

**DEDHAM
FINANCE AND WARRANT COMMITTEE**



**REPORT & RECOMMENDATIONS
FOR THE
FALL ANNUAL TOWN MEETING**

MONDAY, NOVEMBER 13, 2017

TOWN MEETING – 7:00 PM

DEDHAM HIGH SCHOOL AUDITORIUM

FISCAL YEAR 2018 DEDHAM FINANCE AND WARRANT COMMITTEE

	PRECINCT	TERM ENDS
KEVIN PRESTON, CHAIR	2	2019
LIZ O'DONNELL*, VICE CHAIR	5	2020
JOHN HEFFERNAN	6	2020
MARTY LINDEMANN	1	2018
SUSAN CARNEY	7	2018
SUSAN FAY*	4	2019
CECILIA EMERY BUTLER	4	2019
DAVID ROBERTS	3	2020
KEVIN HUGHES	5	2018

*At Large

DANIEL J. DRISCOLL, MODERATOR (1993-PRESENT)

PAST MODERATOR

H. HOLTON WOOD (1964-1993)

PAST FINANCE COMMITTEE CHAIRS

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. HERRIGAN
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
1979-1980	JOHN W. PUTNEY
1978-1979	GEORGE R. HOELL
1977-1978	ROBERT F. ASHMAN
1976-1977	JONATHAN A. NOONAN
1975-1976	FRANCIS E. MANNING
1974-1975	EDWARD J. HUGHES
1973-1974	HARRISON K. CANER
1972-1973	JOHN J. CARROLL

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TOWN OF DEDHAM
Town Moderator

To the Town Meeting Representatives and the Citizens of Dedham

In a few short weeks, on November 13th, we will convene the Fall Annual Town Meeting. Our posted start time is 7:00 PM. Please make every effort to be at the High School by 7:00 so that we can certify that a quorum is present and begin our business as soon as possible. There is always a good crowd there by 7:00 so you won't lack for company and good conversation.

This Warrant is not a long one. There are only 19 articles, but there are some critical (and to some, controversial) matters to be debated and resolved. The Early Childhood Education Center and the combined Public Safety Facility, two of the most important projects we have discussed in recent years, are on the Warrant this year. Proponents will be updating us on next steps in implementing these projects and seeking approval for the funds needed to do so.

You will also have the opportunity to vote on the Town's position on non-medical marijuana dispensaries. The Commonwealth is still wrestling with the development of precise regulations for these facilities; towns need to make decisions on how to respond in this interim period.

Article 12 proposes that the Town establish a Human Rights Commission. There has been considerable debate both in hearings and on social media about this idea. As elected Town Meeting Representatives (and as Moderator) we are held to higher standards in maintaining a fair, respectful, informative and factual debate. Vigorous support or opposition to any article is expected and encouraged. Statements about an opponent's motives, integrity or intelligence run the risk of being ruled out of order.

As always, I am available to answer questions in the remaining weeks before Town Meeting. Please feel free to call me at 617-510-1797 or email me at djdriscoll29@gmail.com.

Thank you and I am looking forward to seeing you on November 13th.

Sincerely
Dan Driscoll
Moderator



TOWN OF DEDHAM Finance and Warrant Committee

To the Town Meeting Representatives and the Citizens of Dedham

The Fall Town Meeting this year will consider what action should be taken on nineteen warrant articles. Eighteen of those articles fall within the jurisdiction of the Finance and Warrant Committee (hereinafter, FWC or Committee). Article 8 falls within the jurisdiction of the Planning Board. Presented here for your consideration are the recommendations of the FWC on those eighteen articles.

The Committee conducted public hearings at which we heard from proponents and opponents of each Article. In many instances, we sought further information from town officials, particularly the town manager, assistant town manager and finance director. In several cases, we sought assistance from town counsel. In each case, we received full cooperation.

The recommendation of the FWC on each of the eighteen articles is contained at the end of each article. There are three, however, that I would highlight, each of which would involve a significant capital expenditure.

- **Article Four** is a proposal for the town to construct a new combined public safety complex on the site of the current town hall, replacing the current police and fire stations. Together with the soon-to-be-opened new town hall and senior center, the complex would complete the Municipal Campus. The Town is being ask to authorize the expenditure of not more than \$45 million for this purpose. The FWC voted unanimously to recommend that Town Meeting approve this project. The FWC is satisfied that by utilizing a combination of the Robin Reyes Fund and redirecting a portion of the capital we spend annually on roads and sidewalks, the project can be funded with minimal impact on the tax levy. Dedham has been spending at an elevated level on roads and sidewalks in a successful effort to catch up on deferred work. Having done so, the town is now in a position to reallocate some of those resources (approximately \$1 million per year to support the financing of this project).
- **Article Five** proposes that the town meeting authorize and agree to pay Dedham's share of an \$84,862,768 renovation, reconstruction, and extraordinary repairs package to the Blue Hills Regional Vocational School. The total impact on member communities will be significantly reduced by the stated MSBA reimbursement of \$43, 438,247. The town's share is projected to be \$5,493,753. The current physical plant of the school is more than 50 years old. It is believed that this project will avoid significant capital costs for repair/replacement/upgrade of HVAC, window and electrical infrastructure that would otherwise be needed and which

would not be eligible for MSBA reimbursement. The FWC voted unanimously to recommend that the project be approved.

- **Article Six** is a \$14.5 million proposal by the Parks and Recreation Commission to design, construct and equip the property known as Manor Fields (formerly the Striar property). This long-awaited proposal was submitted while the Parks and Recreation Master Plan is in its final stages, but prior to any opportunity for the FWC or the public to read and digest it. The FWC expressed reservations about moving ahead on a major capital expenditure prior to finalization and publication of the master plan, given that this would be a major component of that plan. The FWC voted unanimously (with the concurrence of Parks and Recreation) to recommend that consideration of the proposal be postponed indefinitely. It is anticipated that this proposal will again come before the FWC and town meeting sometime in 2018.

Finally, I would be remiss if I did not note that John Heffernan decided to step down as chairman of this committee in July, after three years as chairman. On behalf of all the present and former members who have served with John, I want to express our appreciation for his leadership and commitment. Fortunately, John has agreed to stay on as a member of the committee and his continued presence has significantly eased the transition for Liz O'Donnell, the committee vice-chair, and for me.

Kevin Preston
Chairman of the Finance and Warrant Committee

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Fall Town Meeting Articles and Recommendations

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

1. LINE ITEM TRANSFERS

ARTICLE ONE: *By the Finance Committee:* To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money to meet additional expenses of the current fiscal year not adequately funded under Article Three of the 2017 Spring Annual Town Meeting 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 \$27,205, be transferred from current appropriations or free cash as scheduled on the following chart to meet additional expenses for the current fiscal year:

Article 1 transfers money from free cash or one municipal account to another for the payment of expenses in the current fiscal year, ending June 30, 2018.

Line items for transfer at ATM

From Dept/ Source			To Department		
	Line item	Amount		Line Item	Amount
1	Police	\$ 5,000	Emp Testing	12105700/530060	\$ 1,000
	(Salaries)		Repairs	12105700/524045	\$ 4,000
2	Town Facilities	\$ 17,205	HVAC Repairs	14655700/524043	\$ 17,205
	(Salaries)				
3	Police	\$ 5,000	Finance Salaries	11305100/510134	\$ 5,000
	(Salaries)				
<u>\$ 27,205</u>			<u>\$ 27,205</u>		

- 1 Cover costs for new provider and fees.
New intrusion system for security of evidence storage areas.
- 2 Vacancy for HVAC tech has resulted in need for outside contractors for HVAC repairs.
- 3 Cover FY14-FY18 positional stipend for Treasurer/Collector per local acceptance \$1,000/year.

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2. APPROPRIATION FOR PRIOR YEARS BILLS

ARTICLE TWO: *By the Town Manager at the request of the Director of Finance.* To see what sum of money the Town will vote to raise, appropriate or transfer from available funds for payment of outstanding bills of prior 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 following sums of money totaling \$12,418.00, be transferred from current appropriations or free cash as scheduled on the following chart to meet expenses of a prior year.

