferred from Free Cash to pay outstanding bills to SHI International Corp. (\$26,175), K-P Law (\$13,063) and the Dedham Times (\$270).

Article 4 appropriates funds enabling the Town to pay for prior year bills.

5. LINE ITEM TRANSFERS

ARTICLE FIVE: *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 2020 Spring Annual Town Meeting (FY'21 operating budget) or any other article thereof, 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 \$659,396.00, be transferred from current appropriations as scheduled on the following chart to meet additional expenses for the current fiscal year:

Article 5: Line Item Transfers

From Dept/ Source			To Department			
	Line item	Amount	Line Item	Amount		
1	Other Charges to be raised	\$ 100,840.00	Public Works	Village/Brookdale Cemetery	\$ 50,000.00	
			Finance	Purchased Services	\$ 11,227.72	
			Environmental	Personal Services	\$ 3,058.85	
			Environmental	Other Expense	\$ 1,700.00	
			Town Facilities	Purchased Services	\$ 7,419.00	
			Finance	Purchased Services	\$ 19,974.43	
			Finance	Copier purchase from lease	\$ 3,995.00	
			Finance	Full car stipend	\$ 2,625.00	
			Conservation	Half car stipend	\$ 840.00	
2	Free Cash	\$ 82,005.71	Finance	Purchased Services	\$ 82,005.71	
3	Finance	Personal Services	\$ 63,340.83	Finance	Purchased Services	\$ 63,340.83
4	State Aid	State Aid	\$ 37,333.33	Finance	Personal Services	\$ 37,333.33
5	HR	Travel	\$ 2,000.00	HR	Advertising	\$ 2,000.00
6	Police	Personal Services	\$ 75,833.69	Finance	MIS Director	\$ 75,833.69
7	Police	Personal Services	\$ 3,000.00	HR	Professional Services	\$ 3,000.00
8	Police	Personal Services	\$ 4,658.00	Police	Supplies	\$ 4,658.00
9	Police	Personal Services	\$ 813.00	Police	Repair/Maint	\$ 813.00
10	Police	Personal Services	\$ 2,000.00	Police	Medical Services	\$ 2,000.00
11	Fire	Firefighter Salary	\$ 65,000.00	Fire	Overtime	\$ 147,000.00
	Fire	Positional Stipend	\$ 45,000.00			
	Fire	Training Services	\$ 10,000.00			
	Fire	Training Allowance	\$ 20,000.00			
	Fire	Other Supplies	\$ 7,000.00			
12	BOH	Personal Services	\$ 35,053.00	BOH	Purchased Services	\$ 35,053.00
13	BOH	Personal Services	\$ 7,871.18	BOH	Purchased Services	\$ 7,871.18
14	State Aid	State Aid	\$ 25,000.00	BOH	Personal Services	\$ 25,000.00
15	Town Facilities	Personal Services	\$ 21,472.00	School Facilities	Personal Services	\$ 21,472.00
16	Town Facilities	Purchased Services	\$ 15,500.00	Town Facilities	Other Charges & Exp	\$ 15,500.00
17	Parks & Rec	Personal Services	\$ 15,500.00	Parks & Rec	Other Charges & Exp	\$ 15,500.00
18	Sewer	Personal Services	\$ 20,175.33	Sewer	Purchased Services	\$ 20,175.33
			\$ 659,396			\$ 659,396

Notes for Line Item Transfers

1. Reclassify excess state assessments from preliminary estimate to fund; 1) operating maintenance of the Village and Brookdale Cemeteries, 2) microfiche of old payroll records, 3) cover existing deficits that exist within the Environmental Department, 4) cover a portion of the deficit for the Interim Finance Director services being outsourced, 5) purchase two copiers upon expiring of the lease, 6) cover the granting of a travel stipend for a member of the Finance/IT Department and 7) cover the granting of a half travel stipend for a member of the Conservation Department.
2. Appropriate available reserves to cover Dedham Westwood Water District payment for water lien revenue collected.
3. Reclassify Finance Director salary to cover additional costs of the Interim Finance Director services being outsourced.
4. Raise and appropriate from State Aid to fund Senior Finance Clerk position
5. Reclassify travel costs to advertising for high demand of recruiting.
6. Reclassify Information Technology Specialist remaining available budget to fund the MIS Director position.
7. Reclassify patrol officers salaries in HR to cover increased costs in employee testing for the promotional process.
8. Reclassify patrol officers salaries in Police to cover increased costs in officer and safety supplies for required licenses, cable, etc. to allow the recording of non-911 phone calls.
9. Reclassify patrol officers salaries in Police to cover increased costs in equipment repair/maint for the additional cabling to connect the smart 911 rack to the switch.
10. Reclassify patrol officers salaries in Police to cover increased costs in medical services for unanticipated expenses.
11. Reclassify portions of various Fire Department line-items to cover increased overtime costs.
12. Reclassify Health Director salary to cover cost of Interim Health Director services being outsourced.
13. Reclassify vacant BOH admin position available budget to cover cost of services being outsourced.
14. Raise and appropriate from State Aid to fund the BOH admin position from part-time to full-time starting in January.
15. Reclassify assistant director salary to fund a part-time plumber position to a full-time position starting in January.
16. Reclassify facilities other expense to cover additional Pool RTU replacement costs.
17. Reclassify temporary/substitutes salaries to cover additional Pool RTU replacement costs.
18. Reclassify utility billing clerk salary to cover the costs of the sewer billing function being outsourced.

Article 5 transfers money from one municipal account to another for the payment of expenses in the current fiscal year, ending June 30, 2021.

6. SPECIAL PURPOSE STABILIZATION FUNDS, APPROPRIATION

ARTICLE SIX: *By the Director of Finance.* To see what sum of money the Town will vote to appropriate from any special purpose fund or from one or more special purpose stabilization funds, to one or more of the stated purposes for such funds to be expended at the direction of a specified officer or multiple member body of the Town, 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 \$131,548.69 be appropriated from Special Revenue Fund for Cable for Public, Education and Government programming, to be provided as a grant to Dedham Visionary Access Corp., and that the sums of \$278,023.28 (Endicott Estate Barn) and \$128,256.88 (Ames) be appropriated from the Special Revenue Fund for Insurance, to be allocated as needed.

Article 6 appropriates revenue received from Special Revenue Funds for the stated purpose.

7. GENERAL STABILIZATION FUND

ARTICLE SEVEN: *By the Finance Committee:* To see what sum of money the Town will vote to raise and appropriate, or transfer from available funds for deposit in the Stabilization Fund, 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 would appropriate a sum of money to the General Stabilization Fund, however no action is recommended at this time.

8. REDUCE THE TAX RATE

ARTICLE EIGHT: *By the Town Manager.* To see what sum of money the Town will vote to transfer from available funds for the purpose of reducing the tax rate for the fiscal year beginning July 1, 2021, 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 8 would authorize a transfer of funds to reduce the tax levy for the next year, however no action is recommended at this time.

9. APPROPRIATION TO FUND TAX WORK-OFF PROGRAM FOR SENIORS AND VETERANS

ARTICLE NINE: *By the Town Manager.* To see what sum of money the Town will vote to raise and appropriate or transfer from available funds for the purpose of funding the Tax Work-Off Program for seniors and veterans, 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 9 would authorize an appropriation to the Senior and Veteran Tax Work Off programs, however no action is recommended at this time.

10. APPROPRIATION FOR DEMOLITION OF TRANSFER STATION

ARTICLE TEN: *By the Town Manager at the request of the Public Works Director.* To see what sum of money the Town will vote to raise and appropriate, transfer or borrow for the purpose of demolishing the Dedham Transfer Station building and smoke stack, located at 5 Incinerator Road in Dedham, 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 10 would authorize an appropriation for the demolition of the Dedham Transfer Station, however no action is recommended at this time.

11. APPROPRIATION TO ACQUIRE NEW SOLID WASTE CARTS

ARTICLE ELEVEN: *By the Town Manager at the request of the Public Works Director.* To see what sum of money the Town will vote to raise and appropriate, transfer or borrow for the purpose of acquiring new solid waste carts for the Town, 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 11 would authorize an appropriation to purchase new solid waste carts, however no action is being recommended at this time.

12. REPORTS OF COMMITTEES

ARTICLE TWELVE: *By Town Meeting Vote:* To hear and act upon the reports of the various Town Committees, as required by vote of prior Town Meetings; to see what sum of money the Town will vote to raise and appropriate, transfer from available funds, or borrow to carry out the recommendations of said committees; 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 report of the Electronic Voting Committee be accepted.

Article 12 provides a report from the Electronic Voting Committee on the status of its work to date. See report in Appendices section.

13. APPROPRIATION TO PURCHASE ELECTRONIC VOTING SYSTEM

ARTICLE THIRTEEN: *By the Town Clerk and Town Moderator at the request of the Electronic Voting Study Committee.* To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money to purchase a new electronic voting system, including hardware and software, and any other incidental and 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 it be indefinitely postponed.

Article 13 would authorize an appropriation for the purchase of a new Electronic Voting System for Town Meeting, however no action is recommended at this time.

14. ADDITIONAL APPROPRIATION FOR PUBLIC SAFETY BUILDING

ARTICLE FOURTEEN: *By the Town Manager.* To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money to be added to the amounts appropriated under Article 4 of the November 13, 2017 Annual Town Meeting for the purpose of construction and equipping of a Combined Public Safety Building, to be located at 26 Bryant Street (the former Town Hall site) and 236 Washington Street (the current Main Fire Station site), including but not limited to building demolition and site preparation, and all other incidental and related costs, all as set forth in said Article 4; and, to authorize the Treasurer, with the approval of the Select Board, to borrow said

sum in accordance with Section 7(1) and 7(1A) of Chapter 44 of the General Laws, or any other enabling authority and issue bonds and notes of the Town therefor, and 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 payments 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 Select Board to apply for, accept, and expend any grants or loans in connection herewith, to enter into all agreements, execute any and all documents including contracts for more than three years, 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 Town vote to appropriate the sum of \$9,898,211.00 to be added to the amounts appropriated under Article 4 of the November 13, 2017 Annual Town Meeting for the purpose of construction and equipping of a Combined Public Safety Building, to be located at 26 Bryant Street (the former Town Hall site) and 236 Washington Street (the current Main Fire Station site), including but not limited to building demolition and site preparation, and all other incidental and related costs, all as set forth in said Article 4; and, to authorize the Treasurer, with the approval of the Select Board, to borrow said sum in accordance with Section 7(1) and 7(1A) of Chapter 44 of the General Laws, or any other enabling authority and issue bonds and notes of the Town therefor, and 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 costs of issuance of such bonds or notes, may be applied to the payments 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 Select Board to apply for, accept, and expend any grants or loans in connection herewith, to enter into all agreements, execute any and all documents including contracts for more than three years, and take all action necessary to carry out this project.

Article 14 authorizes an additional appropriation for the construction and equipping of a Combined Public Safety Building.
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15. APPROPRIATION FOR PROPOSED TRENTON ROAD PLAYGROUND

ARTICLE FIFTEEN: *By District 5 Town Meeting Member-Carlene Campbell Hegarty.* To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money (approximately \$200,000) to design, construct, and equip the property known as Trenton Road Playground, 96 Trenton Rd, identified in Assessor's Records as Parcel 183-8, to include a less than 5,000 sq.ft. fully ADA accessible

playground with poured in place rubber, 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 Select Board, 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; authorize the Select Board to apply for, accept, and expend any grants or loans in connection herewith; and to authorize the Select Board 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 it be indefinitely postponed.

Article 15 would authorize an appropriation for the site preparation and construction of the Trenton Road Playground, however no action is recommended at this time.
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16. APPROPRIATION FOR TREES FOR ABANDONED RAIL CORRIDOR

ARTICLE SIXTEEN: *By District Three Town Meeting Representative Stephen Heaslip.* To see if the Town will vote to authorize the Select Board to acquire by gift or purchase an appropriate number and variety of natural bare-root trees to fill the abandoned Rail Corridor, and further to see what sum of money the Town will vote to raise and appropriate, transfer from available funds or borrow for such acquisition, planning, and site preparation of said area, including all incidental and related expenses, and to authorize the Select Board to apply for, accept, and expend any grants or loans in connection herewith, enter into all agreements, execute any and all documents, and take all action necessary to carry out the vote taken 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: That it be indefinitely postponed.

Article 16 would authorize an appropriation for the planting of trees along the Abandoned Rail Corridor, however no action is recommended at this time.

17. LEGISLATION FOR DEDHAM VETERANS COUNCIL ASSISTANCE FUND

ARTICLE SEVENTEEN: *By the Town Manager.* To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation authorizing the Town to design and designate a place on the municipal tax bills or motor-vehicle tax bills, or to mail with such tax bills a separate form, whereby taxpayers may voluntarily check off, donate and pledge an additional amount of money to be placed into a special account to be known as the Dedham Veterans Council Assistance Fund, the purpose of which fund is to provide support to all Dedham veterans and dependents in need, in keeping with the purpose of the Dedham Veterans Council, 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 so voted.

Article 17 authorizes the Select Board to file Special Legislation to allow for the designation of a check off box on municipal tax bills or motor vehicle excise tax bills for voluntary donations to be placed in a special account known as the Dedham Veterans Council Assistance Fund. This fund will provide support to Dedham Veterans and their dependents in need.

18. ACCEPT M.G.L. c.59 sec.5 Clause Twenty-Second H KNOWN AS AN ACT RELATIVE TO VETERANS' BENEFITS, RIGHTS, APPRECIATION, VALIDATION AND ENFORCEMENT (BRAVE ACT)

ARTICLE EIGHTEEN: *By the Town Manager.* To see if the Town will vote to accept the provisions of M.G.L. c. 59, § 5, Clause Twenty-second H (inserted by Chapter 218 of the Acts of 2018 known as an Act Relative to Veterans' Benefits, Rights, Appreciation, Validation, and Enforcement ("BRAVE Act")), signed into law August 28, 2018, which provides for a property tax exemption for:

real estate to the full amount of the taxable valuation of the real property of the surviving parents or guardians of soldiers and sailors, members of the National Guard and veterans who: (i) during active duty service, suffered an injury or illness documented by the United States Department of Veteran Affairs or a branch of the armed forces that was a proximate cause of their death; or (ii) are missing in action with a presumptive finding of death as a result of active duty service as members of the Armed Forces of the United States; provided, however, that the real estate shall be occupied by the surviving parents or guardians as the surviving parents' or guardians' domicile; and provided further, that the surviving parents or guardians shall have been domiciled in the commonwealth for the 5

consecutive years immediately before the date of filing for an exemption pursuant to this clause or the soldier or sailor, member of the National Guard or veteran was domiciled in the commonwealth for not less than 6 months before entering service.