Article 2 approves payment(s) for bills from prior fiscal years.

Prior Year Bills

From Dept/ Free Cash			To			
	Line item	Amount	Department	Line Item	Amount	
1	Police Salary	12105100/510213	\$ 8,505	Legal expense	11225700/530270	\$ 8,505
2	Police Salary	12105100/510213	\$ 2,078	TM-Tech Supp	11205700/530100	\$ 2,078
3	Police Salary	12105100/510213	\$ 1,264	Fin-Tax Process	11305700/530130	\$ 1,264
4	Police Salary	12105100/510213	\$ 380	H/R-Testing	11505700/530060	\$ 380
5	Police Salary	12105100/510213	\$ 143	Fire Supplies	12205700/558060	\$ 143
6	Police Salary	12105100/510213	\$ 48	Bldg. Supplies	12405700/558060	\$ 48
			<u>\$12,418</u>			<u>\$12,418</u>

- 1 Legal expenses with KP Law.
- 2 New website software/management.
- 3 Meter reading charges from DWWD for sewer billing.
- 4 Employee testing.
- 5 Miscellaneous supplies.
- 6 Specialty supplies.

3. PERSONNEL BY-LAW CHANGES AND BARGAINING AGREEMENTS

ARTICLE THREE: *By the Board of Selectmen:* To see if the Town will vote to adopt changes in Schedule A (Classification Schedule), or Schedule B (Compensation

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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 potential collective bargaining agreements listed below, the funding for which is included in the appropriate departmental budgets under Article Three of the May 18, 2017 Annual Town Meeting, and, as may be necessary, to authorize the Finance Director to appropriately allocate such amounts:

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: Information and the recommendation of the Finance and Warrant Committee will be provided in a supplemental mailing or at Town Meeting.

Article Three would provide for the transfer of funding from the Salary Reserve line item to all departments for the Memorandums of Understanding approved and ratified with the units listed above.

4. APPROPRIATION FOR COMBINED PUBLIC SAFETY BUILDING

ARTICLE FOUR: *By the Town Manager.* To see if the Town will vote to:

- (A) Raise and appropriate, borrow or transfer from available funds a sum of money for the construction and equipping of a Combined Public Safety Building, to be located at 26 Bryant Street (the current 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, and

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authorize use of the construction management at risk delivery method pursuant to the provisions of G.L. c.149A, §§1-13; and further, to transfer the care, custody, management and control of the Project Site from such board(s) and for such purpose(s) as such land is presently held, to the Board of Selectmen for general municipal purposes; and to authorize the Board of Selectmen to apply for, accept, and expend any grants or loans in connection herewith, to enter into all agreements, execute any and all documents including contracts for more than three years, and take all action necessary to carry out this project, and

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That the Town vote to appropriate \$45,000,000 for the construction and equipping of a Combined Public Safety Building, to be located at 26 Bryant Street (the current Town Hall site) and 236 Washington Street (the current Main Fire Station site) (collectively, the "Project Site"), including but not limited to building demolition and site preparation, and all other incidental and related costs; and as funding therefor, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow \$42,500,000 sum pursuant to G.L. c.44, §§7 or 8 or any other enabling authority and issue bonds and notes therefor; provided further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; and further, to transfer the sum of \$2,500,000 from the amounts originally appropriated under Article 19 of the 2014 Annual Town Meeting for the construction of a Police Station at 26 Bryant Street; and to transfer the care, custody, management and control of the Project Site from such board(s) and for such purpose(s) as such land is presently held, to the Board of Selectmen for general municipal purposes; and to authorize the Board of Selectmen to apply for, accept, and expend any grants or loans in connection herewith, to enter into all agreements, execute any and all documents including contracts for more than three years, and take all action necessary to carry out this project.

Article 4 would provide for a total authorization to borrow \$45 million for the new combined public safety facility. Said debt service to be paid by transfers from Dedham's Robin Reyes Major Capital Stabilization fund.

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5. APPROPRIATION FOR RENOVATION PROJECT AT BLUE HILLS REGIONAL TECHNICAL HIGH SCHOOL

ARTICLE FIVE: *By the Town Manager at the request of the Blue Hills Regional Technical High School District.* To see if the Town will approve the \$84,862,768.00 borrowing authorized by the Blue Hills Regional Technical High School District for the purpose of paying costs of renovating, reconstructing and making extraordinary repairs to the Blue Hills Regional Technical High School District High School, located at 800 Randolph Street, in Canton, Massachusetts, Massachusetts 02021, and for the payment of all other costs incidental and related thereto, (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of the School Committee; the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities; any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty-five and eighty-nine hundredths percent (55.89%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, 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 hereby approves the \$84,862,768 borrowing authorized by the Blue Hills Regional Technical High School District for the purpose of paying costs of renovating, reconstructing and making extraordinary repairs to the Blue Hills Regional Technical High School District High School, located at 800 Randolph Street, in Canton, Massachusetts, Massachusetts 02021, and for the payment of all other costs incidental and related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of the School Committee; that the Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member

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municipalities; provided further that any grant that District may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty-five and eighty-nine hundredths percent (55.89%) of eligible, approved project costs, as determined by the MSBA or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized by the District shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA.

Article 5 would provide for a total authorization to borrow \$84 million for reconstructing a regional technical school. Said debt service to be apportioned to Dedham in accordance with a regional agreement based on enrollment.

6. APPROPRIATION FOR CONSTRUCTION OF MANOR FIELDS

ARTICLE SIX: *By the Park and Recreation Commission.* To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money (approximately \$14,000,000) to design, construct, and equip the property known as Manor Fields, 450 Sprague Street, identified in Assessor's Records as Parcel 157-8, to include playing fields and courts, dog parks, concession and restroom facilities, walking trails, parking and related facilities, as well as demolition and site preparation, and any and all incidental and related expenses; and, as funding therefor, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow such sum of money pursuant to G.L. c.44, §§7 or 8 or any other enabling authority and issue bonds and notes therefor; provided further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; and to authorize any and all incidental and related costs, including but not limited to demolition and site preparation for such purposes; authorize the Board of Selectmen and the Park and Recreation Commission to apply for, accept, and expend any grants or loans in connection herewith; and to authorize the Board of Selectmen to enter into all agreements, execute any and all documents, and take all action necessary to carry out this project, 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.

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Article 6 would provide for a total authorization to borrow \$14 million for the development of a municipal recreational field. Said debt service to be exempted from the normal tax levy limit imposed by Proposition 2 ½ and requires a majority vote at a town-wide election.

7. APPROPRIATION FOR CONSTRUCTING EXTENDED MEASURES RELATED TO TRAFFIC FLOW, ETC. FOR EARLY CHILDHOOD EDUCATION CENTER PROJECT

ARTICLE SEVEN: *By the Town Manager.* To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to be expended under the direction of the School Building Rehabilitation Committee for the purpose of constructing extended measures related to traffic flow, access and egress at the new Early Childhood Education Center ("ECEC"), to be located at 1100 High Street in Dedham, Massachusetts, as required in connection with Site Plan Review, and including all incidental and related costs, and which study and work related thereto is outside the scope of the Massachusetts School Building Authority project, and therefore the sole responsibility 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: Information and the recommendation of the Finance and Warrant Committee will be provided in a supplemental mailing or at Town Meeting.

Article 7 would provide for an additional sum for access and egress to the new ECEC facility. The sum and source of funding is still to be determined as of the printing of this document.

8. ZONING AMENDMENT - MARIJUANA ESTABLISHMENTS

ARTICLE EIGHT: *By the Board of Selectmen.* To see if the Town will vote to amend the Zoning Bylaws to prohibit the operation of non-medical marijuana establishments in the Town, as follows, provided, however, that this bylaw amendment shall take effect following passage by the voters at a Town election, and after all the requirements of G.L. c.40, §32 have been satisfied:

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Insert in Section 10, in the appropriate alphabetic order, the following new definition:

MARIJUANA ESTABLISHMENTS:

All types of non-medical “marijuana establishments” as defined in G.L. c.94G, §1, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, which establishments shall, consistent with G.L. c.94G, §3(a)(2), be prohibited in all districts in the Town as shown in Section 3.1.3, Use Regulations Table, Principal Use E. Commercial Uses, under number 16.