Surviving parents or guardians eligible for an exemption pursuant to this clause shall be eligible regardless of when the soldier, sailor, member of the National Guard or veteran died or became missing in action with a presumptive finding of death; provided, however, that the exemption shall only apply to tax years beginning on or after January 1, 2019. Such exemption shall be available until such time as the surviving parents or guardians are deceased. No real estate shall be so exempt which has been conveyed to the surviving parents or guardians to evade taxation, 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 so voted.

Article 18 authorizes the acceptance of M.G.L. c.59, Sec. 5, Clause Twenty-second H, known as the BRAVE ACT, which provides for a property tax exemption for real estate tax of surviving parents, guardians of soldiers and sailors or members of the National Guard and veterans who meet the necessary criteria for said exemption.

19. INCREASE LIMITS FOR SENIOR TAX WORK OFF PROGRAM

ARTICLE NINETEEN: *By the Director of Assessing and the Council on Aging Director.* To see if the Town will vote to increase the income limits for the Senior Tax Work Off Program from \$30,000 to \$45,000 for a qualifying individual and from \$40,000 to \$55,000 for a qualifying couple, 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 19 would authorize an increase in the limits for the Senior Tax Work Off program, however no action is recommended at this time.

20. ACCEPTANCE OF M.G.L. Ch. 59 Section 5C (SO-CALLED RESIDENTIAL EXEMPTION)

ARTICLE TWENTY: By Commissioner of Trust Funds member Daniel O’Neil. To see if the Town will vote to accept the provisions of M.G.L. Ch. 59 Section 5C, the so-called Residential Exemption, to become effective in Fiscal Year 2022, 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 20 would authorize the acceptance of M.G.L. Ch. 59 Sec. 5C which provides a residential tax exemption to qualified taxpayers.

21. ZONING AMENDMENTS – SPECIAL PERMITS

ARTICLE TWENTY-ONE: *By the Planning Board.* To see if the Town will vote to amend the Dedham Zoning By-Laws to extend the lapse of Special Permits from two (2) years to (3) years, as follows:

Delete Section 9.3.9 (Lapse) in its entirety and replace with the following new Section 9.3.9:

9.3.9 Lapse

Special Permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within three (3) years following the filing of the Special Permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c.40A, s.17, from the grant thereof) with the Town Clerk.

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

RECOMMENDATION OF THE PLANNING BOARD: The Planning Board held the required public hearing regarding Article 21 on September 23, 2020. At a subsequent public hearing on October 14, 2020, the Planning Board voted unanimously (5-0) to recommend that it be so voted.

Article 21 would amend the Zoning Bylaw to extend the lapse of Special Permits from two (2) to three (3) years

22. COMPREHENSIVE CONCEPT PLAN – 216 LOWDER STREET

ARTICLE TWENTY-TWO: *By the Planning Board.* To see if the Town will vote to approve the “Comprehensive Concept Plan”, reviewed by the Dedham Planning Board, and on file in the Planning & Zoning Department, for a Planned Residential Development (“PRD”) at 146, 188, and 216 Lowder Street and 125 Stoney Lea Road, Dedham MA (Dedham Assessors’ Map 105, Lots 17, 19, 23 and Map 118, Lot 31) submitted by Old Grove Partners LLC and shown on the Plan entitled “Planned Residential Development Concept Plan, Sheet PRD, dated February 12, 2020, prepared by Beals & Thomas of Southborough, MA”, with the following conditions: (a) the PRD shall have a maximum of twenty-six (26) dwelling units; (b) the minimum dedicated open space shall be 48 acres (a portion of which may be donated to the Town or non-profit entity if so approved by the Planning Board); (c) the gross living square footage of each dwelling unit to be a maximum of 2,500 sq. ft.; and (d) subject to a comprehensive review of a detailed site development plan by the Planning Board, or take any other action relative thereto. *Referred to Planning Board for study and report.*

RECOMMENDATION OF THE PLANNING BOARD: The Planning Board held the required public hearing regarding Article 22 on September 23, 2020. At a subsequent public hearing on October 14, 2020, the Planning Board voted unanimously (5-0) to recommend that it be so voted.

Article 22 would approve a comprehensive concept plan for a Planning Residential Development at 146, 188 and 216 Lowder Street and 125 Stoney Lea Road, Dedham MA (Dedham Assessors’ Map 105, Lots 17, 19, 23 and Map 118, Lot 31), submitted by Old Grove Partners LLC.

23. ZONING AMENDMENT – DIMENSIONAL REQUIREMENTS

ARTICLE TWENTY-THREE: *By the Planning Board.* To see if the Town will vote to amend the Dedham Zoning By-Laws by making the following changes to Section 4.0, Dimensional Requirements:

Amend Section 4.4.2 of the Zoning By-laws to delete the strikethrough language and insert the language in bold, as follows:

4.4.2 Buildings Permitted in Nonresidential Districts.

Buildings in Nonresidential districts CB, GB, HB, LB, LMA, LMB, RDO, and AP, other than single and two-family dwellings, shall not exceed the height of ~~40~~ **50** feet,

measured from the average finished grade of the lot within 20 feet of the outside walls of the building to the high point of the roof, provided that for buildings with sloping roofs the height shall be measured to the eave line if no portion of the building above the eave line is used for human occupancy. **In the CB and LB Districts, there shall be an upper-story facade step-back on any building exceeding two stories or thirty-five (35) feet.** No building shall have more than four stories, including any part of the building below the average finished grade if used for human occupancy.

Add a new Section 4.3.4, Maximum Front Setbacks; Exceptions, as follows:

4. Maximum Front Setbacks; Exceptions. The following front building setback requirements are hereby established, in addition to the minimum front setback required in Table 2:
 - a. In the RDO, HB, LB, GB, and CB Districts, off-street parking shall be prohibited in the required front setback area between the front building line and the street line.
 - b. There shall be a maximum front setback area in CB and LB Districts of 10 feet, and in the RDO, HB, and GB Districts of 30 feet, unless the maximum setback area is extended by the SPGA:
 1. to accommodate amenities such as a plaza, square, courtyard, recessed entrance, sidewalk, multi-use path, raised terrace, façade offsets, or outdoor dining, but not for automobile use; or
 2. to provide a deeper setback for buildings located toward the rear of a lot in a courtyard-type configuration, for example when there are multiple buildings on one lot, as long as the forwardmost buildings on the lot comply with the minimum and maximum front setbacks set forth in Table 2 and this Section 4.3.4; or
 3. to provide a deeper setback where there is a single building with a large flagship tenant, such as a theater, but only if the large tenant is wrapped with liner shops that comply with the minimum and maximum front setback requirements.

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

RECOMMENDATION OF THE PLANNING BOARD: The Planning Board held the required public hearing regarding Article 23 on September 23, 2020. At a subsequent public hearing on October 28, 2020, the Planning Board voted unanimously (5-0) to recommend that the following Zoning Bylaw amendment(s) be approved:

Amend Section 4.2.2 of the Zoning By-laws to delete the strikethrough language and insert the language in bold, as follows:

4.2.2 Buildings Permitted in Nonresidential Districts.

Buildings in Nonresidential districts CB, GB, HB, LB, LMA, LMB, RDO, and AP, other than single and two-family dwellings, shall not exceed the height of ~~40~~ **45** feet, measured from the average finished grade of the lot within 20 feet of the outside walls of the building to the high point of the roof, provided that for buildings with sloping roofs the height shall be measured to the eave line if no portion of the building above the eave line is used for human occupancy. **In the CB and LB Districts, there shall be an upper-story, step-back of 10 ft. on any street frontage elevation of a building exceeding two stories or thirty-five (35) feet.** No building shall have more than four stories, including any part of the building below the average finished grade if used for human occupancy.

Article 23 would authorize changes to Section 4.0, Dimensional Requirements of the Dedham Zoning Bylaw to further regulate the height and massing of buildings in commercial and industrial zoning districts.

24. ZONING AMENDMENT – MIXED USE DEVELOPMENTS

ARTICLE TWENTY-FOUR: *By the Planning Board.* To see if the Town will vote to amend the Dedham Zoning By-Laws by making the following changes regarding Mixed Use Developments:

Amend Section 7.4.3.1 to delete the strike-though language and insert the language in bold, as follows:

- 1. In the CB and LB Districts,** Aall dwelling units in a Mixed-Use Development shall be located above the ground floor, shall have a separate entrance, and shall not share stairs or hallways with commercial uses, except that a fire escape or exit used only in emergencies may be available at all time to both.

Add the following new Section immediately following Section 7.4.3.1, and renumber the following subsections of Section 7.4.3 accordingly:

In the RDO, HB and GB Districts, a Mixed Use Development may be allowed in accordance with Section 7.4.3.1, or, in the alternative, in accordance with the following standards for horizontal mixed use development where the mix of uses may be located in separate structures on the same lot or lots:

- a. At least one building on the lot must be a vertically mixed structure, with housing or offices on upper floors and pedestrian-oriented commercial and civic uses on the ground floor facing the street (or the primary or frontage street for corner lots). Entrance to a lobby or common access to the upper-story units may also be located on the front façade. For purposes of this provision, the vertically mixed building shall be considered the primary building in the project.
- b. The main entrance to the primary building must be on the front façade.
- c. The front façade of primary building must be parallel to the public right-of-way.
- d. For vertical mixed-use buildings, and for free-standing commercial buildings in a Mixed-Use Development, there shall be a minimum first-floor height of fourteen (14) feet, as measured from the finished floor to finished ceiling height.
- e. Developments with multiple buildings may have more than one building facing the street or buildings arranged in a courtyard or other configuration. Two or more buildings facing the street shall be set back uniformly.
- f. In a development with multiple buildings, off-street vehicular parking may be located at grade at the rear of each building, in a courtyard serving multiple tenants, in an onsite structured parking facility (parking garage), in an offsite parking area with safe pedestrian access within 500 feet of the site, or any combination of the above.
- g. On the rear elevation of any building in the development, the ground floor may be used for at-grade parking to serve residential or nonresidential tenants. The ground floor may also be used to provide residential units with universal access.

Amend existing Section 7.4.3.2, as it may be renumbered, to delete the strike-through language and insert the language in bold, as follows:

Each dwelling unit in a Mixed-Use Development shall have a complete set of sanitary facilities, cooking, and living space that includes sleeping facilities independent from another dwelling unit in a Mixed-Use Development. A Mixed-Use Development may **provide** ~~share~~ common storage, laundry facilities, and other customary shared facilities located within a Mixed-Use Development. Each dwelling unit ~~cannot be less than four hundred (400) square feet and not more than one thousand five hundred (1,500) square feet in total gross floor area, and~~ **must shall** meet all occupancy and Building Code requirements. The maximum number and type of allowable residential dwelling units shall be determined by the Planning Board as part of the Special Permit and site plan review process; provided, however, there may not be more than two (2) residential dwelling units in a Mixed-Use Development in the LB Zoning District

Delete existing Section 7.4.3.3, as it may be renumbered, and insert a new section in its place as follows:

All Mixed-Use Developments shall provide at least one parking space per dwelling unit, except those Mixed-Use Developments within one half mile of a commuter rail station. A Mixed Use Development shall provide additional parking for the nonresidential uses per the requirements set forth in Table 3 (Dedham Parking Table), or as may be determined by the Planning Board to be sufficient to meet the needs of such Mixed-Use Development, taking into consideration complementary uses and activities having different peak demands, joint parking arrangements, the availability of on-street and public parking, proximity to public transportation, and such other mitigating factors and measures as may be appropriate.

Amend existing Section 7.4.3.4, as it may be renumbered, to delete the strike-through language and insert the language in bold, as follows:

A Mixed-Use Development in the RDO or HB Zoning District with twelve (12) or more apartments shall have maximum lot coverage of 80% and a maximum floor area ratio of 1.0. **For purposes of determining compliance with the FAR of 1.0, floor area shall be the sum of the floor area in all buildings in the development.** ~~In the RDO Zoning District, there shall not be more than thirty (30) apartments located on any lot or on any abutting lots held in common ownership on the date of the adoption of this provision.~~

Delete existing Section 7.4.4, as it may be renumbered, and insert a new Section 7.4.4, Waivers, in its place as follows:

The Planning Board, at its discretion, reserves the right to grant waivers to any or all of the requirements of Section 7.4, where such granting of waivers will be in the best interest and/or beneficial to the Town of Dedham.

Insert the following new Section 7.4.5, Site Plan Review/Peer Review, as follows:

Applications under this Section 7.4 shall be subject to the provisions of Section 9.5 pertaining to Site Plan Review which, if required, shall be conducted by the Planning Board as part of the Special Permit process. The Planning Board may enlist a peer review architect during the Special Permit and/or site plan review process for a Mixed-Use Development.

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

RECOMMENDATION OF THE PLANNING BOARD: The Planning Board held the required public hearing regarding Article 24 on September 23, 2020. At a subsequent public hearing on October 14, 2020, the Planning Board voted unanimously (5-0) to recommend to Town Meeting that the following Zoning Bylaw amendment(s) be approved:

Amend Section 7.4.3.1 to delete the strike-through language and insert the language in bold, as follows:

1. In the CB and LB Districts, Aall dwelling units in a Mixed-Use Development shall be located above the ground floor, shall have a separate entrance, and shall not share stairs or hallways with commercial uses, except that a fire escape or exit used only in emergencies may be available at all time to both.

Add the following new Section immediately following Section 7.4.3.1, and renumber the following subsections of Section 7.4.3 accordingly:

In the RDO, HB and GB Districts, a Mixed-Use Development may be allowed in accordance with Section 7.4.3.1, or alternatively, in accordance with the following standards for horizontally mixed uses:

- a. The mix of residential and nonresidential uses may be located in separate structures on the same lot or lots of the same ownership. One of the buildings with nonresidential uses shall be designated the primary building on the lot for purposes of this section. If a vertically mixed building is also included in the development, it shall be considered the primary building.
- b. The main entrance to the primary building must be on the front façade.
- c. The front façade of primary building must be parallel to the public right-of-way.

- d. For vertical mixed-use buildings, and for free-standing commercial buildings in a Mixed-Use Development, there shall be a minimum first-floor height of fourteen (14) feet, as measured from the finished floor to finished ceiling height.
- e. Developments with multiple buildings may have more than one building facing the street or buildings arranged in a courtyard or other configuration. Two or more buildings facing the street shall be set back uniformly.
- f. In a development with multiple buildings, off-street vehicular parking may be located at grade at the rear of each building, in a courtyard serving multiple tenants, in an onsite structured parking facility (parking garage), in an offsite parking area with safe pedestrian access within 500 feet of the site, or any combination of the above.
- g. On the rear elevation of any building in the development, the ground floor may be used for at-grade parking to serve residential or nonresidential tenants. The ground floor may also be used to provide residential units with universal access.

Amend existing Section 7.4.3.2, as it may be renumbered, to delete the strike-through language and insert the language in bold, as follows:

Each dwelling unit in a Mixed-Use Development shall have a complete set of sanitary facilities, cooking, and living space that includes sleeping facilities independent from another dwelling unit in a Mixed-Use Development. A Mixed-Use Development may **provide share** common storage, laundry facilities, and other customary shared facilities located within a Mixed-Use Development. Each dwelling unit ~~cannot be less than four hundred (400) square feet and not more than one thousand five hundred (1,500) square feet in total gross floor area, and must~~ **shall** meet all occupancy and Building Code requirements. The maximum number and type of allowable residential dwelling units shall be determined by the Planning Board as part of the Special Permit and site plan review process.; ~~provided, however, there may not be more than two (2) residential dwelling units in a Mixed-Use Development in the LB Zoning District~~

Delete existing Section 7.4.3.3, as it may be renumbered, and insert a new section in its place as follows:

All Mixed-Use Developments shall provide at least one parking space per dwelling unit, except those Mixed-Use Developments within one half mile of a commuter rail station. A Mixed Use Development shall provide additional parking for the nonresidential uses per the requirements set forth in Table 3

(Dedham Parking Table), or as may be determined by the Planning Board to be sufficient to meet the needs of such Mixed-Use Development, taking into consideration complementary uses and activities having different peak demands, joint parking arrangements, the availability of on-street and public parking, proximity to public transportation, and such other mitigating factors and measures as may be appropriate.

Amend existing Section 7.4.3.4, as it may be renumbered, to delete the strike-through language and insert the language in bold, as follows:

A Mixed-Use Development in the RDO or HB Zoning District with twelve (12) or more **dwelling units** ~~apartments~~ shall have maximum lot coverage of 80% and a maximum floor area ratio of 1.0. **For purposes of determining compliance with the FAR of 1.0, floor area shall be the sum of the floor area in all buildings in the development.** ~~In the RDO Zoning District, there shall not be more than thirty (30) apartments located on any lot or on any abutting lots held in common ownership on the date of the adoption of this provision.~~

Delete existing Section 7.4.4, as it may be renumbered, and insert a new Section 7.4.4, Waivers, in its place as follows:

The Planning Board, at its discretion, reserves the right to grant waivers to any or all of the requirements of Section 7.4, where such granting of waivers will be in the best interest and/or beneficial to the Town of Dedham.

Insert the following new Section 7.4.5, Site Plan Review/Peer Review, as follows:

Applications under this Section 7.4 shall be subject to the provisions of Section 9.5 pertaining to Site Plan Review which, if required, shall be conducted by the Planning Board as part of the Special Permit process. The Planning Board may enlist a peer review architect during the Special Permit and/or site plan review process for a Mixed-Use Development.

Delete existing Mixed-Use Development definition within Section 10.0 and insert in its place the following new Mixed-Use Development definition, as follows:

Mixed-Use Development: A development that includes both residential uses and nonresidential uses. The development may be vertically mixed within a single structure, with nonresidential uses on the ground floor facing the street and residential use on upper floors above; or horizontally mixed, with residential and nonresidential uses located in separate buildings on a lot or lots of the same ownership. The total gross floor area of the nonresidential uses in a mixed-use development must be at least 10 percent (10%) of the sum of the gross floor area of all buildings on the lot or lots of the same ownership. All Mixed-Use

Developments are authorized by a Special Permit issued pursuant to Section 7.4 of this Bylaw.

Article 24 would further regulate Mixed Use Developments.

25. ZONING AMENDMENT – AFFORDABLE HOUSING

ARTICLE TWENTY-FIVE: *By the Planning Board.* To see if the Town will vote to amend the Dedham Zoning By-Laws by adding the following new Section 7.9, regarding Affordable Housing, as follows:

7.9 AFFORDABLE HOUSING

7.9.1 Purpose. The purpose of this section is:

- (1) To increase the supply of housing stock in the Town of Dedham that is permanently available to and affordable by low- and moderate-income households;
- (2) To encourage greater diversity of housing accommodations to meet the needs of Dedham residents and local employees; and
- (3) To develop and maintain a satisfactory proportion of the Town’s housing stock as affordable housing units, deed restricted per eligibility on the Subsidized Housing Inventory (SHI).

7.9.2 Applicability. This Affordable Housing Bylaw shall apply to all projects where a special permit and/or variance is sought from any Town board or body to construct a Multi-family Project under Section 7.3, or a Mixed-Use Project under Section 7.4, or an Age Restricted Project under Section 7.8, of ten rental dwelling units or more. The provisions of this Section 7.9 shall apply to all such Projects in all zoning districts of the Town.

7.9.3 Definitions. The following definitions shall apply in this Section 7.9:

1. “Affordable Housing” shall mean housing affordable to low or moderate income households, as defined below.
2. “Affordable to persons or families qualifying as low income” or “low income households” shall mean affordable to persons in the Dedham area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning less than 50% of the area median income (“AMI”) adjusted for household size.

3. “Affordable to persons or families qualifying as moderate income” or “moderate income households” shall mean affordable to persons in the Dedham area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning more than 50% but less than 80% of the AMI, adjusted for household size.
4. “Inclusionary Project” a Mixed Use Project developed under Section 7.4, or an Age Restricted Project developed under Section 7.8 to construct 10 rental dwelling units or more.

7.9.4 Special Permit Granting Authority (“SPGA”). For Mixed Use Projects developed under Section 7.4, or Age Restricted Projects under Section 7.8, the Special Permit Granting Authority (“SPGA”) shall be the Planning Board. An application for a special permit shall comply with the rules and regulations of the applicable SPGA.

7.9.5 Required Moderate Income Housing. In order to be eligible for the grant of a special permit, the following requirements shall be met:

1. All such Inclusionary Projects are required to provide fifteen (15%) percent of their units for rent to moderate income households.
2. When the applicant for an Inclusionary Project proposes to provide more than the required fifteen (15%) percent of all units for moderate income households, or, in the alternative, proposes to provide some of the required units as units for households with an income of less than 60% of AMI, adjusted for household size, the SPGA may grant a density bonus of not more than 15% of the total number of units.

7.9.5 Provision of Affordable Units. The required affordable housing in an Inclusionary Project may be met in one of the following ways. The developer as part of his/her special permit application shall include a proposal to address this requirement.

1. The SPGA may require the low and/or moderate-income housing units to be constructed on the same site as other market rate units and indistinguishably interspersed throughout the Inclusionary Project (except as provided for below). In all cases, the low and/or moderate-income housing units to be provided shall be equal in quality, materials and character to the base level market rate units in a development.

2. For Inclusionary Projects providing fifteen (15) units or less, instead of constructing new units or rehabilitating existing units as set forth above, the developer may request the SPGA to accept a payment in lieu to a designated governmental or nonprofit housing entity or, the developer may request the SPGA to accept a payment in lieu to the Town.

3. The amount of any payment in lieu shall be determined by the following formula: the proposed average fair market value of all of the proposed dwelling units, as certified by a qualified appraiser or the Town Assessor, and multiplied by 0.15. Said payment in lieu shall be made prior to the issuance of any certificate of occupancy.

7.9.4 Rental of Low and Moderate Income Housing Units.

1. Low and/or moderate-income housing units shall be made available to persons eligible for low and/or moderate-income housing as per the regulations of the Commonwealth's Department of Housing and Community Development (DHCD). The units shall remain available for perpetuity or such maximum time as may be allowed under applicable law.

7.9.5 Fractional Share. In determining the number of low and moderate-income units to be provided, a fractional share of 0.4 or more shall be regarded as a whole unit and a fractional share of 0.3 or less shall require no contribution to satisfy the fractional share.

7.9.6 Preference.

a. The affordable dwelling units under this By-Law shall be Local Action Units developed in compliance with and approved pursuant to the requirements for the same as specified by Commonwealth of Massachusetts Department of Housing and Community Development (DHCD), or successor agency, or (if approved by the Planning Board) affordable dwelling units developed under such additional programs adopted by the Commonwealth of Massachusetts or its agencies. All such affordable dwelling units shall count toward the Town of Dedham's requirements under Sections 20-23 of Chapter 40B of the General Laws of Massachusetts, and shall be listed on the Subsidized Housing Inventory (SHI) maintained by DHCD. The developer shall assist the Town in the preparation of any forms required.

b. To the extent permitted by applicable law, and after approval by DHCD, otherwise qualified Dedham residents shall have a first opportunity and

preference for the affordable dwelling units in an Inclusionary Project. For purposes of this requirement, "Dedham residents" shall be defined as a current Town of Dedham resident (as established through certification by the Dedham Town Clerk based on census, voting registration, or other acceptable evidence), or the parent, child, sibling, spouse, aunt, nephew, niece, or grandparent of a current Town of Dedham resident, or a current employee of the Town of Dedham.

7.9.7 Timing. If the project is built in phases, a proportionate share of low and/or moderate income units shall be built in each phase as determined by the SPGA in the special permit decision.

7.9.8 Designated Housing Entity. In lieu payments received under the provisions of this Section shall be paid to the Town or to an entity to be established by the Town, including an Affordable Housing Trust Fund pursuant to G.L. c. 44, s. 55C, for the purpose of increasing the supply and/or quality of affordable housing in Dedham.

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

RECOMMENDATION OF THE PLANNING BOARD: The Planning Board held the required public hearing regarding Article 25 on September 23, 2020. At a subsequent public hearing on October 14, 2020, the Planning Board voted unanimously (5-0) to recommend that the following Zoning Bylaw amendment(s) be approved:

7.9 AFFORDABLE HOUSING

7.9.1 Purpose. The purpose of this section is:

- (1) To increase the supply of housing stock in the Town of Dedham that is permanently available to and affordable by low- and moderate-income households;
- (2) To encourage greater diversity of housing accommodations to meet the needs of Dedham residents and local employees; and
- (3) To develop and maintain a satisfactory proportion of the Town's housing stock as affordable housing units, deed restricted per eligibility on the Subsidized Housing Inventory (SHI).

7.9.2 Applicability. This Affordable Housing Bylaw shall apply to all projects where a special permit and/or variance is sought from any Town board or body to construct a Mixed-Use Project under Section 7.4, or an Age Restricted Project under Section 7.8, of ten rental dwelling units or more. The provisions of this Section 7.9 shall apply to all such Projects in all zoning districts of the Town.

7.9.3 Definitions. The following definitions shall apply in this Section 7.9:

1. “Affordable Housing” shall mean housing affordable to low or moderate income households, as defined below.
2. “Affordable to persons or families qualifying as low income” or “low income households” shall mean affordable to persons in the Dedham area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning less than 50% of the area median income (“AMI”) adjusted for household size.
3. “Affordable to persons or families qualifying as moderate income” or “moderate income households” shall mean affordable to persons in the Dedham area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning more than 50% but less than 80% of the AMI, adjusted for household size.
4. “Inclusionary Project” a Mixed Use Project developed under Section 7.4, or an Age Restricted Project developed under Section 7.8 to construct 10 rental dwelling units or more.

7.9.4 Special Permit Granting Authority (“SPGA”). For a Mixed-Use Project under Section 7.4, or an Age Restricted Project under Section 7.8, the Special Permit Granting Authority (“SPGA”) shall be the Planning Board. An application for a special permit shall comply with the rules and regulations of the applicable SPGA.

7.9.5 Required Moderate Income Housing. In order to be eligible for the grant of a special permit, the following requirements shall be met:

1. All such Inclusionary Projects are required to provide fifteen (15%) percent of their units for rent to moderate income households.
2. When the applicant for an Inclusionary Project proposes to provide more than the required fifteen (15%) percent of all units for moderate income households, or, in the alternative, proposes to provide some of the required units as units for households with an income of less than 60% of AMI, adjusted for household size, the SPGA may grant a density bonus of not more than 15% of the total number of units.

7.9.5 Provision of Affordable Units. The required affordable housing in an Inclusionary Project may be met in one of the following ways. The developer as part of his/her special permit application shall include a proposal to address this requirement.

1. The SPGA may require the low and/or moderate-income housing units to be constructed on the same site as other market rate units and indistinguishably interspersed throughout the Inclusionary Project (except as provided for below). In all cases, the low and/or moderate-income housing units to be provided shall be equal in quality, materials and character to the base level market rate units in a development.
2. For Inclusionary Projects providing fifteen (15) units or less, instead of constructing new units or rehabilitating existing units as set forth above, the developer may request the SPGA to accept a payment in lieu to a designated governmental or nonprofit housing entity or, the developer may request the SPGA to accept a payment in lieu to the Town.
3. The amount of any payment in lieu shall be determined by the following formula: the proposed average fair market value of all of the proposed dwelling units, as certified by a qualified appraiser or the Town Assessor, and multiplied by 0.15. Said payment in lieu shall be made prior to the issuance of any certificate of occupancy.

7.9.4 Rental of Low and Moderate Income Housing Units.

1. Low and/or moderate-income housing units shall be made available to persons eligible for low and/or moderate-income housing as per the regulations of the Commonwealth's Department of Housing and Community Development (DHCD). The units shall remain available for perpetuity or such maximum time as may be allowed under applicable law.

7.9.5 Fractional Share. In determining the number of low and moderate-income units to be provided, a fractional share of 0.4 or more shall be regarded as a whole unit and a fractional share of 0.3 or less shall require no contribution to satisfy the fractional share.

7.9.6 Preference.

- a. The affordable dwelling units under this By-Law shall be Local Action Units developed in compliance with and approved pursuant to the requirements for

the same as specified by Commonwealth of Massachusetts Department of Housing and Community Development (DHCD), or successor agency, or (if approved by the Planning Board) affordable dwelling units developed under such additional programs adopted by the Commonwealth of Massachusetts or its agencies. All such affordable dwelling units shall count toward the Town of Dedham's requirements under Sections 20-23 of Chapter 40B of the General Laws of Massachusetts, and shall be listed on the Subsidized Housing Inventory (SHI) maintained by DHCD. The developer shall assist the Town in the preparation of any forms required.

b. To the extent permitted by applicable law, and after approval by DHCD, otherwise qualified Dedham residents shall have a first opportunity and preference for the affordable dwelling units in an Inclusionary Project. For purposes of this requirement, "Dedham residents" shall be defined as a current Town of Dedham resident (as established through certification by the Dedham Town Clerk based on census, voting registration, or other acceptable evidence), or a current employee of the Town of Dedham or business establishment located in Dedham, or households with children attending the Dedham Public Schools.

7.9.7 Timing. If the project is built in phases, a proportionate share of low and/or moderate income units shall be built in each phase as determined by the SPGA in the special permit decision.