Insert in Section 3.1.3 Use Regulations Table, under Principal Use E. **COMMERCIAL USES**, a new row, numbered 16, with the text to be inserted in the principal use column listed as “Marijuana Establishments”, and insert in each and every column under the heading “Districts”, the word “NO”.

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

RECOMMENDATION OF THE PLANNING BOARD: That it be so voted.

Article 8 would prohibit the sale of recreational marijuana throughout the Town.
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9. BY LAW AMENDMENT – MARIJUANA ESTABLISHMENTS

ARTICLE NINE: *By the Board of Selectmen.* To see if the Town will vote to amend the Town’s General Bylaws by inserting a new section entitled, “Marijuana Establishments”, as set forth below; provided, however, that this bylaw shall take effect following passage by the voters at a Town election, and after all the requirements of G.L. c.40, §32 have been satisfied:

Consistent with G.L. c.94G, § 3(a)(2), all types of non-medical “marijuana establishments” as defined in G.L. c.94G, §1, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana- related businesses, shall be prohibited within the Town of Dedham.

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

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RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: Voted 7-2 that it be so voted.

Article 9 would prohibit the sale of recreational marijuana throughout the Town.

10. **BY LAW AMENDMENT – NOTICE OF TAX DEFERRAL**

ARTICLE TEN: *By the Board of Selectmen at the request of Selectman James A. MacDonald.* To see if the Town will vote to amend the General Bylaws, Section 39-26A, Notice of Tax Deferral, by inserting the underlined language:

The Treasurer-Collector shall serve Notice by certified mail and by first class mail on all real property tax accounts deferred pursuant to G.L. c.59, §5, clause 41A, or similarly deferred tax accounts, upon notification of the death of the taxpayer or the failure to annually apply for the continued exemption. Said Notice shall include the statutory citation for the exemption, total deferred amount due, interest accrued, and the current rate of interest charged on all deferred amounts. Notwithstanding the foregoing, failure to provide the notice as set forth hereunder shall not relieve the taxpayer or the tax account of any obligations otherwise required by law.

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

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

Article 10 was originally voted at the 2017 Spring Special Town Meeting and subsequently approved by the Attorney General, however inadvertently omitted the reference to the appropriate state statute in the language. Approval of this article would simply insert the missing language in the by law.

11. **PROPOSED NEW BY LAW RE: NOTIFICATION TO THOSE IMPACTED BY A PUBLIC PROJECT**

ARTICLE ELEVEN: *By the Town Manager at the request of Finance and Warrant Committee Members Cecilia Emery Butler and Susan Carney.* To see if the Town will vote to amend the General Bylaws by inserting a new by law to address notice requirements,

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such as by first class mail, e-mail, or Code Red (sometimes also referred to as “reverse-911”), to inform all neighbors and interested parties of situations in which a public project (i.e., traffic lights, new buildings, lighting, etc.) will impact a neighborhood. *Said notice shall be provided by the department responsible for the proposed project, or take any other action relative thereto. Referred to By Law Review Committee and Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That the Town vote to amend the General Bylaws by inserting the following new bylaw:

§ ___ Notice of intention to install new permanent public infrastructure

- A. Notice of intention to install new permanent public infrastructure, including but not limited to signaling, lighting, or buildings or other structures, shall be sent by mail, postage prepaid, to abutters, owners of land directly opposite on any public or private street or way, and abutters to abutters within three hundred feet of such infrastructure. Said notice shall also be posted on the Town’s website to the extent technologically feasible.
- B. The notice required by this section shall, to the extent practicable, be provided by the Department of Public Works at least two weeks prior to any hearing relating to such new permanent public infrastructure or, if no hearing is required, at least two weeks prior to the installation of such new permanent public infrastructure.
- C. The notice shall contain a description of the area or premises or street address, if any, or other adequate identification of the location that is subject to the installation of the new permanent public infrastructure, the nature of the new permanent public infrastructure, the date of the hearing relating to such infrastructure, or, if no hearing is required, the date of the expected installation of such infrastructure.
- D. This Section shall not apply to road repair or reconstruction projects, or in the case of emergency threatening the public health or safety.
- E. While recognizing the importance of providing the notice required by this section, failure to provide such notice shall not impede the permanent public infrastructure project.

Article 11 proposes a new bylaw to notify residents impacted by a public project in their respective neighborhood.
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12. PROPOSED NEW BY LAW: CREATION OF A HUMAN RIGHTS COMMISSION

ARTICLE TWELVE: *By Town Meeting Representatives Martha Abdella, Margaret Adams, Fred Civian, Eldon Clingan, Michael Cocchi, Meg Duncan, Andrea Gilmore, Virginia Hickey, Jennifer Hyde, Sarah MacDonald, Margaret Matthews, Howard Ostroff, Jonathan Pape, Jessica Porter, Clarissa Robyn, Heather Springer, Peter Springer, Allison Staton, Tina Whelan, Georganna Woods, Jean Zeiler.* To see if the Town will vote to amend the Town General Bylaws by inserting a new chapter sequentially numbered creating a Human Rights Commission, as follows:

Chapter ____. **Human Rights Commission**

Section 1. Purpose

There is hereby established a municipal board to be known as the "Human Rights Commission of the Town of Dedham" (hereinafter referred to as the "Commission").

The establishment of the Commission is intended to affirm that Dedham is a community that has as one of its core values the freedom from bigotry and hatred, discrimination and disrespect. The establishment of the Commission also represents the Town's commitment to uphold and defend the rights of all persons in Dedham to enjoy the free and equal exercise of their rights and privileges as secured by the Constitution and Laws of the Commonwealth of Massachusetts and of the United States. The Commission shall strive to ensure that residents of the Town enjoy equal opportunity to participate in and enjoy life in the Town regardless of their race, color, ancestry, national origin, sex, sexual orientation, gender identity, age, religion, marital, family or military status, socio-economic status, ex-offender status, socio-economic status and disability. The Commission shall similarly support the human rights of other groups and organizations against discrimination in housing, employment, education, public accommodations, town services, insurance, banking, credit and health care.

Section 2. Composition

The Commission shall consist of 13 members who shall be residents of the town.

All members shall be appointed by the Board of Selectmen as follows:

Town Government Representatives

One member recommended by the Chief of Police from the Police Department;

One member recommended by the School Committee from the Dedham Public

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Schools;

One member recommended by the Council on Aging or its director, and if an employee thereof, with the approval of the Town Manager;
One member recommended by the Commission on Disability;
One member recommended by the Housing Authority or its director; and
One member recommended by the Youth Commission or its director, and if an employee, with the approval of the Town Manager.

Other Members

One member shall be a Dedham resident who is a high school student; and
Six at-large members.

The members who are Town government representatives shall be appointed for terms of two years, and, if an employee of the Town, for such shorter period as they hold their underlying position, and may serve no more than three consecutive terms. The high school member shall be appointed for a term of one year.

The at-large members shall be appointed initially as follows and thereafter for terms of three years: two for a three-year term, two for a two-year term, and two for a one-year term. No at-large member of the Commission may be appointed to serve for more than two consecutive three-year terms, excluding partial terms to fill a vacancy, but may again seek appointment after one year.

Any vacancy that occurs other than by the expiration of a term shall be filled for the remainder of the unexpired term.

The members of the Commission shall serve without compensation.

So far as practicable, appointments shall be representative of the demographics of the Town, including but not limited to race, color, ancestry, national origin, sex, sexual orientation, gender identity, age, religion, marital, family or military status, socio-economic status, ex-offender status, socio-economic status and disability. Appointment to the Commission, however, is at the Board of Selectmen's sole discretion.

Section 3. Procedures

The Commission shall meet each January to organize and select from amongst its members a chair, vice-chair, and clerk and decide on a preliminary calendar of

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meetings for the year, said calendar to be posted at Town Hall. A majority of members of the Commission shall constitute a quorum, and a majority of those present and voting shall be sufficient for any action taken by the Commission, unless otherwise required by law. The Commission's meetings shall be governed by the requirements of the Open Meeting Law.

Section 4. Duties

A. The Commission shall have the following charge:

Develop community awareness and education of human rights.

Promote understanding of the diverse cultures within our town and surroundings through education, organization of community events, summits, educational panels and celebrations and other community action including maintaining a good working relationship with town media sources.

Serve as a resource with respect to issues that challenge any individual or group's enjoyment of their basic human rights in our community.

Promote cooperation of racial, religious, ethnic, civic, fraternal, benevolent and private and public organizations and agencies to cultivate and encourage an atmosphere of mutual understanding and harmonious intergroup relationships.

Annually, and more often as may be requested, provide written or verbal reports to the Board of Selectman on Commission activities

B. The Commission shall not adjudicate or facilitate resolution of disputes between individuals.

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

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: Voted 7-2 that it be indefinitely postponed.

Article 12 proposes a new bylaw to establish a Human Rights Commission, which is intended to affirm that Dedham is a community that has as one of its core values the freedom from bigotry and hatred, discrimination and disrespect.

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13. PROPOSED LEGISLATION: AN ACT PROPOSING A NON-BINDING REFERENDUM FOR CAPITAL PROJECTS IN EXCESS OF \$15,000,000

ARTICLE THIRTEEN: *By the Town Manager at the request of Finance and Warrant Committee Members Cecilia Emery Butler and Susan Carney.* To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to amend the Town Charter, Article 2 Representative Town Meeting, to provide that all major capital projects proposed by the project sponsor to cost in excess of \$15,000,000 (fifteen million dollars), and appearing on an annual town meeting warrant shall be presented to the voters of the Town at the Annual Election as a non-binding public opinion advisory question in the form set forth in such special legislation; provided, however, that such a question shall not be presented to the voters in the event that a referendum petition is filed meeting the requirements of Section 2-12 of the Town Charter or if the capital project vote is declared by vote of not less than two-thirds of the Town Representatives present and voting by preamble to be an emergency measure necessary for the immediate preservation of the peace, health, safety or convenience of the town; and to authorize the General Court to make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: Information and the recommendation of the Finance and Warrant Committee will be provided in a supplemental mailing or at Town Meeting.

Article 13 would propose legislation that would authorize a non-binding referendum question be presented to the voters for major capital projects in excess of \$15,000,000.
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14. ACCEPTANCE OF STATE STATUTE RE: PARKING METER RECEIPTS

ARTICLE FOURTEEN: *By the Town Manager.* To see if the Town will vote to accept the local acceptance sentence in G.L. c.40, §22A, added by the Municipal Modernization Act, Chapter 218 of the Acts of 2016, to allow parking meter receipts to be segregated in a so-called special revenue fund and used for all parking-related purposes allowed by law,

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for fiscal years beginning on or after July 1, 2017, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: Voted 6-3 that it be indefinitely postponed.

Article 14 would allow parking meter receipts to be segregated in a so-called special revenue fund and used for all parking-related purposes allowed by law.

15. ACCEPTANCE OF STATE STATUTE RE: SPEED LIMITS

ARTICLE FIFTEEN: *By the Town Manager.* To see if the Town will vote to accept the provisions of G.L. c.90, §17C, added by the Municipal Modernization Act, Chapter 218 of the Acts of 2016, which allows the Board of Selectmen to establish a speed limit of 25 miles per hour in any thickly settled or business district in the Town that is not a state highway, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: Voted 5-4 that it be so voted.

Article 15 allows the Board of Selectmen to establish a speed limit of 25 miles per hour in any thickly settled or business district in the Town that is not a state highway.

16. ACCEPTANCE OF STATE STATUTE RE: AVAILABLE EXEMPTION FOR VETERAN'S WIDOW

ARTICLE SIXTEEN: *By the Town Manager.* To see if the Town will vote to accept the provisions of G.L. c.59, §5, clause 22G, added by the Municipal Modernization Act, Chapter 218 of the Acts of 2016, to make the spouse of a veteran who holds title to the veteran's domicile as a trustee or conservator eligible for available veteran exemptions and the surviving spouse who acquired title to a deceased veteran's domicile under a trust or conservatorship to retain eligibility for an exemption, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

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

Article 16, if approved, would make the spouse of a veteran who holds title to the veteran's domicile as a trustee or conservator eligible for available veteran exemptions and the surviving spouse who acquired title to a deceased veteran's domicile under a trust or conservatorship to retain eligibility for an exemption.

17. ACCEPTANCE OF STATE STATUTE TO AMEND SENIOR TAX WORK OFF PROGRAM

ARTICLE SEVENTEEN: *By the Town Manager.* To see if the Town will vote pursuant to G.L. c.59, §5K, the so-called "Senior Tax Work Off Program", as most recently amended by the Municipal Modernization Act, Chapter 218 of the Acts of 2016, to increase from \$1,000 to \$1,500 the maximum tax bill reduction an eligible program participant over the age of 60 may receive in exchange for providing volunteer services to 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 so voted.

Article 17, if approved, would authorize an increase from \$1,000 to \$1,500 as the maximum tax bill reduction an eligible program participant over the age of 60 may receive in exchange for providing volunteer services to the Town.

18. REACCEPTANCE OF STATE STATUTE RE: OTHER POST-EMPLOYMENT BENEFITS LIABILITY TRUST FUND

ARTICLE EIGHTEEN: *By the Town Manager.* To see if the Town will vote to reaccept the provisions of G.L. c. 32B, §20, as amended by the Municipal Modernization Act, Chapter 218 of the Acts of 2016, under which the Town has established an Other Post-Employment Benefits Liability Trust Fund (the "OPEB Fund"), designate the Treasurer, who serves as custodian of the Fund, as the Trustee and Plan Administrator of the Fund, and confirm the authority of the Treasurer, with the approval of the State Retiree Benefits Trust Fund board of trustees, to invest the OPEB Fund in the State Retiree Benefits Trust Fund established by G.L. c.32A, §24, and to take such other action, including execution of documents, consistent herewith as may be necessary to

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carry out the purposes of 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 so voted.

Article 18 would allow the Town to adopt the provisions of G.L. c. 32B, §20 c. as amended. The amendment expands the roles and responsibilities for an OPEB Trust fund. Acceptance of this article also reaffirms actions taken by the Town in Article 35 of the 2015 Spring Annual Town Meeting specifically with respect to investing the OPEB fund in the Massachusetts Pension Reserves Investment Trust (PRIT).

19. ROADWAY ACCEPTANCE - QUARRY ROAD

ARTICLE NINETEEN: *By the Town Manager at the request of the Director of Engineering.* To see if the Town will vote to accept as a public town way Quarry Road as laid out by the Board of Selectmen in approximately the location shown on the plan entitled: "Street Acceptance Plan" as prepared by CivilView, Inc., dated June 22, 2017, a copy of said plan having been placed on file with the Town Clerk; and further to authorize the Board of Selectmen to acquire, by gift, purchase or eminent domain, such interests in land as are necessary to provide for the use and maintenance of said way for all purposes for which public ways are used in the Town of 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: Voted 8-1 that it be so voted.

Article 19 would authorize the Town to proceed in accepting/constructing Quarry Road as a public way in Dedham.