7.9.8 Designated Housing Entity. In lieu payments received under the provisions of this Section shall be paid to the Town or to an entity to be established by the Town, including an Affordable Housing Trust Fund pursuant to G.L. c. 44, s. 55C, for the purpose of increasing the supply and/or quality of affordable housing in Dedham.

Article 25 would authorize new language regulating affordable housing for any Mixed-Use Development Project or Age Restricted Project in the Town of Dedham.
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26. ZONING AMENDMENT – RECODIFICATION OF DEDHAM ZONING BYLAW

ARTICLE TWENTY-SIX: *By the Planning & Zoning Department and Planning Board.* To see if the Town will vote the following re-codification of the Dedham Zoning Bylaw:

To renumber and re-caption the Zoning Bylaw of the Town by (a) designating the Zoning Bylaw as Chapter 280 of the Town Code; (b) renumbering each section and subsection of the Zoning Bylaw accordingly; and (c) updating internal references to reflect the new numbering system, in the manner set forth in the document on file in

the office of the Town Clerk entitled "Zoning Bylaw Draft," dated February 2020, prepared by General Code, LLC., or take any other action relative thereto. *Referred to Planning Board for study and report.*

RECOMMENDATION OF THE PLANNING BOARD: The Planning Board held the required public hearing regarding Article 21 on September 23, 2020. At a subsequent public hearing on October 14, 2020, the Planning Board voted unanimously (5-0) to recommend that it be so voted.

Article 26 would authorize the digitization/re-codification of the Dedham Zoning Bylaw.

27. GENERAL BY-LAW AMENDMENT TO OPEN SPACE AND RECREATION COMMITTEE BY-LAW

ARTICLE TWENTY-SEVEN: *By the Town Manager at the Request of Former District 6 Town Meeting Representative Georganna Woods.* To see if the Town will vote to amend the General Bylaws, Chapter 12 "Boards, Committees and Commissions," and Article V "Open Space and Recreation Committee" by deleting strikethrough text and inserting underlined text as follows:

Item 1: Section 12-18 "Establishment"

There is hereby established an Open Space and Recreation Committee consisting of seven persons including a member of the Select Board or its designee, a member of the Planning Board or its designee, a member of the Conservation Commission, a member of the Park and Recreation Commission, an engineer and two members at large appointed by the Select Board.

Item 2: Section 12-19 "Term; compensation"

A member shall serve for a term of ~~three~~ two years or until a successor is duly appointed. All members shall serve without compensation.

Item 3: Section 12-21 "Duties"

A. Maintain continuous review and oversight of the Open Space and Recreation Plan for the Town of Dedham, keeping it current with both changing circumstances within Dedham and State requirements for open space and recreation plans and for opportunities as well as eligibility for State funding for land acquisitions by the Town;

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

RECOMMENDATION OF THE BY-LAW REVIEW COMMITTEE AND THE FINANCE AND WARRANT COMMITTEE: That it be so voted with the following language changes shown by underlined text:

Item 1: Section 12-18 "Establishment"

There is hereby established an Open Space and Recreation Committee consisting of seven persons including a member of the Select Board or its designee, a member of the Planning Board or its designee, a member of the Conservation Commission or its designee, a member of the Park and Recreation Commission or its designee, an engineer and two members at large appointed by the Select Board.

Article 27 would amend the bylaw to include "or designee" for those boards, committees or commissions with appointments to the committee, extend the term of service to three (3) years, and change the name of the plan to Open Space and Recreation Plan.

28. GENERAL BY-LAW - AMENDMENT TO STORMWATER MANAGEMENT FEE SCHEDULE

ARTICLE TWENTY-EIGHT: *By the Town Manager at the request of the Conservation Agent.* To see if the Town will vote to amend the General By-laws, Section 246, Stormwater Management, by deleting in their entirety Sections 246-11 (B), (C), and (D), and inserting in place thereof the following new language:

Section 246-11(B) - Fees

- (1) Fees for applications, permits, and direct connections, as well as all other fees that may be assessed in connection with implementation of this by-law shall be established in accord with the provisions of Section 150-3 of these By-laws, and shall be in addition to any other fees required by state or local law or regulation.
- (2) Consultant fees shall be determined on a case by case basis in accord with the then-current version of the Stormwater Management Rules and Regulations promulgated hereunder.

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

RECOMMENDATION OF THE BY-LAW REVIEW COMMITTEE AND THE FINANCE AND WARRANT COMMITTEE: That it be so voted.

Article 28 amends the fee structure for the Stormwater Management Fee Schedule.

29. NEW GENERAL BY-LAW PROPOSED

ARTICLE TWENTY-NINE: *By District 4 Town Meeting Representative Brian Keaney and Select Board Member Sarah MacDonald.* To see if the Town will vote to adopt a new by-law as follows:

The Select Board shall, within 30 days following each regular annual election, host a training session for all Town employees and members of multiple member bodies on the Open Meeting Law, the Public Records Law, and on other topics as the Select Board shall deem proper and prudent, or take any other action relative thereto. *Referred to ByLaw Review Committee and Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE BY-LAW REVIEW COMMITTEE AND THE FINANCE AND WARRANT COMMITTEE: That it be so voted with the additional underlined text, as follows:

The Select Board shall, within 30 days following each regular annual election, host a training session for all Town employees and members of multiple member bodies on the Open Meeting Law, the Public Records Law, the Conflict of Interest Law and on other topics as the Select Board shall deem proper and prudent.

Article 29 proposed the creation of a new bylaw requiring annual training for Town employees and members of multiple member bodies regarding the Open Meeting Law, the Publics Records Law, the Conflict of Interest Law and other areas deemed prudent by the Select Board.

30. PROPOSED LEGISLATION FOR ADDITIONAL LIQUOR LICENSES

ARTICLE THIRTY: *By the Select Board at the request of Select Board Member James A. MacDonald.* To see if the Town will vote to authorize the Select Board to petition the General Court to adopt the following legislation provided, however, that the General Court may make changes of form only to such petition unless authorized by the Select Board, and to authorize the Select Board to approve such amendments as may be requested that are within the scope of the public purposes of this petition, or take any other action relative thereto.

AN ACT AUTHORIZING THE TOWN OF DEDHAM TO GRANT FOUR ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES, FOUR WINE & MALT LICENSES, ALL TO BE DRUNK ON THE PREMISES, AND ONE WINE & MALT PACKAGE STORE LICENSE.

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 four (4) additional license for the sale of all alcoholic beverages, four (4) additional licenses for wine & malt, all to be drunk on the premises under Section 12 of said Chapter 138, and one (1) additional wine & malt package store license for off-premises consumption under Section 15 or Chapter 138. The licenses shall be subject to all of said Chapter 138, except said Section 17.

SECTION 2. Notwithstanding Sections 12, 15 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 3. The additional licenses authorized by this Act shall be subject to such appropriate parameters and conditions for issuance as shall be determined by the Select Board in the best interests of the town, as well as a one-time fee, established from time to time by said board, to be deposited into an economic development account in the Town of Dedham and expended consistently with the purposes of such account.

SECTION 4. The license(s) granted under this Act if revoked or no longer in use, may be granted by the licensing authority to new applicants without site restriction.

SECTION 5. 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 30 authorizes the Select Board to petition the General Court for approval of special legislation that would authorize additional liquor licenses in the Town to be issued with the approval of the Select Board after the appropriate public hearing process.

APPENDICES

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.

MEMORANDUM OF AGREEMENT
BETWEEN THE
TOWN OF DEDHAM
AND THE
AMERICAN FEDERATION OF
STATE, COUNTY, AND MUNICIPAL EMPLOYEES,
AFL-CIO STATE COUNCIL NO. 93, LOCAL 362,
DEDHAM PUBLIC LIBRARY STAFF

August 12, 2020

NOW COMES the Town of Dedham (“the Town”) acting by and through its Board of Selectmen (“the Board”) and the American Federation of State, County, and Municipal Employees, AFL-CIO State Council No. 93, Local 362, Dedham Public Library Staff (“the Union”) and for good and valuable consideration hereby agree as follows:

WHEREAS, the Town and the Union are parties to a Collective Bargaining Agreement that expired on June 30, 2019 (“the Previous Agreement”);

WHEREAS, the Town and the Union are desirous of entering into a successor agreement to the Previous Agreement based on the Previous Agreement as modified herein;

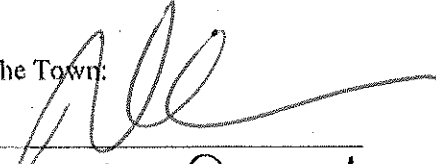
NOW, THEREFORE, it is agreed as follows:

1. Appendix A, Wage and Salary Schedule: A new wage schedule shall be prepared and inserted into the Successor Agreement reflecting an increase in wages of 2% effective July 1, 2019. The effect of the changes in the wage schedule provided for in this Memorandum of Agreement shall be retroactive to July 1, 2019.
2. Article XXV, Effect of Agreement: The Successor Agreement shall reflect an effective date of July 1, 2019 and a termination date of June 30, 2020.


3. Except as modified in accordance with this Memorandum of Agreement, the Successor Agreement shall be identical in all respects to the Previous Agreement.

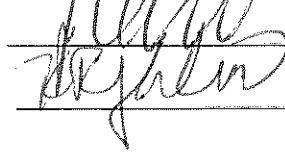
4. The cost items of this Agreement are subject to approval by Town Meeting.

For the Town:

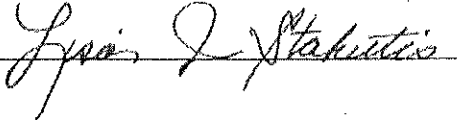


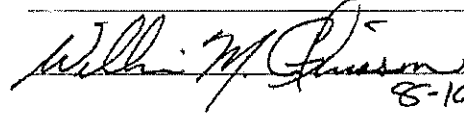
A. MacDonald





For the Union:

 08-12-2020

 8-10-20

**MEMORANDUM OF AGREEMENT
BETWEEN THE
TOWN OF DEDHAM
AND THE
AMERICAN FEDERATION OF
STATE, COUNTY, AND MUNICIPAL EMPLOYEES,
AFL-CIO STATE COUNCIL NO. 93, LOCAL 362,
DEDHAM PUBLIC LIBRARY STAFF**

October __, 2020

NOW COMES the Town of Dedham (“the Town”) acting by and through its Board of Selectmen (“the Board”) and the American Federation of State, County, and Municipal Employees, AFL-CIO State Council No. 93, Local 362, Dedham Public Library Staff (“the Union”) and for good and valuable consideration hereby agree as follows:

WHEREAS, the Town and the Union are parties to a Collective Bargaining Agreement that expired on June 30, 2020 (“the Previous Agreement”);

WHEREAS, the Town and the Union are desirous of entering into a successor agreement to the Previous Agreement based on the Previous Agreement as modified herein;

NOW, THEREFORE, it is agreed as follows:

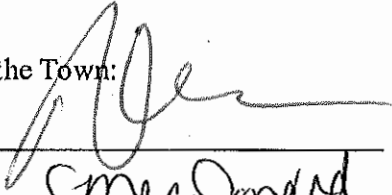
1. Appendix A, Wage and Salary Schedule: A new wage schedule shall be prepared and inserted into the Successor Agreement reflecting an increase in wages of 2% effective July 1, 2020. The effect of the changes in the wage schedule provided for in this Memorandum of Agreement shall be retroactive to July 1, 2020.

2. Article XXV, Effect of Agreement: The Successor Agreement shall reflect an effective date of July 1, 2020 and a termination date of June 30, 2021.

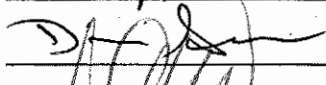
3. Except as modified in accordance with this Memorandum of Agreement, the
Successor Agreement shall be identical in all respects to the Previous Agreement.

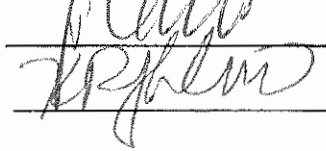
4. The cost items of this Agreement are subject to approval by Town Meeting.

For the Town:

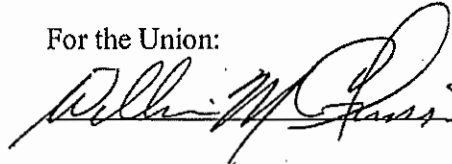


S MacDonna





For the Union:



William M Rossi 102920

Effective July 1, 2019 (FY 2020)

	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>
Library Hourly	27.9243	28.8815	29.9011	30.9519	32.0235	33.1575	34.3228
Support Bi-Weekly	2,094.32	2,166.11	2,242.58	2,321.39	2,401.76	2,486.81	2,574.21
Library Hourly	20.756	21.4947	22.2438	23.0241	23.846	24.6575	25.5418
Assistant Bi-Weekly	1,556.70	1,612.10	1,668.29	1,726.81	1,788.45	1,849.31	1,915.64
Professional Hourly	29.1	30.1092	31.1496	32.242	33.3656	34.5413	35.7481
Librarian Bi-Weekly	2,182.50	2,258.19	2,336.22	2,418.15	2,502.42	2,590.60	2,681.11

Effective July 1, 2020 (FY 2021)

	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>
Library Hourly	28.4828	29.4591	30.4991	31.5709	32.6640	33.8207	35.0093
Support Bi-Weekly	2,136.21	2,209.43	2,287.43	2,367.82	2,449.80	2,536.55	2,625.70
Library Hourly	21.1711	21.9246	22.6887	23.4846	24.3229	25.1507	26.0526
Assistant Bi-Weekly	1,587.83	1,644.35	1,701.65	1,761.35	1,824.22	1,886.30	1,953.95
Professional Hourly	29.682	30.7114	31.7726	32.8868	34.0329	35.2321	36.4631
Librarian Bi-Weekly	2,226.15	2,303.36	2,382.95	2,466.51	2,552.47	2,642.41	2,734.73

**MEMORANDUM OF AGREEMENT
BETWEEN THE
TOWN OF DEDHAM
AND THE
DEDHAM POLICE PATROLMAN'S ASSOCIATION**

October __, 2020

NOW COMES the Town of Dedham ("the Town") acting by and through its Board of Selectmen ("the Board") and the Dedham Police Patrolman's Association ("the Union") and for good and valuable consideration hereby agree as follows:

WHEREAS, the Town and the Union are parties to a Collective Bargaining Agreement that expired on June 30, 2020 ("the Previous Agreement");

WHEREAS, the Town and the Union are desirous of entering into a successor agreement to the Previous Agreement based on the Previous Agreement as modified herein;

NOW, THEREFORE, it is agreed as follows:

1. Article XV, Police Salary Schedule: A new wage schedule shall be prepared and inserted into the Successor Agreement reflecting an increase in wages of 2% effective July 1, 2020. The effect of the changes in the wage schedule provided for in this Memorandum of Agreement shall be retroactive to July 1, 2020.