APPENDICES

ARTICLE FOUR (the information below reflects the original authorization to borrow in Article 19 of the May 19, 2014 Town Meeting)

ARTICLE NINETEEN: *By the Board of Selectmen.* To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain, for general municipal purposes, all or a portion of the land and improvements identified in the Assessors' records as 450 Washington Street, shown as Lot 107 on Assessors' Map 108 and described in the deed recorded with the Norfolk County Registry of Deeds in Book 10442, Page 47 (the Ames School property), and further to raise and appropriate, transfer, or borrow a sum of money for the acquisition, improvement, renovation, demolition, construction/ reconstruction, and equipping of said real property and for the improvement, renovation, demolition, construction/reconstruction and equipping of that real property now owned by the Town located at 26 Bryant Street (Town Hall), 436 Washington Street (Main Fire Station) and 434 Washington Street, a portion of which sum may be used, as determined by the Board of Selectmen, to pay a deposit to secure the purchase of 450 Washington Street, and for all costs necessary and related to said acquisition and projects as described above; and further, to transfer the care, custody, management and control of the lands identified as 26 Bryant Street and 436 Washington Street, from such board and for such purposes as such land is presently held, to the Board of Selectmen for general municipal purposes; and to authorize the Board of Selectmen to apply for, accept, and expend any grants or loans in connection herewith, to enter into all agreements, execute any and all documents, and take all action necessary to carry out this project, or take any other action relative thereto. **Voted:** That the Board of Selectmen is authorized to acquire by gift, purchase or eminent domain, for general municipal purposes, all or a portion of the land and improvements identified in the Assessors' records as 450 Washington Street, shown as Lot 107 on Assessors' Map 108 and described in the deed recorded with the Norfolk County Registry of Deeds in Book 10442, Page 47 (the Ames School property), and that the sum of Twenty-Eight Million, Two Hundred and Fifty Thousand Dollars (\$28,250,000) is appropriated to pay costs of the acquisition, improvement, renovation, demolition, construction/ reconstruction, and equipping of said real property and for the improvement, renovation, demolition, construction/reconstruction and equipping of that real property now owned by the Town located at 26 Bryant Street (Town Hall), 436 Washington Street (Main Fire Station) and 434 Washington Street, a portion of which sum may be used, as determined by the Board of Selectmen, to pay a deposit to secure the purchase of 450 Washington Street, and for all costs necessary and related to said acquisition and projects as described above; all for the purpose of

creating, in phases, a Municipal Campus in the Town Center on the above-referenced properties to consist of a new Senior Center and Town Hall in the Ames School in Phase I, a new Police Station in the existing Town Hall in Phase II, and a new or renovated Main Fire Station in approximately its present location in Phase III, provided that additional funding for Phase III remains to be appropriated; that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Sections 7(3) and 7(3A) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor, it being further anticipated that debt service for such borrowing will be paid by appropriations transferred from the Robin Reyes Major Capital Facilities Stabilization Fund; and further, to transfer the care, custody, management and control of the lands identified as 26 Bryant Street and 436 Washington Street, from such board and for such purposes as such land is presently held, to the Board of Selectmen for general municipal purposes; and to authorize the Board of Selectmen to apply for, accept, and expend any grants or loans in connection herewith, to enter into all agreements, execute any and all documents, and take all action necessary to carry out this project. **AS DECLARED BY THE MODERATOR 2/3RD MAJORITY**

SELECTED STATUTES REFERENCED

MGL c. 44 Sections 7, 8 & 20

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 nontidal 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.

CHAPTER 44: SECTION 7. CITIES AND TOWNS; PURPOSES FOR BORROWING MONEY WITHIN DEBT LIMIT

[Text of section as amended by 2016, 218, Sec. 63 effective November 7, 2016. For text effective until November 7, 2016, see above.]

Section 7. Cities and towns may incur debt, by a two-thirds vote, within the limit of indebtedness prescribed in section 10, for the following purposes and payable within the periods hereinafter specified not to exceed 30 years or, except for clauses (2), (3), (6) and (7), within the period determined by the director to be the maximum useful life of the public work, improvement or asset being financed under any guideline issued under section 38:

(1) For the acquisition of interests in land or the acquisition of assets, or for the following projects: the landscaping, alteration, remediation, rehabilitation or improvement of public land, the dredging, improvement, restoration, preservation or remediation of public waterways, lakes or ponds, the construction, reconstruction, rehabilitation, improvement, alteration, remodeling, enlargement, demolition, removal or extraordinary repair of public buildings, facilities, assets, works or infrastructure, including: (i) the cost of original

equipment and furnishings of the buildings, facilities, assets, works or infrastructure; (ii) damages under chapter 79 resulting from any such acquisition or project; and (iii) the cost of engineering, architectural or other services for feasibility studies, plans or specifications as part of any acquisition or project; provided that the interest in land, asset acquired or project shall have a useful life of at least 5 years; and provided further, that the period of such borrowing shall not exceed the useful life of the interest in land, asset acquired or project.

(2) 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.

(3) For the payment of final judgments, 1 year or for a longer period of time approved by a majority of the members of the municipal finance oversight board 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 and such other factors as the board may deem necessary or advisable.

(4) In Boston, for the original construction, or the extension or widening, with permanent pavement of lasting character conforming to specifications approved by the Massachusetts Department of Transportation established under chapter 6C 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, 10 years.

(5) For the cost of repairs to private ways open to the public under section 6N of chapter 40, 5 years.

(6) For the payment of charges incurred under contracts authorized by section 4D of chapter 40, but only for those contracts for purposes comparable to the purposes for which loans may be authorized under this section. Each authorized issue shall constitute a separate loan, and the loans shall be subject to the conditions of the applicable clauses of this section.

(7) For the cost of feasibility studies or engineering or architectural services for plans and specifications for any proposed project for which a city, town or district

is authorized to borrow, 5 years if issued before any other debt relating to the project is authorized, otherwise the period for the debt relating to the project.

(8) For energy audits as defined in section 3 of chapter 25A, if authorized separately from debt for energy conservation or alternative energy projects; 5 years.

(9) For the development, design, purchase and installation of computer hardware or software and computer-assisted integrated financial management and accounting systems; 10 years.

(10) For the cost of cleaning up or preventing pollution caused by existing or closed municipal facilities not referenced in clause (20) 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.

(11) For any other public work, improvement or asset with a maximum useful life of at least 5 years and not otherwise specified in this section, 5 years.

SECTION 8: CITIES AND TOWNS; PURPOSES FOR BORROWING MONEY OUTSIDE DEBT LIMIT

[Text of section effective until November 7, 2016. For text effective November 7, 2016, see below.]

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 8. CITIES AND TOWNS; PURPOSES FOR BORROWING MONEY OUTSIDE DEBT LIMIT

[Text of section as amended by 2016, 218, Sec. 63 effective November 7, 2016. For text effective until November 7, 2016, see above.]

Section 8. Cities and towns may incur debt, by a two-thirds vote, outside the limit of indebtedness prescribed in section 10, for the following purposes and payable within the periods hereinafter specified or, except with respect to clauses (1), (2), (3A), (9) and (18), within such longer period not to exceed 30 years determined by the director to be the maximum useful life of the public work, improvement or asset being financed under any guidelines issued under section 38:

(1) For temporary loans under sections 4, 6, 6A and 17, 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 19 of chapter 40, 2 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, 30 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, 10 years.

(4) For the construction or enlargement of reservoirs, the construction of filter beds, the construction or reconstruction or making extraordinary repairs to 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, 30 years.

(4A) For remodeling, reconstructing or making extraordinary repairs to reservoirs and filter beds, 30 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 constructing or reconstructing, laying or relaying aqueducts or water mains or for the extension of water mains, or for lining or relining such mains, and for the development or construction of additional well fields and for wells, 40 years.

(6) For the purchase and installation of water meters, 10 years.

(7) For the payment of the city, town or district 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, 20 years.

(7A) For the purchase, replacement or rehabilitation of water departmental equipment, 10 years.

(8) For establishing, purchasing, extending, or enlarging a municipally owned gas or electric lighting plant, community antenna television system, or telecommunications system, 20 years.

(8A) For remodeling, reconstructing, or making extraordinary repairs to a municipally owned gas or electric lighting plant, community antenna television system, or telecommunications system, when approved by a majority of the members of the municipal finance oversight board, for the number of years not exceeding 10, as said board shall fix. Each city or town seeking approval by the board of a loan under this clause shall submit to said board 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 the 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 that 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 the 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, 20 years.