2. Article VI, Extra Paid Details:

a. In section (D), after the bulleted paragraph that begins with "Effective July 1, 2016:" the following new paragraph shall be inserted:

Effective December 1, 2020:

- Minimum of four (4) hours at a rate equal to 1.5 times the rate for a top step patrol officer regular rate plus first half night shift differential and educational incentive at the BA level exclusively for all regular, outdoor road, and alcoholic beverage details;
- Minimum of four (4) hours at a rate equal to 1.5 times the detail rate specified immediately above for details involving labor disputes.

- b. The next paragraph, beginning with “Additionally, whenever a Patrol Officer works more than four hours on an outdoor road detail...”, shall be replaced with the following:

After working four hours and fifteen minutes, an officer working an outside road detail shall be paid a minimum of eight (8) hours. After working more than eight hours, an officer shall be paid 1.5 times the detail rate for the time worked beyond eight hours. Said time shall be recorded in hourly increments.

The parties agree that the rate above shall not apply to outside road details that are funded by the Town of Dedham. In such instances, officers shall be compensated for a minimum of four (4) hours at a rate equal to 1.5 times the rate for a top step patrol officer regular rate for an officer assigned to all day shifts and educational incentive at the BA level exclusively. Any hours worked beyond the initial four-hour block would be compensated in minimum two-hour blocks. Any hours worked beyond eight hours, on the same detail in the same day, would be compensated as stated above.

- c. A new section (H) shall be added as follows:

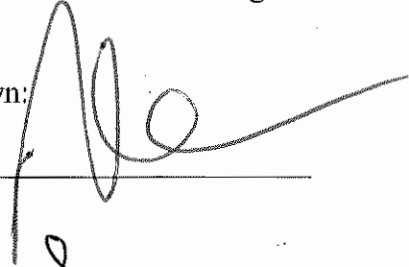
H. On non-Town details, the Contractor must give two hours’ notice of cancellation to the Department or pay Officers scheduled for that detail for four hours.


5. Effect of Agreement: The provisions of the Previous Agreement shall be modified to reflect in the Successor Agreement a July 1, 2020 start date and a June 30, 2021 end date.

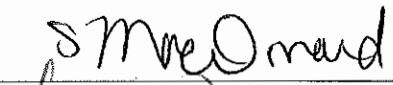
6. Except as modified in accordance with this Memorandum of Agreement, the Successor Agreement shall be identical in all respects to the Previous Agreement.

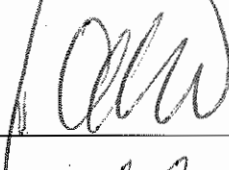
7. The cost items of this Agreement are subject to approval by Town Meeting.


For the Town:



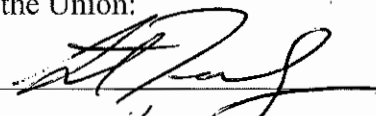


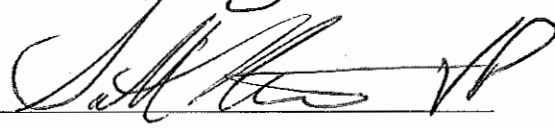







For the Union:







Effective July 1, 2020 (FY 2021)

		<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>
Patrol	Hourly	24.9528	25.7033	26.9651	27.9549	28.9013	29.9237	31.1202
Officer	Bi-Weekly	1,996.22	2,056.26	2,157.21	2,236.39	2,312.10	2,393.90	2,489.62

**MEMORANDUM OF AGREEMENT
BETWEEN THE
TOWN OF DEDHAM
AND THE
DEDHAM POLICE ASSOCIATION
Lieutenants and Sergeants**

October __, 2020

NOW COMES the Town of Dedham (“the Town”) acting by and through its Board of Selectmen (“the Board”) and the Dedham Police Association, Lieutenants and Sergeants Bargaining Unit (“the Union”) and for good and valuable consideration hereby agree as follows:

WHEREAS, the Town and the Union are parties to a Collective Bargaining Agreement that expired on June 30, 2019 (“the Previous Agreement”);

WHEREAS, the Town and the Union are desirous of entering into a successor agreement to the Previous Agreement based on the Previous Agreement as modified herein;

NOW, THEREFORE, it is agreed as follows:

1. Article XII (B), Compensation Plan: A new wage schedule shall be prepared and inserted into the Successor Agreement reflecting an increase in wages of 2% effective July 1, 2019 and an increase in wages of 2% effective July 1, 2020. The effect of the changes in the wage schedule provided for in this Memorandum of Agreement shall be retroactive to their respective effective dates.

2. Article XII (D), Private Detail Rates:

a. After the paragraph in *bold italic* text that begins with “Effective July 1, 2016:” the following new paragraph shall be inserted:

Effective December 1, 2020:

-Minimum of four (4) hours at a rate equal to 1.5 times the rate for a top step patrol officer regular rate plus first half night shift differential and educational incentive at the BA level exclusively for all regular, outdoor road, and alcoholic beverage details;

-Minimum of four (4) hours at a rate equal to 1.5 times the detail rate specified immediately above for details involving labor disputes.

- b. The next paragraph, beginning with “Additionally, whenever an Officer works more than four hours on an outdoor road detail...”, shall be replaced with the following:

After working four hours and fifteen minutes, an officer working an outside road detail shall be paid a minimum of eight (8) hours. After working more than eight hours, an officer shall be paid 1.5 times the detail rate for the time worked beyond eight hours. Said time shall be recorded in hourly increments.

The parties agree that the rate above shall not apply to outside road details that are funded by the Town of Dedham. In such instances, officers shall be compensated for a minimum of four (4) hours at a rate equal to 1.5 times the rate for a top step patrol officer regular rate for an officer assigned to all day shifts and educational incentive at the BA level exclusively. Any hours worked beyond the initial four-hour block would be compensated in minimum two-hour blocks. Any hours worked beyond eight hours, on the same detail in the same day, would be compensated as stated above.

- c. A new bullet item shall be added after the current bulleted list of four items and this new item shall read as follows:

- On non-Town details, the Contractor must give two hours’ notice of cancellation to the Department or pay Officers scheduled for that detail for four hours.

3. Article XVI, Health Insurance:

- a. Insert a new third paragraph that specifies “Effective July 1, 2021, the contribution rate for health insurance premiums shall be changed from 25% to 20%.”

- b. Delete the current final paragraph and replace it with the following:

The Town shall make a one-time lump sum premium transition

adjustment payment to each bargaining unit member enrolled in the Town's health insurance as of October 1, 2020 and continuously enrolled through June 30, 2021. The gross amount of this payment shall be the difference between the health insurance payments made by the bargaining unit member for the months of ^{December 1, 2020} January through June 2020 and what those payments would have been had the contribution rate been 20% rather than 25% during this period. This one-time premium transition adjustment payment shall be made in June 2020, less usual tax withholdings and other deductions.

4. Article XXII, Specialty Stipends: The following new paragraph shall be added to the end of this Article:

Retroactive to July 1, 2020, the stipends for the Prosecutor and the Detective Supervisor shall be changed from a fixed dollar amount to 3% of the Prosecutor's base rate of pay and 5% of the Detective Supervisor's base rate of pay, respectively. These payments shall be pro-rated and shall continue to be paid on a bi-weekly basis. *Photos, ident. kit, prints* → The \$500 specialty stipends shall continue to be paid to those receiving them as of October 1, 2020, but these stipends shall not be available going forward to anyone not receiving them as of October 1, 2020.

5. Effect of Agreement: The provisions of the Previous Agreement shall be modified to reflect in the Successor Agreement a July 1, 2019 start date and a June 30, 2021 end date.
6. Except as modified in accordance with this Memorandum of Agreement, the Successor Agreement shall be identical in all respects to the Previous Agreement.
7. The cost items of this Agreement are subject to approval by Town Meeting.

For the Town:

SmacDonald
[Signature]
[Signature]
[Signature]

For the Union:

[Signature]
[Signature]
Tim P. Albee

_____ *Quinn* _____

Effective July 1, 2019 (FY 2020)

		<u>Step 1</u>	<u>Step 2</u>
Lieutenants	Hourly	43.3283	49.2895
	Bi-Weekly	3,466.26	3,943.16
Sergeants	Hourly	34.6263	38.3375
	Bi-Weekly	2,770.10	3,067.00

Effective July 1, 2020 (FY 2021)

		<u>Step 1</u>	<u>Step 2</u>
Lieutenants	Hourly	44.1949	50.2753
	Bi-Weekly	3,535.59	4,022.02
Sergeants	Hourly	35.3188	39.1043
	Bi-Weekly	2,825.50	3,128.34

**MEMORANDUM OF AGREEMENT
BETWEEN THE
TOWN OF DEDHAM
AND THE
DEDHAM FIREFIGHTERS' ASSOCIATION,
LOCAL 1735, I.A.F.F.**

October __, 2020

NOW COMES the Town of Dedham ("the Town") acting by and through its Board of Selectmen ("the Board") and the Dedham Firefighters' Association, Local 1735, I.A.F.F. ("the Union") and for good and valuable consideration hereby agree as follows:

WHEREAS, the Town and the Union are parties to a Collective Bargaining Agreement that expired on June 30, 2020 ("the Previous Agreement");

WHEREAS, the Town and the Union are desirous of entering into a successor agreement to the Previous Agreement based on the Previous Agreement as modified herein;

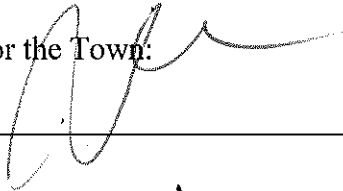
NOW, THEREFORE, it is agreed as follows:

1. Article XX, Wages: A new salary schedule shall be prepared and inserted into the Successor Agreement reflecting an increase in wages of 2% effective July 1, 2020. The effect of the changes in the wage schedule provided for in this Memorandum of Agreement shall be retroactive to July 1, 2020.


2. Article XXVIII, Duration of Agreement: This Agreement shall be modified to reflect a July 1, 2020 start date and a June 30, 2021 end date, with the deadlines/start dates for giving notice of the desire to negotiate a new agreement changed to March 30, 2021 and October 1, 2020, respectively.

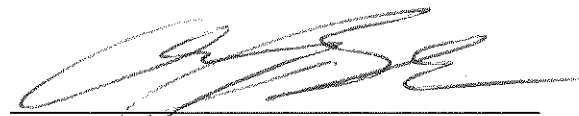
3. Except as modified in accordance with this Memorandum of Agreement, the
Successor Agreement shall be identical in all respects to the Previous Agreement.

4. The cost items of this Agreement are subject to approval by Town Meeting.


For the Town: 

For the Union:











Effective July 1, 2020 (FY 2021)

Fire	Hourly	40.2012
Captain	Bi-Weekly	3,376.90

Deputy	Hourly	45.4303
Chief	Bi-Weekly	3,816.15

		<u>Step 1</u>	<u>Step 2</u>
Fire	Hourly	32.144	36.6117
Lieutenant	Bi-Weekly	2,700.10	3,075.38

		<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>
Figtherfighter	Hourly	24.8853	25.7343	26.6469	27.5808	28.5465	29.5334
	Bi-Weekly	2,090.37	2,161.68	2,238.34	2,316.79	2,397.91	2,480.81

**MEMORANDUM OF AGREEMENT
BETWEEN THE
TOWN OF DEDHAM
AND THE
AMERICAN FEDERATION OF
STATE, COUNTY, AND MUNICIPAL EMPLOYEES,
AFL-CIO STATE COUNCIL NO. 93, LOCAL 362,
TOWN HALL UNIT**

August 10, 2020

NOW COMES the Town of Dedham ("the Town") acting by and through its Board of Selectmen ("the Board") and the American Federation of State, County, and Municipal Employees, AFL-CIO State Council No. 93, Local 362, Town Hall Unit ("the Union") and for good and valuable consideration hereby agree as follows:

WHEREAS, the Town and the Union are parties to a Collective Bargaining Agreement that expired on June 30, 2019 ("the Previous Agreement");

WHEREAS, the Town and the Union are desirous of entering into a successor agreement to the Previous Agreement based on the Previous Agreement as modified herein;

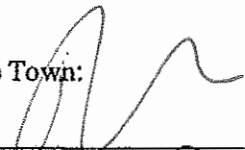
NOW, THEREFORE, it is agreed as follows:

1. Article XI, Salary Schedule: A new wage schedule shall be prepared and inserted into the Successor Agreement reflecting an increase in wages of 2% effective July 1, 2019. The effect of the changes in the wage schedule provided for in this Memorandum of Agreement shall be retroactive to July 1, 2019.
2. Article XXX, Effect of Agreement: The Successor Agreement shall reflect an effective date of July 1, 2019 and a termination date of June 30, 2020.

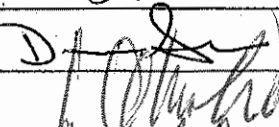
3. Except as modified in accordance with this Memorandum of Agreement, the
Successor Agreement shall be identical in all respects to the Previous Agreement.

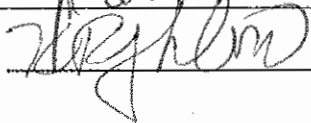
4. The cost items of this Agreement are subject to approval by Town Meeting.

For the Town:

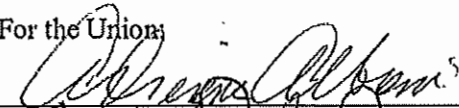


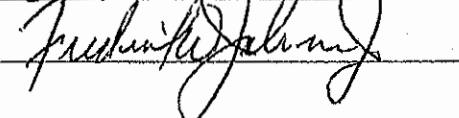
S. MacDonald

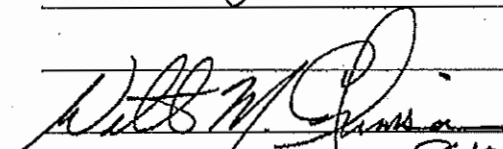




For the Union:

 8-10-20

 8-10-20

 8-10-20

**MEMORANDUM OF AGREEMENT
BETWEEN THE
TOWN OF DEDHAM
AND THE
AMERICAN FEDERATION OF
STATE, COUNTY, AND MUNICIPAL EMPLOYEES,
AFL-CIO STATE COUNCIL NO. 93, LOCAL 362,
TOWN HALL UNIT**

October __, 2020

NOW COMES the Town of Dedham (“the Town”) acting by and through its Board of Selectmen (“the Board”) and the American Federation of State, County, and Municipal Employees, AFL-CIO State Council No. 93, Local 362, Town Hall Unit (“the Union”) and for good and valuable consideration hereby agree as follows:

WHEREAS, the Town and the Union are parties to a Collective Bargaining Agreement that expired on June 30, 2020 (“the Previous Agreement”);

WHEREAS, the Town and the Union are desirous of entering into a successor agreement to the Previous Agreement based on the Previous Agreement as modified herein;

NOW, THEREFORE, it is agreed as follows:

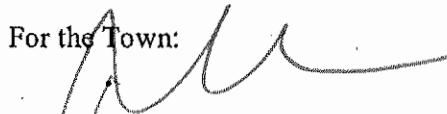
1. Article XI, Salary Schedule: A new wage schedule shall be prepared and inserted into the Successor Agreement reflecting an increase in wages of 2% effective July 1, 2020. The effect of the changes in the wage schedule provided for in this Memorandum of Agreement shall be retroactive to July 1, 2020.

2. Article XXX, Effect of Agreement: The Successor Agreement shall reflect an effective date of July 1, 2020 and a termination date of June 30, 2021.

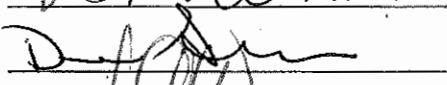
3. Except as modified in accordance with this Memorandum of Agreement, the Successor Agreement shall be identical in all respects to the Previous Agreement.

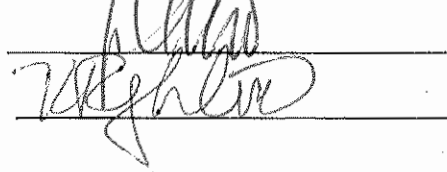
4. The cost items of this Agreement are subject to approval by Town Meeting.

For the Town:




S. MacDonald





For the Union:



Fredrick Johnson 11-2-20

Effective July 1, 2019 (FY 2020)

	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>
FS-1 Hourly	20.9433	21.6819	22.4206	23.2009	24.0332	24.8656	25.7499
SS-1 Bi-Weekly	1,570.75	1,626.14	1,681.55	1,740.07	1,802.49	1,864.92	1,931.24
FS-2 Hourly	22.5039	23.3154	24.0853	24.9384	25.8435	26.7695	27.6538
SS-2 Bi-Weekly	1,687.79	1,748.66	1,806.40	1,870.38	1,938.26	2,007.71	2,074.04
FS-3 Hourly	24.1789	25.0424	25.906	26.8319	27.7787	28.7567	29.7346
SS-3 Bi-Weekly	1,813.42	1,878.18	1,942.95	2,012.39	2,083.40	2,156.75	2,230.10
TS-1 Hourly	25.417	26.3117	27.2169	28.2052	29.1624	30.2236	31.2328
Bi-Weekly	1,906.28	1,973.38	2,041.27	2,115.39	2,187.18	2,266.77	2,342.46
TS-2 Hourly	27.3105	28.2885	29.2769	30.3069	31.3681	32.4397	33.6049
Bi-Weekly	2,048.29	2,121.64	2,195.77	2,273.02	2,352.61	2,432.98	2,520.37
TS-3 Hourly	29.3809	30.4005	31.4617	32.5749	33.6986	34.8846	36.1331
Bi-Weekly	2,203.57	2,280.04	2,359.63	2,443.12	2,527.40	2,616.35	2,709.98
TS-4 Hourly	33.4072	34.6765	35.9666	37.2463	38.5156	39.7953	41.0854
Bi-Weekly	2,505.54	2,600.74	2,697.50	2,793.47	2,888.67	2,984.65	3,081.41

Effective July 1, 2020 (FY 2021)

	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>
FS-1 Hourly	21.3622	22.1155	22.8690	23.6649	24.5139	25.3629	26.2649
SS-1 Bi-Weekly	1,602.17	1,658.66	1,715.18	1,774.87	1,838.54	1,902.22	1,969.87
FS-2 Hourly	22.954	23.7817	24.5670	25.4372	26.3604	27.3049	28.2069
SS-2 Bi-Weekly	1,721.55	1,783.63	1,842.53	1,907.79	1,977.03	2,047.87	2,115.52
FS-3 Hourly	24.6625	25.5432	26.4241	27.3685	28.3343	29.3318	30.3293
SS-3 Bi-Weekly	1,849.69	1,915.74	1,981.81	2,052.64	2,125.07	2,199.89	2,274.70
TS-1 Hourly	25.9253	26.8379	27.7612	28.7693	29.7456	30.8281	31.8575
Bi-Weekly	1,944.40	2,012.84	2,082.09	2,157.70	2,230.92	2,312.11	2,389.31
TS-2 Hourly	27.8567	28.8543	29.8624	30.9130	31.9955	33.0885	34.2770
Bi-Weekly	2,089.25	2,164.07	2,239.68	2,318.48	2,399.66	2,481.64	2,570.78
TS-3 Hourly	29.9685	31.0085	32.0909	33.2264	34.3726	35.5823	36.8558
Bi-Weekly	2,247.64	2,325.64	2,406.82	2,491.98	2,577.95	2,668.67	2,764.19
TS-4 Hourly	34.0753	35.3700	36.6859	37.9912	39.2859	40.5912	41.9071
Bi-Weekly	2,555.65	2,652.75	2,751.44	2,849.34	2,946.44	3,044.34	3,143.03

**MEMORANDUM OF AGREEMENT
BETWEEN THE
TOWN OF DEDHAM
AND THE
AMERICAN FEDERATION OF
STATE, COUNTY, AND MUNICIPAL EMPLOYEES,
AFL-CIO STATE COUNCIL NO. 93, LOCAL 362,
DEDHAM CIVILIAN DISPATCH EMPLOYEES**

August __, 2020

NOW COMES the Town of Dedham (“the Town”) acting by and through its Board of Selectmen (“the Board”) and the American Federation of State, County, and Municipal Employees, AFL-CIO State Council No. 93, Local 362, Dedham Civilian Dispatch Employees (“the Union”) and for good and valuable consideration hereby agree as follows:

WHEREAS, the Town and the Union are parties to a Collective Bargaining Agreement that expired on June 30, 2019 (“the Previous Agreement”);

WHEREAS, the Town and the Union are desirous of entering into a successor agreement to the Previous Agreement based on the Previous Agreement as modified herein;

NOW, THEREFORE, it is agreed as follows:

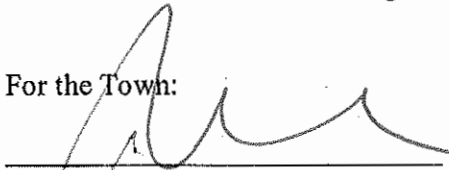
1. Article 11, Salary Schedule: A new wage schedule shall be prepared and inserted into the Successor Agreement reflecting an increase in wages of 2% effective July 1, 2019. The effect of the changes in the wage schedule provided for in this Memorandum of Agreement shall be retroactive to July 1, 2019.

2. Article 31, Effect of Agreement: The Successor Agreement shall reflect an effective date of July 1, 2019 and a termination date of June 30, 2020.


3. Except as modified in accordance with this Memorandum of Agreement, the
Successor Agreement shall be identical in all respects to the Previous Agreement.

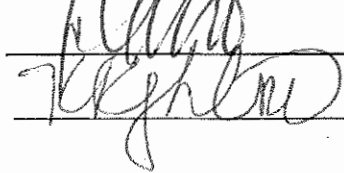
4. The cost items of this Agreement are subject to approval by Town Meeting.

For the Town:

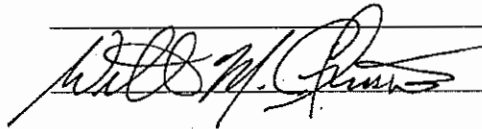


S. MacDonald





For the Union:

 8:27:20

**MEMORANDUM OF AGREEMENT
BETWEEN THE
TOWN OF DEDHAM
AND THE
AMERICAN FEDERATION OF
STATE, COUNTY, AND MUNICIPAL EMPLOYEES,
AFL-CIO STATE COUNCIL NO. 93, LOCAL 362,
DEDHAM CIVILIAN DISPATCH EMPLOYEES**

October __, 2020

NOW COMES the Town of Dedham (“the Town”) acting by and through its Board of Selectmen (“the Board”) and the American Federation of State, County, and Municipal Employees, AFL-CIO State Council No. 93, Local 362, Dedham Civilian Dispatch Employees (“the Union”) and for good and valuable consideration hereby agree as follows:

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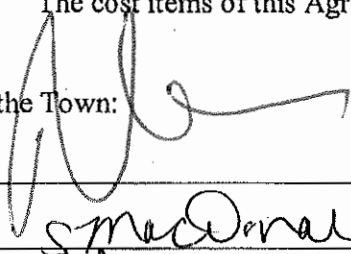
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2. Article 31, Effect of Agreement: The Successor Agreement shall reflect an effective date of July 1, 2020 and a termination date of June 30, 2021.


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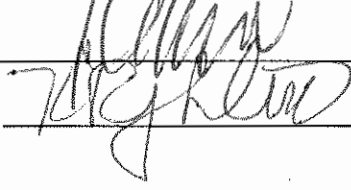
4. The cost items of this Agreement are subject to approval by Town Meeting.

For the Town:




s macdonald





For the Union:



Effective July 1, 2019 (FY 2020)

		<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>
Civilian	Hourly	21.4739	22.2229	23.0032	23.8044	24.6367	25.521	26.3845
Dispatcher	Bi-Weekly	1,717.91	1,777.83	1,840.26	1,904.35	1,970.94	2,041.68	2,110.76
Dispatcher	Hourly	25.7291	26.6342	27.5602	28.507	29.5161	30.567	31.6282
Supervisor	Bi-Weekly	2,058.33	2,130.74	2,204.82	2,280.56	2,361.29	2,445.36	2,530.26

Effective July 1, 2020 (FY 2021)

		<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>
Civilian	Hourly	21.9034	22.6674	23.4633	24.2805	25.1294	26.0314	26.9122
Dispatcher	Bi-Weekly	1,752.27	1,813.39	1,877.06	1,942.44	2,010.35	2,082.51	2,152.98
Dispatcher	Hourly	26.2437	27.1669	28.1114	29.0771	30.1064	31.1783	32.2608
Supervisor	Bi-Weekly	2,099.50	2,173.35	2,248.91	2,326.17	2,408.51	2,494.26	2,580.86

**PERSONNEL WAGE AND SALARY ADMINISTRATION PLAN
NON-UNION MANAGEMENT & MANAGEMENT SUPPORT POSITIONS**

<i>Effective July 1, 2020 (FY 2021)</i>		<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>
M-1	Bi-Weekly	2,261.55	2,338.96	2,419.09	2,501.97	2,587.75	2,676.57	2,768.48
	Annual	58,800.28	60,813.05	62,896.24	65,051.28	67,281.53	69,590.69	71,980.45
M-2	Bi-Weekly	2,526.84	2,613.53	2,703.21	2,796.09	2,841.73	2,991.66	3,094.58
	Annual	65,697.77	67,951.79	70,283.58	72,698.23	73,884.90	77,783.19	80,459.15
M-3	Bi-Weekly	2,824.06	2,921.14	3,021.58	3,125.56	3,233.19	3,344.59	3,459.87
	Annual	73,425.60	75,949.71	78,561.20	81,264.59	84,063.02	86,959.29	89,956.53
M-4	Bi-Weekly	3,101.38	3,208.16	3,318.66	3,433.07	3,551.47	3,674.00	3,800.78
	Annual	80,635.90	83,412.26	86,285.07	89,259.70	92,338.10	95,523.97	98,820.15
M-5	Bi-Weekly	3,406.50	3,523.95	3,645.50	3,771.34	3,901.55	4,036.37	4,175.87
	Annual	88,569.06	91,622.59	94,783.00	98,054.86	101,440.40	104,945.57	108,572.64
M-6	Bi-Weekly	3,644.10	3,769.87	3,900.10	4,034.84	4,174.29	4,318.63	4,468.09
	Annual	94,746.54	98,016.70	101,402.69	104,905.90	108,531.65	112,284.46	116,170.44
M-7	Bi-Weekly	3,910.98	4,046.10	4,185.97	4,330.71	4,480.55	4,635.44	4,796.15
	Annual	101,685.51	105,198.53	108,835.12	112,598.36	116,494.41	120,521.39	124,699.90
M-8	Bi-Weekly	4,223.86	4,350.57	4,481.09	4,615.53	4,753.99	4,896.61	5,043.51
	Annual	109,820.30	113,114.94	116,508.40	120,003.65	123,603.76	127,311.88	131,131.24
MP	Bi-Weekly	6,205.34	6,391.50	6,583.24	6,780.74	6,984.16	7,193.69	
	Annual	161,338.78	166,178.93	171,164.31	176,299.24	181,588.21	187,035.85	
MS-1	Hourly	28.5571	29.5335	30.5521	31.5921	32.6533	33.7571	34.9561

Bi-Weekly	2,141.78	2,215.01	2,291.41	2,369.41	2,449.00	2,531.78	2,621.71
Annual	55,686.36	57,590.17	59,576.75	61,604.73	63,674.07	65,826.20	68,164.57
MS-2 Hourly	21.8927	22.6675	23.3465	24.0469	24.7580	25.5008	26.2755
Bi-Weekly	1,641.95	1,700.06	1,750.99	1,803.52	1,856.85	1,912.56	1,970.66
Annual	42,690.80	44,201.43	45,525.82	46,891.59	48,278.07	49,726.61	51,237.24
MS-3 Hourly	18.5503	18.8104	19.6948	20.0173	20.3814	21.8380	22.6079
Bi-Weekly	1,391.27	1,410.78	1,477.11	1,501.30	1,528.61	1,637.85	1,695.59
Annual	36,173.09	36,680.28	38,404.86	39,033.74	39,743.73	42,584.10	44,085.41

Report of the Electronic Voting Working Group

Town Clerk Paul Munchbach and Town Moderator Dan Driscoll co-chair a committee charged with studying the feasibility of introducing electronic voting to Dedham's Town Meeting.

Paul Munchbach and Dan Driscoll initiated discussions of the idea in December 2019, after the conclusion of the 2019 Fall Annual Town Meeting. A decision was made to form a group to study the experience of other towns that have used electronic voting, taking note of the time needed to implement such a system and the cost to either purchase or lease a program.

Representatives from the Select Board, Warrant and Finance Committee, the District Chairs group and from the roster of Town Meeting Representatives were chosen and meetings began in January 2020. The working group met regularly through March 2020 when COVID 19 was recognized as a serious public health problem. The focus of Town government turned towards maintaining necessary functions as much as possible given the restrictions that were necessarily put into place.

The need to conduct safe and secure town elections and a Spring Annual Town Meeting became the major focus, and work on the Electronic Voting Working Group was temporarily suspended in March. Our tentative plans to test an electronic voting platform as a demonstration at the Spring Town Meeting were set aside.

The Group will re-start their work when both the Fall Town Meeting and the November elections are completed.