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 30 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 30 days prior to such hearing, to all veterans' organizations of such town or city.

(11) For acquiring street railway or other transportation property under sections 143 to 158, inclusive, of chapter 161, operating the same, or contributing toward the sums expended or to be expended by a transportation area for capital purposes, 10 years.

(12) For the acquisition, construction, establishment, enlargement, improvement or protection of public airports, including the acquisition of land, 10 years. 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 2 or more municipalities.

(13) 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 chapter 132, 5 years.

(14) 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, 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.

(15) For the construction and rehabilitation of municipal golf courses, including the acquisition and reconstruction of land, installation and replacement of irrigation systems, the construction and rehabilitation of buildings, and the cost of equipment and furnishings, 20 years.

(16) For the payment of charges incurred under contracts authorized by section 4D of chapter 40, but only for those contracts for purposes comparable to the purposes for which loans may be authorized under this section. Each authorized

issue shall constitute a separate loan, and the loans shall be subject to the conditions of the applicable clauses of this section.

(17) For the construction of a regional incinerator for the purpose of disposing solid waste, refuse and garbage by 2 or more communities, 20 years.

(18) 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, 20 years.

(19) For the purposes of implementing a project financed in whole or in part by the Farmers Home Administration of the United States Department of Agriculture, pursuant to Chapter 50 of Title 7 of the United States Code , up to 40 years. Regional school districts established under any general or special law shall be authorized to incur debt for the purposes and within the limitations described in this clause.

(20) 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 21E or chapter 21H, 30 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.

(21) 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, 25 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 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, 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.

(23) For the purpose of closing out a landfill area, opening a new landfill area, or making improvements to an existing landfill area, 25 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 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 the dam and any appurtenant real property is not at the time of such acquisition owned or held in trust by the commonwealth.

SECTION 20: PROCEEDS FROM SALE OF BONDS; RESTRICTIONS ON USE; DISPOSITION OF PREMIUMS

[Text of section effective until November 7, 2016. For text effective November 7, 2016, see below.]

Section 20. The proceeds of any sale of bonds or notes, except premiums and accrued interest, shall be used only for the purposes specified in the authorization of the loan, and may also be used for costs of preparing, issuing and marketing such 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, such 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 such balance not in excess of one thousand dollars may be appropriated for the payment of the principal of such loan. 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 thereupon 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 such bonds or notes, less the cost of preparing, issuing and marketing them, and any accrued interest received upon the delivery of said bonds or notes shall be paid to the city, town or district treasury. Notwithstanding the provisions of this section, no appropriation from a loan or balance thereof shall be made which 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 such purpose. Effective with the fiscal year 2005 tax rate approval process, additions to the levy limit for a debt exclusion are restricted to the true interest cost incurred to finance the excluded project. Premiums received at the time of sale shall be offset against the stated interest cost in computing the debt exclusion. The provisions of the preceding 2 sentences shall not apply to bond premiums received on or before July 31, 2003.

CHAPTER 44: SECTION 20. PROCEEDS FROM SALE OF BONDS; RESTRICTIONS ON USE; DISPOSITION OF PREMIUMS

[Text of section as amended by 2016, 218, Sec. 67 effective November 7, 2016. For text effective until November 7, 2016, see above.]

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.

MGL C. 40 SECTION 32: VALIDATION OF BY-LAWS; PROCEDURE

Section 32. Except to the extent that a zoning by-law may take effect as provided in section five of chapter forty A, before a by-law takes effect it shall be approved by the attorney general or ninety days shall have elapsed without action by the attorney general after the clerk of the town in which a by-law has been adopted has submitted to the attorney general a certified copy of such by-law with a request for its approval, a statement clearly explaining the proposed by-law, including maps and plans if necessary, and adequate proof that all of the procedural requirements for the adoption of such by-law have been complied with. Such request and proof shall be submitted by the town clerk within thirty days after final adjournment of the town meeting at which such by-law was adopted. If the town clerk fails to so submit such request and proof within such thirty days, the selectmen, within fifteen days thereafter, may submit a certified copy of such by-law with a request for its approval, a statement explaining the proposed by-law, including maps and plans, if necessary, and adequate proof that all procedural requirements for the adoption of such by-law has been complied with. If the attorney general does not, within said ninety days, request of such town clerk in writing further proof of such compliance stating specifically wherein such proof is inadequate, it shall be presumed that the proof submitted was adequate. If the attorney general disapproves a by-law he shall give notice to the town clerk of the town in which the by-law was adopted of his disapproval, with his reasons therefor. If a by-law of a town takes effect by reason of the failure of the attorney general to seasonably act upon a request for its approval, the clerk of such town shall enter in his records a statement that the by-law has become

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

Notwithstanding the provisions of the preceding paragraph, if the attorney general finds there to be any defect in the procedure of adoption or amendment of any zoning by-law relating to form or content of the notice of the planning board hearing prescribed in section 5 of chapter 40A, or to the manner or dates on which said notice is mailed, posted or published as required by said section 5, then instead of disapproving the by-law or amendment because of any such defect, the attorney general may proceed under the provisions of this paragraph. If the attorney general so elects, written notice shall be sent to the town clerk within a reasonable time setting forth with specificity the procedural defect or defects found, including a form of notice thereof, whereupon the running of the 90-day period provided for the attorney general's review pursuant to this section shall be suspended. The town clerk shall forthwith post the notice in a conspicuous place in the town hall for a period of not less than 14 days, and shall publish it once in a newspaper of general circulation in the town. The notice shall state that any resident, the owner of any real property in the town, or any other party entitled to notice of the planning board hearing, who claims that any such defect was misleading or was otherwise prejudicial may, within 21 days of the publication, file with the town clerk a written notice so stating and setting forth the reasons supporting that claim. Forthwith after the expiration of said 21 days, the town clerk shall submit to the attorney general either (a) a certificate stating that no claim was filed within the 21 day period, or (b) a certificate stating that

one or more claims were filed together with copies thereof. Upon receipt of the town clerk's certificate, the 90 day period provided for the attorney general's review pursuant to this section shall resume; but if the expiration of the 90 day period is less than ten days from the date on which the town clerk's certificate was received, then the review period shall be extended to the tenth day following such receipt. If no claim was made, the attorney general may waive any such defect; but, if any claim is made then the attorney general may not waive any such defect. However, by not filing a claim under this paragraph, a person shall not be deprived of the right to assert a claim of invalidity arising out of any possible defect in the procedure of adoption or amendment as provided in this section and in section 5 of chapter 40A.

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

MGL C. 94G SECTION 3(A)(2): LOCAL CONTROL

[Text of section added by 2016, 334, Sec. 5 effective December 15, 2016. See 2016, 334, Sec. 12.]

Section 3. Local control

(a) A city or town may adopt ordinances and by-laws that impose reasonable safeguards on the operation of marijuana establishments, provided they are not unreasonably impracticable and are not in conflict with this chapter or with regulations made pursuant to this chapter and that:

(1) govern the time, place and manner of marijuana establishment operations and of any business dealing in marijuana accessories, except that zoning ordinances or by-laws shall not prohibit placing a marijuana establishment which cultivates, manufactures or sells marijuana or marijuana products in any area in which a medical marijuana treatment center is registered to engage in the same type of activity;

(2) limit the number of marijuana establishments in the city or town, except that a city or town may only adopt an ordinance or by-law by a vote of the voters of that city or town if the ordinance or by-law:

(i) prohibits the operation of 1 or more types of marijuana establishments within the city or town;

(ii) limits the number of marijuana retailers to fewer than 20 per cent of the number of licenses issued within the city or town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under chapter 138 of the General Laws; or

(iii) limits the number of any type of marijuana establishment to fewer than the number of medical marijuana treatment centers registered to engage in the same type of activity in the city or town.