Thank you
Paul Munchbach and Dan Driscoll, Co-Chairs
October 13, 2020

SELECTED STATUTES AND BY-LAWS REFERENCED

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

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.

Chapter 59: Section 5. Property; exemptions

Section 5. The following property shall be exempt from taxation and the date of determination as to age, ownership or other qualifying factors required by any clause shall be July 1 of each year unless another meaning is clearly apparent from the context; provided, however, that any person who receives an exemption pursuant to clause Seventeenth, Seventeenth C, Seventeenth C1/2, Seventeenth D, Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E, Twenty-second F, Twenty-second G, Thirty-seventh, Thirty-seventh A, Forty-first, Forty-first B, Forty-first C, Forty-first C1/2, Forty-second, Forty-third, Fifty-sixth or Fifty-seventh shall not receive an exemption on the same property pursuant to any other provision of this section, except clause Eighteenth or Forty-fifth.

Twenty-second H. Real estate to the full amount of the taxable valuation of real property of the surviving parents or guardians of soldiers and sailors, members of the National Guard and veterans who: (i) during active duty service, suffered an injury or illness documented by the United States Department of Veterans Affairs or a branch of the armed forces that was a proximate cause of their death; or (ii) are missing in action with a presumptive finding of death as a result of active duty service as members of the armed forces of the United States; provided, however, that the real estate shall be occupied by the surviving parents or guardians as the surviving parents' or guardians' domicile; and provided further, that the surviving parents or guardians shall have been domiciled in the commonwealth for the 5 consecutive years immediately before the date of filing for an exemption pursuant to this clause or the soldier or sailor, member of the National Guard or veteran was domiciled in the commonwealth for not less than 6 months before entering service.

Surviving parents or guardians eligible for an exemption pursuant to this clause shall be eligible regardless of when the soldier, sailor, member of the National Guard or veteran died or became missing in action with a presumptive finding of death; provided, however, that the exemption shall only apply to tax years beginning on or after January 1, 2019. Such exemption shall be available until such time as the surviving parents or guardians are deceased. No real estate shall be so exempt which has been conveyed to the surviving parents or guardians to evade taxation. This clause shall take effect upon its acceptance by any city or town.

Chapter 59, Section 5C: Exemptions for residential real property in cities or towns assessing at full and fair cash valuation

Section 5C. With respect to each parcel of real property classified as Class One, residential, in each city or town certified by the commissioner to be assessing all property at its full and fair cash valuation, and at the option of the board of selectmen or mayor, with the approval of the city council, as the case may be, there shall be an exemption equal to not more than 35 per cent of the average assessed value of all Class One, residential, parcels within such city or town; provided, however, that such an exemption shall be applied only to the principal residence of a taxpayer as used by the taxpayer for income tax purposes. This exemption shall be in addition to any exemptions allowable under section five; provided, however, that in no instance shall the taxable valuation of such property after all applicable exemptions be reduced below ten per cent of its full and fair cash valuation, except through the applicability of clause Eighteenth of section five. Where, under the provisions of section five, the exemption is based upon an amount of tax rather than on valuation, the reduction of taxable valuation for purposes of the preceding sentence shall be computed by dividing the said amount of tax by the residential class tax rate of the city or town and multiplying the result by one thousand dollars. For purposes of this paragraph, "parcel" shall mean a unit of real property as defined by the assessors in accordance with the deed for such property and shall include a condominium unit.

In those cities and towns in which an exemption is made available hereunder, a taxpayer aggrieved by the failure to receive such residential exemption may apply for such residential exemption to the assessors, in writing, on a form approved by the commissioner, on or before the deadline for an application for exemption under section 59.

A timely application filed hereunder shall, for the purposes of this chapter, be treated as a timely filed application pursuant to section fifty-nine.

For purposes of this section, with respect to real property owned by a cooperative corporation, as defined in section 4 of chapter 157B, that portion which is occupied by a member pursuant to a proprietary lease as such member's domicile and is used as such member's principal residence for income tax purposes shall be deemed to be real property owned by such member for purposes of this section, provided that the portion of the real estate is represented by the member's share or shares of stock in the cooperative corporation and the percentage of such portion to the whole is the percentage of such member's shares in the cooperative corporation to the total outstanding stock of the corporation, including shares owned by the corporation. Such portion of such real property shall be eligible for exemption from taxation pursuant to this section if such member meets all requirements for such exemption. Any exemption so provided shall reduce the taxable valuation of the real property owned by the cooperative corporation; provided, however, that the reduction in taxes realized thereby shall be credited by the cooperative corporation against the amount of such taxes otherwise payable by or chargeable to such member. Nothing in this paragraph shall be construed to affect the tax status of any manufactured home or mobile home under this chapter, but shall apply to the land on which such manufactured home or mobile home is located if all other requirements of this paragraph are met. This paragraph shall take effect in a city or town upon its acceptance by the city or town.

Chapter 40A, Section 17: Judicial review

Section 17. Any person aggrieved by a decision of the board of appeals or any special permit granting authority or by the failure of the board of appeals to take final action concerning any appeal, application or petition within the required time or by the failure of any special permit granting authority to take final action concerning any application for a special permit within the required time, whether or not previously a party to the proceeding, or any municipal officer or board may appeal to the land court department, the superior court department in which the land concerned is situated or, if the land is situated in Hampden county, either to said land court or, superior court department or to the division of the housing court department for said county, or if the land is situated in a county, region or area served by a division of the housing court department either to said land court or superior court department or to the division of said housing court department for said county, region or area, or to the division of the district court department within whose jurisdiction the land is situated except in Hampden county, by bringing an action within twenty days after the decision has been filed in the office of the city or town clerk. If said appeal is made to said division of the district court department, any party shall have the right to file a claim for trial of said appeal in the superior court department within twenty-five days after service on the appeal is completed, subject to such rules as the supreme judicial court may prescribe. Notice of the action with a copy of the complaint shall be given to such city or town clerk so as to be received within such twenty days. The complaint shall allege that the decision exceeds the authority of the board or authority, and any facts pertinent to the issue, and shall contain a prayer that the decision be annulled. There shall be attached to the complaint a copy of the decision appealed from, bearing the date of filing thereof, certified by the city or town clerk with whom the decision was filed.

If the complaint is filed by someone other than the original applicant, appellant or petitioner, such original applicant, appellant, or petitioner and all members of the board of appeals or special permit granting authority shall be named as parties defendant with their addresses. To avoid delay in the proceedings, instead of the usual service of process, the plaintiff shall within fourteen days after the filing of the complaint, send written notice thereof, with a copy of the complaint, by delivery or certified mail to all defendants, including the members of the board of appeals or special permit granting authority and shall within twenty-one days after the entry of the complaint file with the clerk of the court an affidavit that such notice has been given. If no such affidavit is filed within such time the complaint shall be dismissed. No answer shall be required but an answer may be filed and notice of such filing with a copy of the answer and an affidavit of such notice given to all parties as provided above within seven days after the filing of the answer. Other persons may be permitted to intervene, upon motion. The clerk of the court shall give notice of the hearing as in other cases without jury, to all parties whether or not they have appeared. The court shall hear all evidence pertinent to the authority of the board or special permit granting authority and determine the facts, and, upon the facts as so determined, annul such decision if found to exceed the authority of such board or special permit granting authority or make such other decree as justice and equity may require. The foregoing remedy shall be exclusive, notwithstanding any defect of procedure or of notice other than notice by publication, mailing or posting as required by this chapter, and the validity of any action shall not be questioned for matters relating to defects in procedure or of notice in any other proceedings except with respect to such publication, mailing or posting and then only by a proceeding commenced within ninety days after the

decision has been filed in the office of the city or town clerk, but the parties shall have all rights of appeal and exception as in other equity cases.

A city or town may provide any officer or board of such city or town with independent legal counsel for appealing, as provided in this section, a decision of a board of appeals or special permit granting authority and for taking such other subsequent action as parties are authorized to take.

Costs shall not be allowed against the board or special permit granting authority unless it shall appear to the court that the board or special permit granting authority in making the decision appealed from acted with gross negligence, in bad faith or with malice.

Costs shall not be allowed against the party appealing from the decision of the board or special permit granting authority unless it shall appear to the court that said appellant or appellants acted in bad faith or with malice in making the appeal to the court.

The court shall require nonmunicipal plaintiffs to post a surety or cash bond in a sum of not less than two thousand nor more than fifteen thousand dollars to secure the payment of such costs in appeals of decisions approving subdivision plans.

All issues in any proceeding under this section shall have precedence over all other civil actions and proceedings.

Chapter 40B, Section 20: Definitions

Section 20. The following words, wherever used in this section and in sections twenty-one to twenty-three, inclusive, shall, unless a different meaning clearly appears from the context, have the following meanings:—

"Low or moderate income housing", any housing subsidized by the federal or state government under any program to assist the construction of low or moderate income housing as defined in the applicable federal or state statute, whether built or operated by any public agency or any nonprofit or limited dividend organization.

"Uneconomic", any condition brought about by any single factor or combination of factors to the extent that it makes it impossible for a public agency or nonprofit organization to proceed in building or operating low or moderate income housing without financial loss, or for a limited dividend organization to proceed and still realize a reasonable return in building or operating such housing within the limitations set by the subsidizing agency of government on the size or character of the development or on the amount or nature of the subsidy or on the tenants, rentals and income permissible, and without substantially changing the rent levels and units sizes proposed by the public, nonprofit or limited dividend organizations.

"Consistent with local needs", requirements and regulations shall be considered consistent with local needs if they are reasonable in view of the regional need for low and moderate income housing considered with the number of low income persons in the city or town affected and the need to protect the health or safety of the occupants of the proposed housing or of the residents of the city or town, to promote better site and building design in relation to the surroundings, or to preserve open spaces, and if such requirements and regulations are applied as equally as possible to both subsidized and unsubsidized housing. Requirements or regulations shall be consistent with local needs when imposed by a board of zoning appeals after comprehensive hearing in a city or town where (1) low or

moderate income housing exists which is in excess of ten per cent of the housing units reported in the latest federal decennial census of the city or town or on sites comprising one and one half per cent or more of the total land area zoned for residential, commercial or industrial use or (2) the application before the board would result in the commencement of construction of such housing on sites comprising more than three tenths of one per cent of such land area or ten acres, whichever is larger, in any one calendar year; provided, however, that land area owned by the United States, the commonwealth or any political subdivision thereof, or any public authority shall be excluded from the total land area referred to above when making such determination of consistency with local needs.

"Local Board", any town or city board of survey, board of health, board of subdivision control appeals, planning board, building inspector or the officer or board having supervision of the construction of buildings or the power of enforcing municipal building laws, or city council or board of selectmen.

Section 21: Low or moderate income housing; applications for approval of proposed construction; hearing; appeal

Section 21. Any public agency or limited dividend or nonprofit organization proposing to build low or moderate income housing may submit to the board of appeals, established under section twelve of chapter forty A</centy>;;MI;;0000000;</centr>, a single application to build such housing in lieu of separate applications to the applicable local boards. The board of appeals shall forthwith notify each such local board, as applicable, of the filing of such application by sending a copy thereof to such local boards for their recommendations and shall, within thirty days of the receipt of such application, hold a public hearing on the same. The board of appeals shall request the appearance at said hearing of such representatives of said local boards as are deemed necessary or helpful in making its decision upon such application and shall have the same power to issue permits or approvals as any local board or official who would otherwise act with respect to such application, including but not limited to the power to attach to said permit or approval conditions and requirements with respect to height, site plan, size or shape, or building materials as are consistent with the terms of this section. The board of appeals, in making its decision on said application, shall take into consideration the recommendations of the local boards and shall have the authority to use the testimony of consultants. The board of appeals shall adopt rules, not inconsistent with the purposes of this chapter, for the conduct of its business pursuant to this chapter and shall file a copy of said rules with the city or town clerk. The provisions of section eleven of chapter forty A</centy>;;MI;;0000000;</centr> shall apply to all such hearings. The board of appeals shall render a decision, based upon a majority vote of said board, within forty days after the termination of the public hearing and, if favorable to the applicant, shall forthwith issue a comprehensive permit or approval. If said hearing is not convened or a decision is not rendered within the time allowed, unless the time has been extended by mutual agreement between the board and the applicant, the application shall be deemed to have been allowed and the comprehensive permit or approval shall forthwith issue. Any person aggrieved by the issuance of a comprehensive permit or approval may appeal to the court as provided in section seventeen of chapter forty A.

Section 22: Appeal to housing appeals committee; procedure; judicial review

Section 22. Whenever an application filed under the provisions of section twenty-one is denied, or is granted with such conditions and requirements as to make the building or operation of such housing uneconomic, the applicant shall have the right to appeal to the housing appeals committee in the department of housing and community development for a review of the same. Such appeal shall be taken within twenty days after the date of the notice of the decision by the board of appeals by filing with said committee a statement of the prior proceedings and the reasons upon which the appeal is based. The committee shall forthwith notify the board of appeals of the filing of such petition for review and the latter shall, within ten days of the receipt of such notice, transmit a copy of its decision and the reasons therefor to the committee. Such appeal shall be heard by the committee within twenty days after receipt of the applicant's statement. A stenographic record of the proceedings shall be kept and the committee shall render a written decision, based upon a majority vote, stating its findings of fact, its conclusions and the reasons therefor within thirty days after the termination of the hearing, unless such time shall have been extended by mutual agreement between the committee and the applicant. Such decision may be reviewed in the superior court in accordance with the provisions of chapter thirty A.

Section 23: Hearing by housing appeals committee; issues; powers of disposition; orders; enforcement

Section 23. The hearing by the housing appeals committee in the department of housing and community development shall be limited to the issue of whether, in the case of the denial of an application, the decision of the board of appeals was reasonable and consistent with local needs and, in the case of an approval of an application with conditions and requirements imposed, whether such conditions and requirements make the construction or operation of such housing uneconomic and whether they are consistent with local needs. If the committee finds, in the case of a denial, that the decision of the board of appeals was unreasonable and not consistent with local needs, it shall vacate such decision and shall direct the board to issue a comprehensive permit or approval to the applicant. If the committee finds, in the case of an approval with conditions and requirements imposed, that the decision of the board makes the building or operation of such housing uneconomic and is not consistent with local needs, it shall order such board to modify or remove any such condition or requirement so as to make the proposal no longer uneconomic and to issue any necessary permit or approval; provided, however, that the committee shall not issue any order that would permit the building or operation of such housing in accordance with standards less safe than the applicable building and site plan requirements of the federal Housing Administration or the Massachusetts Housing Finance Agency, whichever agency is financially assisting such housing. Decisions or conditions and requirements imposed by a board of appeals that are consistent with local needs shall not be vacated, modified or removed by the committee notwithstanding that such decisions or conditions and requirements have the effect of making the applicant's proposal uneconomic.