(3) restrict the licensed cultivation, processing and manufacturing of marijuana that is a public nuisance;

(4) establish reasonable restrictions on public signs related to marijuana establishments; and

(5) establish a civil penalty for violation of an ordinance or by-law enacted pursuant to this subsection, similar to a penalty imposed for violation of an ordinance or by-law relating to alcoholic beverages.

(b) The city council of a city and the board of selectmen of a town shall, upon the filing with the city or town clerk of a petition (i) signed by not fewer than 10 per cent of the number of voters of such city or town voting at the state election preceding the filing of the petition and (ii) conforming to the provisions of the General Laws relating to initiative petitions at the municipal level, request that the question of whether to allow, in such city or town, the sale of marijuana and marijuana products for consumption on the premises where sold be submitted to the voters of such city or town at the next biennial state election. If a majority of the votes cast in the city or town are not in favor of allowing the consumption of marijuana or marijuana products on the premises where sold, such city or town shall be taken to have not authorized the consumption of marijuana and marijuana products on the premises where sold.

(c) No city or town shall prohibit the transportation of marijuana or marijuana products or adopt an ordinance or by-law that makes the transportation of marijuana or marijuana products unreasonably impracticable.

(d) No agreement between a city or town and a marijuana establishment shall require payment of a fee to that city or town that is not directly proportional and reasonably related to the costs imposed upon the city or town by the operation of a marijuana establishment. Any cost to a city or town by the operation of a marijuana establishment shall be documented and considered a public record as defined by clause Twenty-Sixth of section 7 of chapter 4 of the General Laws.

TOWN CHARTER – SECTION 2-12 REFERENDUM PETITIONS

No final vote of a representative town meeting approving a measure under any article in the warrant shall be operative for 14 days after the dissolution of the town meeting excepting the following votes, which shall take effect immediately upon dissolution of the meeting or otherwise as provided by law: a vote to adjourn; an authorization to borrow money in anticipation of taxes; an authorization to pay debts and obligations of the town; an appropriation of funds necessary to implement a written agreement executed under collective bargaining or the budget of the town as a whole; or a vote declared by preamble to be an emergency measure necessary for the immediate preservation of the peace, health, safety or convenience of the town and which is passed by a two-thirds vote of the town representatives present and voting at such meeting. If within the said 14 days, a petition, signed by not less than 5 per cent of the voters of the town eligible to vote as of the date of the town meeting at which the final vote occurred, is filed in the office of the board of selectmen requesting that the question involved in that vote be submitted to the voters of the town at large, then the operation of that vote shall be further suspended pending a determination as hereinafter provided. Such petition shall contain the names and addresses of the voters who signed the petition as they appear on the list of voters. Within 14 days following the filing and including the time for certification by the board of registrars of a referendum petition, the board of selectmen shall call a special election which shall be held and forthwith and no sooner than 35 days after issuing the call; provided, however, that if a regular or special election is to be held not more than 60 days following the date the petition is filed, the board of selectmen may provide that the question or questions involved be presented to the voters at the same election.

All votes shall be taken by official ballots and the voter list shall be used in the same manner as in the election of town officers. The questions submitted shall be determined by a majority vote of the voters voting thereon, but no action of the

representative town meeting shall be reversed unless at least 20 per cent of the voters eligible to vote in the election participate by voting in the election. The question submitted shall be stated on the ballot in substantially the same language and form in which it was stated when presented by the moderator to the representative town meeting as appearing in the records of the town meeting, and shall be similar to the following: "Shall the voters of the town confirm the action taken by the representative town meeting at the town meeting held on [insert date] to (insert here the question as stated when presented by the moderator)? A brief summary of the measure drafted by town counsel shall appear below the question.

This election shall be held on a Saturday, unless it is to be held in conjunction with another election, and the polls shall open not later than 7:00 a.m. and shall not close earlier than 8:00 p.m.

If a petition conforming to the requirements of this section is not filed within 14 days of the dissolution of the town meeting, the vote shall then become effective.

MGL C. 53 SECTION 18A: NONBINDING PUBLIC OPINION ADVISORY QUESTIONS ON LOCAL BALLOTS

Section 18A. As used in this section "governing body" shall mean, in a city, the city council acting with the approval of the mayor subject to the provisions of the charter of said city, in a town having a town council, the town council, and in every other town the board of selectmen.

A nonbinding public opinion advisory question may be placed on the ballot for a regular municipal election in any city or town no later than the thirty-fifth day preceding such election: by vote of the city council of such city, with approval of its mayor where so required by the city charter; by vote of the board of selectmen of a town or by vote of the town council of a town having a town council or by vote of the annual town meeting; or in conformity with the following provision of this section:

A proposal to place a nonbinding public opinion advisory question on the ballot for a regular municipal election in any city or town may be presented to the governing body thereof on a petition signed by at least ten registered voters of the city or town. If such governing body shall not approve said petition at least ninety days before said election, then the question may be so placed on said ballot

when a petition signed by at least ten per cent of the registered voters of the city or town, but in no case less than twenty such voters, requesting such action is filed with the registrars, who shall have seven days after receipt of such a petition to certify the signatures. Upon certification of the signatures, the city or town clerk shall cause the question to be placed on the ballot at the next regular municipal election held more than thirty-five days after such certification.

The procedures established by this section shall be available to any city or town; provided, however, that if an alternative procedure is prescribed by a home rule charter, optional plan of government, or special act applying to such city or town, relative to the placing of public opinion questions upon the local ballot, then such alternative procedure shall apply.

MGL C. 40 SECTION 22A: PARKING METERS; FEES; EXEMPTION FROM FEES FOR DISABLED VETERANS AND HANDICAPPED PERSONS; BICYCLE LOCKING DEVICES; MOTORCYCLE PARKING; RESTRICTED PARKING AREAS FOR VETERANS AND HANDICAPPED PERSONS

[First paragraph effective until November 7, 2016. For text effective November 7, 2016, see below.]

Section 22A. Any city or town, for the purpose of enforcing its ordinances, by-laws and orders, rules and regulations relating to the parking of vehicles on ways within its control and subject to the provisions of section two of chapter eighty-five, may appropriate money for the acquisition, installation, maintenance and operation of parking meters, or by vote of the city council or of the town may authorize a board or officer to enter into agreement for such acquisition, installation or maintenance of parking meters; provided, that the city of Boston, for the purpose of enforcing the rules and regulations adopted by its traffic and parking commission, or promulgated by its commissioner of traffic and parking, under chapter two hundred and sixty-three of the acts of nineteen hundred and twenty-nine, may appropriate money for the acquisition, installation, maintenance and operation of parking meters, or, by vote of the city council of said city, subject to the provisions of its charter, may authorize the traffic and parking commission of said city to enter into agreements for the acquisition, installation or maintenance of parking meters. An agreement for the acquisition or installation of parking meters may provide that payments thereunder shall be made over a period not exceeding five years without appropriation, from fees received for the use of such parking meters notwithstanding the provisions of section fifty-three of chapter forty-four. Such fees shall be established and

charged at such rates that the revenue therefrom shall not exceed in the aggregate the necessary expenses incurred by such city or town for the acquisition, installation, maintenance and operation of parking meters and the regulation of parking and other traffic activities incident thereto. No fee shall be exacted and no penalty shall be imposed for the parking of any vehicle owned and driven by a disabled veteran or by a handicapped person and bearing the distinctive number plates authorized by section two of chapter ninety, or for any vehicle transporting a handicapped person and displaying the special parking identification plate authorized by said section two of said chapter ninety or for any vehicle bearing the official identification of a handicapped person issued by any other state or any Canadian Province. Any city or town may, in accordance with the provisions of this section, acquire and operate coin-operated locking devices for bicycle parking. A city or town may, in accordance with the provisions of this section, authorize the parking of more than one motorcycle in a single parking space and may impose a penalty for the full amount of a violation of an ordinance, by-law, order, rule or regulation related to the parking of vehicles on ways within its control and subject to section 2 of chapter 85 for each motorcycle so parked in violation of any such ordinance, by-law, order, rule or regulation. No motorcycle shall be parked in such a manner so as to inhibit the means of egress of another motorcycle currently parked in the same parking space.