The housing appeals committee or the petitioner shall have the power to enforce the orders of the committee at law or in equity in the superior court. The board of appeals shall carry out the order of the hearing appeals committee within thirty days of its entry and, upon failure to do so, the order of said committee shall, for all purposes, be deemed to be the

action of said board, unless the petitioner consents to a different decision or order by such board.

Chapter 44, Section 55C: Municipal Affordable Housing Trust Fund

Section 55C. (a) Notwithstanding section 53 or any other general or special law to the contrary, a city or town that accepts this section may establish a trust to be known as the Municipal Affordable Housing Trust Fund, in this section called the trust. The purpose of the trust is to provide for the creation and preservation of affordable housing in municipalities for the benefit of low and moderate income households and for the funding of community housing, as defined in and in accordance with the provisions of chapter 44B. Acceptance shall be by majority vote of the municipal legislative body under section 4 of chapter 4.

(b) There shall be a board of trustees, in this section called the board, which shall include no less than 5 trustees, including the chief executive officer, as defined by section 7 of chapter 4, of the city or town, but where the chief executive officer is a multi-member body, that body shall designate a minimum of 1 of its members to serve on the board. Trustees shall be appointed in a city by the mayor or by the city manager in a Plan D or Plan E municipality, subject in either case, to confirmation by the city council, and in a town by the board of selectmen, shall serve for a term not to exceed 2 years, and are designated as public agents for purposes of the constitution of the commonwealth. Nothing in this subsection shall prevent a board of selectmen from appointing the town manager or town administrator as a member or chair of the board, with or without the power to vote.

(c) The powers of the board, all of which shall be carried on in furtherance of the purposes set forth in this act, shall include the following powers, but a city or town may, by ordinance or by-law, omit or modify any of these powers and may grant to the board additional powers consistent with this section:—

(1) to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any general or special law or any other source, including money from chapter 44B; provided, however, that any such money received from chapter 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the trust, and such funds shall be accounted for separately by the trust; and provided further, that at the end of each fiscal year, the trust shall ensure that all expenditures of funds received from said chapter 44B are reported to the community preservation committee of the city or town for inclusion in the community preservation initiatives report, form CP-3, to the department of revenue;

(2) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;

(3) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract;

(4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the trust;

(5) to employ advisors and agents, such as accountants, appraisers and lawyers as the board deems necessary;

(6) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable;

(7) to apportion receipts and charges between incomes and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;

(8) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;

(9) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the board may deem necessary and appropriate;

(10) to carry property for accounting purposes other than acquisition date values;

(11) to borrow money on such terms and conditions and from such sources as the board deems advisable, to mortgage and pledge trust assets as collateral;

(12) to make distributions or divisions of principal in kind;

(13) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the board may deem appropriate;

(14) to manage or improve real property; and to abandon any property which the board determined not to be worth retaining;

(15) to hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate; and

(16) to extend the time for payment of any obligation to the trust.

(d) Notwithstanding any general or special law to the contrary, all moneys paid to the trust in accordance with any zoning ordinance or by-law, exaction fee, or private contributions shall be paid directly into the trust and need not be appropriated or accepted and approved into the trust. General revenues appropriated into the trust become trust property and to be expended these funds need not be further appropriated. All moneys remaining in the trust at the end of any fiscal year, whether or not expended by the board within 1 year of the date they were appropriated into the trust, remain trust property.

- (e) The trust is a public employer and the members of the board are public employees for purposes of chapter 258.
- (f) The trust shall be deemed a municipal agency and the trustees special municipal employees, for purposes of chapter 268A.
- (g) The trust is exempt from chapters 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the commonwealth or any political subdivision thereof.
- (h) The books and records of the trust shall be audited annually by an independent auditor in accordance with accepted accounting practices.
- (i) The trust is a governmental body for purposes of sections 23A, 23B and 23C of chapter 39.
- (j) The trust is a board of the city or town for purposes of chapter 30B and section 15A of chapter 40; but agreements and conveyances between the trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the city or town shall be exempt from said chapter 30B.

Chapter 138, Section 12: Licenses authorizing sale of beverages to be drunk on premises; veterans' organizations, corporations, etc.; suspension or revocation; hours of sale; liqueurs and cordials; liquor legal liability insurance requirement

Section 12. 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, 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.

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. A member of a club licensed under this section may bring wine to be consumed on the premises with a meal purchased at the club, unless the club objects, which it may do at its sole discretion. At all times the club shall control the handling, serving and dispensing of wine in accordance with this chapter and may refuse to pour wine for any patron for any reason or for no reason, regardless of whether bottles are opened or unopened. Unopened bottles shall be returned to the patron who shall remove such bottles from the premises at the conclusion of the event, and open bottles shall be returned and resealed in accordance with regulations promulgated by the commission and transported in a manner authorized by section 24I of chapter 90 when carried in a motor vehicle, as defined in section 1 of said chapter 90. The club shall set and charge a reasonable corkage fee, which shall be added to the member's meal expense. Such fee shall be set at not less than \$30 and shall be applied to each bottle of wine that is opened.

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 herefor 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 15: Licensing authorizing sale of beverages not to be drunk on premises; applications; approval; price lists; renewals; fees; hours of sales; samples

[First paragraph effective until January 1, 2020. For text effective January 1, 2020, see below.]

Section 15. The local licensing authorities in any city or town which votes to authorize the granting of licenses for the sale of all alcoholic beverages, and such authorities in any city or town which votes to authorize the granting of licenses for the sale of wines and malt beverages only, may grant licenses for the sale at retail of such alcoholic beverages or wines and malt beverages, as the case may be, not to be drunk on the premises, to applicants therefor who are citizens and residents of the commonwealth, or partnerships composed solely of such citizens and residents or to corporations organized under the laws of the commonwealth and whereof all directors shall be citizens of the United States and a majority residents of the commonwealth or to limited liability companies or limited liability partnerships organized under the laws of the commonwealth, subject to such conditions as the commission may prescribe by regulation to address issues of citizenship and residency and the requirements for a citizen manager or citizen principal representative of an alien licensee under section 26 as qualifications for a limited liability company or limited liability partnership to hold a license pursuant to this section and sections 18,

18A, 19, 19B and 19C, or to an applicant licensed to operate as a farmer-winery under said section 19B or in any other state. 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, shall be granted, in the aggregate, more than 7 such licenses in the commonwealth, or participate in decisions regarding the purchasing of alcoholic beverages or the purchasing of insurance or accounting or bookkeeping services, or receive any percentage or fee derived from gross revenues in exchange for management assistance, or participate in any other action designed to effect common results of more than 7 licensees under this section, or be granted more than one such license in a town or two in a city. Each applicant for a new license or the transfer of a license shall pay a fee of up to \$5,000 to the commission when the issuing of the new or transferred license would result in the applicant owning more than 3 licenses. The fee shall be paid to the commission after approval of the application but before the issuance of the new or transferred license. No such license shall be granted except to an applicant approved by the commission. Such applicant shall be at least twenty-one years of age and 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 felony. Each license shall describe the premises to which it applies. Not more than one location shall be included in any such license, nor shall any location or premises for which a license has been granted under section twelve be included therein; provided, however, that a common victualler duly licensed to operate a restaurant under chapter 140 and holding a license under section 12 may be connected to premises licensed under this section if at least 50 per cent of the revenue generated at the premises licensed under this section is derived from the sale of grocery items as defined in section 184B of chapter 94; and provided further, that the connection between and the design of the 2 locations so licensed, including interior connections, which shall be allowed, shall clearly delineate the 2 premises in such a way as to: (i) make the boundaries of each licensed premises clearly separate and identifiable to customers, alcohol distributors and regulatory authorities; (ii) enable the respective licensees to maintain control of the licensed area, egress and the sale, storage and service of alcoholic beverages; and (iii) otherwise conform with this chapter. Every licensee hereunder shall keep conspicuously posted in each room where any alcoholic beverages are sold a price list of such beverages. Sales by such licensees shall be made only in the original manufacturer's or wholesaler's and importer's package and at the prices stated on the current posted price list. All malt beverages containing not more than three and two tenths per cent of alcohol by weight shall be so labelled.

[First paragraph as amended by 2011, 193, Secs. 3 and 6 and as amended by 2016, 219, Sec. 98 effective January 1, 2020. See 2011, 193, Sec. 10. For text effective until January 1, 2020, see above.]

The local licensing authorities in any city or town which votes to authorize the granting of licenses for the sale of all alcoholic beverages, and such authorities in any city or town which votes to authorize the granting of licenses for the sale of wines and malt beverages only, may grant licenses for the sale at retail of such alcoholic beverages or wines and malt beverages, as the case may be, not to be drunk on the premises, to applicants therefor who are citizens and residents of the commonwealth, or partnerships composed solely of such citizens and residents or to corporations organized under the laws of the commonwealth and whereof all directors shall be citizens of the United States and a majority residents of the commonwealth or to limited liability companies or limited liability partnerships organized under the laws of the commonwealth, subject to such conditions as the commission may prescribe by regulation to address issues of citizenship and

residency and the requirements for a citizen manager or citizen principal representative of an alien licensee under section 26 as qualifications for a limited liability company or limited liability partnership to hold a license pursuant to this section and sections 18, 18A, 19, 19B and 19C, or to an applicant licensed to operate as a farmer-winery under said section 19B or in any other state. 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, shall be granted, in the aggregate, more than 9 such licenses in the commonwealth, or participate in decisions regarding the purchasing of alcoholic beverages or the purchasing of insurance or accounting or bookkeeping services, or receive any percentage or fee derived from gross revenues in exchange for management assistance, or participate in any other action designed to effect common results of more than 9 licensees under this section, or be granted more than one such license in a town or two in a city. Each applicant for a new license or the transfer of a license shall pay a fee of up to \$5,000 to the commission when the issuing of the new or transferred license would result in the applicant owning more than 3 licenses. The fee shall be paid to the commission after approval of the application but before the issuance of the new or transferred license. No such license shall be granted except to an applicant approved by the commission. Such applicant shall be at least twenty-one years of age and 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 felony. Each license shall describe the premises to which it applies. Not more than one location shall be included in any such license, nor shall any location or premises for which a license has been granted under section twelve be included therein; provided, however, that a common victualler duly licensed to operate a restaurant under chapter 140 and holding a license under section 12 may be connected to premises licensed under this section if at least 50 per cent of the revenue generated at the premises licensed under this section is derived from the sale of grocery items as defined in section 184B of chapter 94; and provided further, that the connection between and the design of the 2 locations so licensed, including interior connections, which shall be allowed, shall clearly delineate the 2 premises in such a way as to: (i) make the boundaries of each licensed premises clearly separate and identifiable to customers, alcohol distributors and regulatory authorities; (ii) enable the respective licensees to maintain control of the licensed area, egress and the sale, storage and service of alcoholic beverages; and (iii) otherwise conform with this chapter. Every licensee hereunder shall keep conspicuously posted in each room where any alcoholic beverages are sold a price list of such beverages. Sales by such licensees shall be made only in the original manufacturer's or wholesaler's and importer's package and at the prices stated on the current posted price list. All malt beverages containing not more than three and two tenths per cent of alcohol by weight shall be so labelled.

Any sale of such beverages shall be conclusively presumed to have been made in the store wherein the order was received from the customer. 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 and nothing shall prohibit the local licensing authority from establishing reduced fees for special licenses issued under section 15F. Any holder of a license under this section shall be permitted to make sales in accordance with the terms of his license at any time between eight o'clock ante meridian and eleven o'clock post meridian, or between eight o'clock ante meridian and half past eleven o'clock post meridian on any day immediately preceding a legal holiday, except when prohibited by section thirty-three. Any such licensee may provide, without charge, on premises sample wine or malt beverage tastings for prospective customers available for

sale on such premises; provided, however, that no single serving of wine shall exceed one ounce and no single serving of malt beverages shall exceed two ounces. A licensee who holds a license according to the provisions of this section may also conduct on premise sample wine or malt beverage tasting in restaurants and function rooms licensed under the provisions of section 12; provided, however, that the holder of a license pursuant to this section shall not solicit orders for off premises consumption; provided, further, that the holder of a license issued pursuant to the provisions of section 12 shall control the dispensing of wine or malt beverage samples on his premises; and provided, further, that food shall be served in conjunction with such wine or malt beverage tasting conducted on the premises of the holder of a license issued pursuant to said section 12.

A licensee who holds a license for the sale of all alcoholic beverages may provide, without charge, on-premises sample liqueurs and cordials tastings for prospective customers if such beverages shall be available for sale on the premises; provided, however, that no single serving of liqueurs and cordials shall exceed 1/4 of an ounce. A licensee who holds a license for the sale of all alcoholic beverages according to this section may also conduct on-premises sample liqueurs and cordials tasting in restaurants and function rooms licensed under section 12 who hold a license for the sale of all alcoholic beverages or a license for the sale of wines and malt beverages and which also hold, pursuant to said section 12, written approval to sell liqueurs and cordials pursuant to the license; provided, however, that the holder of a license pursuant to this section shall not solicit orders for off-premises consumption; provided, further, that the holder of a license issued pursuant to said section 12 shall control the dispensing of liqueurs and cordials samples on his premises; and provided further, that food shall be served in conjunction with liqueurs and cordials tasting conducted on the premises of the holder of a license issued pursuant to section 12.

A licensee who holds a license for the sale of all alcoholic beverages may provide, without charge, on-premises sample alcoholic beverages tastings for prospective customers if such beverages shall be available for sale on such premises; provided, however, that no single serving of alcoholic beverages, other than wines and malt beverages, shall exceed 1/4 of an ounce. A licensee who holds a license for the sale of all alcoholic beverages according to this section may also conduct on-premises sample tasting of alcoholic beverages, other than wines and malt beverages, in restaurants and function rooms licensed under section 12 who hold a license for the sale of all alcoholic beverages; provided, however, that the holder of a license pursuant to this section shall not solicit orders for off-premises consumption; provided further, that the holder of a license issued pursuant to said section 12 shall control the dispensing of samples of alcoholic beverages, other than wines and malt beverages, on his premises; and provided, further, that food shall be served in conjunction with alcoholic beverages tasting, other than wines and malt beverages, conducted on the premises of the holder of a license issued pursuant to said section 12.

Any person or entity who holds licenses under both this section and section 18 or 19, which licenses were granted prior to January 1, 2011, may obtain licenses under this section in accordance with the other provisions of this section.

No person, firm, corporation, association or other combination of persons, directly or indirectly, or through an agent, employee, stockholder, officer or other person or any subsidiary licensed under sections 18 and 19 shall be granted a license under this section after January 1, 2011.

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.

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.

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.

FINANCE COMMITTEE



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