[First paragraph as amended by 2016, 218, Secs. 25 and 26 effective November 7, 2016. For text effective until November 7, 2016, see above.]

Any city or town, for the purpose of enforcing its ordinances, by-laws and orders, rules and regulations relating to the parking of vehicles on ways within its control and subject to the provisions of section two of chapter eighty-five, may appropriate money for the acquisition, installation, maintenance and operation of parking meters, or by vote of the city council or of the town may authorize a board or officer to enter into agreement for such acquisition, installation or maintenance of parking meters; provided, that the city of Boston, for the purpose of enforcing the rules and regulations adopted by its traffic and parking commission, or promulgated by its commissioner of traffic and parking, under chapter two hundred and sixty-three of the acts of nineteen hundred and twenty-nine, may appropriate money for the acquisition, installation, maintenance and operation of parking meters, or, by vote of the city council of said city, subject to the provisions of its charter, may authorize the traffic and parking commission of said city to enter into agreements for the acquisition, installation or maintenance of parking meters. In any city or town that accepts this sentence, the agreement

for the acquisition or installation of parking meters may provide that payments thereunder shall be made over a period not exceeding 5 years without appropriation, from fees received for the use of such parking meters notwithstanding section 53 of chapter 44. Such fees shall be established and charged at rates determined by the city or town. Rates may be set for the purpose of managing the parking supply. The revenue therefrom may be used for acquisition, installation, maintenance and operation of parking meters and other parking payment and enforcement technology, the regulation of parking, salaries of parking management personnel, improvements to the public realm, and transportation improvements, including, but not limited to, the operations of mass transit and facilities for biking and walking. No fee shall be exacted and no penalty shall be imposed for the parking of any vehicle owned and driven by a disabled veteran or by a handicapped person and bearing the distinctive number plates authorized by section two of chapter ninety, or for any vehicle transporting a handicapped person and displaying the special parking identification plate authorized by said section two of said chapter ninety or for any vehicle bearing the official identification of a handicapped person issued by any other state or any Canadian Province. Any city or town may, in accordance with the provisions of this section, acquire and operate coin-operated locking devices for bicycle parking. A city or town may, in accordance with the provisions of this section, authorize the parking of more than one motorcycle in a single parking space and may impose a penalty for the full amount of a violation of an ordinance, by-law, order, rule or regulation related to the parking of vehicles on ways within its control and subject to section 2 of chapter 85 for each motorcycle so parked in violation of any such ordinance, by-law, order, rule or regulation. No motorcycle shall be parked in such a manner so as to inhibit the means of egress of another motorcycle currently parked in the same parking space.

Any city or town acting under this section shall further regulate the parking of vehicles on ways within its said control by restricting certain areas thereon for the parking of any vehicle owned and driven by a disabled veteran or handicapped person whose vehicle bears the distinctive number plates authorized by section two of chapter ninety or for any vehicle transporting a handicapped person and displaying the special parking identification plate authorized by said section two of said chapter ninety, or for any vehicle bearing the official identification of a handicapped person issued by any other state, or any Canadian Province, or by prohibiting the parking or standing of any vehicles in such a manner as to obstruct any curb ramp designed for use by handicapped persons. Parking spaces designated as restricted under this paragraph shall be

identified by the use of above-grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking: Special Plate Required. Unauthorized Vehicles May be Removed at Owner's Expense". The spaces shall be as near as possible to a building entrance or walkway, shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person and shall be at least 8 feet wide, not including the cross hatch access aisle as defined by the architectural access board established in section 13A of chapter 22. If parking spaces designated as restricted under this paragraph are made temporarily unavailable due to a construction project or other planned event, the city or town shall ensure that the nearest available non-reserved parking space, if any, shall be temporarily designated as restricted under this paragraph. The cost of acquisition, installation and maintenance and operation of any signs or other regulatory devices used to designate such restricted areas shall be considered as a necessary expense for the regulation of parking and shall be paid from appropriations authorized by this section. Any such ordinance, by-law, order, rule or regulation promulgated pursuant to this paragraph shall contain a penalty of not less than \$100 nor more than \$300 and shall provide for the removal of a vehicle in accordance with section 22D. This penalty shall not be a surchargeable offense under section 113B of chapter 175.

[Paragraph added by 2016, 448, Sec. 2 effective April 13, 2017.]

A city or town acting pursuant to this section with respect to ways within its control, or pursuant to the authority granted by chapter 40A with respect to zoning, may regulate the parking of vehicles by restricting certain areas or requiring that certain areas be restricted for the parking of a zero emission vehicle. An ordinance, by-law, order, rule or regulation pursuant to this paragraph may contain a penalty of not more than \$50 and, in a city or town that has accepted section 22D, may provide for the removal of a vehicle pursuant to said section 22D. For the purposes of this section, "zero emission vehicle", shall mean a battery electric vehicle, a plug-in hybrid electric vehicle or a fuel cell vehicle.

MGL C.90 SECTION 17C: ESTABLISHMENT OF 25-MILES-PER-HOUR SPEED LIMIT IN THICKLY SETTLED OR BUSINESS DISTRICT IN CITY OR TOWN; VIOLATION

[Text of section added by 2016, 218, Sec. 193 effective November 7, 2016.]

Section 17C. (a) Notwithstanding section 17 or any other general or special law to the contrary, the city council, the transportation commissioner of the city of

Boston, the board of selectmen, park commissioners, a traffic commission or traffic director of a city or town that accepts this section in the manner provided in section 4 of chapter 4 may, in the interests of public safety and without further authority, establish a speed limit of 25 miles per hour on any roadway inside a thickly settled or business district in the city or town on any way that is not a state highway.

(b) Upon establishing a speed limit under this section, the city or town shall notify the department. The operation of a motor vehicle at a speed in excess of a speed limit established under this section shall be a violation of section 17.

MGL C.59 SECTION 5 CLAUSE 22G: PROPERTY; EXEMPTIONS

[Introductory paragraph effective until November 7, 2016. For text effective November 7, 2016, see below.]

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 C 1/2, Seventeenth D, Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E, Twenty-second F, Thirty-seventh, Thirty-seventh A, Forty-first, Forty-first B, Forty-first C, Forty-first C 1/2, 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.

[Introductory paragraph as amended by 2016, 218, Sec. 116 effective November 7, 2016. For text effective until November 7, 2016, see above.]

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 C 1/2, 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 C 1/2, 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.

Section 5: Property; exemptions

[Introductory paragraph effective until November 7, 2016. For text effective November 7, 2016, see below.]

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 C 1/2, Seventeenth D, Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E, Twenty-second F, Thirty-seventh, Thirty-seventh A, Forty-first, Forty-first B, Forty-first C, Forty-first C 1/2, 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.

[Introductory paragraph as amended by 2016, 218, Sec. 116 effective November 7, 2016. For text effective until November 7, 2016, see above.]

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 C 1/2, 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 C 1/2, 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.

(g) For the purposes of this clause, \$2,000.00 of this exemption or up to the sum of \$175.00, whichever basis is applicable shall be borne by the city or town; the balance, up to the sum of \$225 shall be borne by the commonwealth.

MGL C.59 SECTION 5K: PROPERTY TAX LIABILITY REDUCED IN EXCHANGE FOR VOLUNTEER SERVICES; PERSONS OVER AGE 60

[First paragraph effective until November 7, 2016. For text effective November 7, 2016, see below.]

Section 5K. In any city or town which accepts the provisions of this section, the board of selectmen of a town or in a municipality having a town council form of government, the town council or the mayor with the approval of the city council in a city may establish a program to allow persons over the age of 60 to volunteer to provide services to such city or town. In exchange for such volunteer services, the city or town shall reduce the real property tax obligations of such person over the age of 60 on his tax bills and any reduction so provided shall be in addition to any exemption or abatement to which any such person is otherwise entitled and no such person shall receive a rate of, or be credited with, more than the current minimum wage of the commonwealth per hour for services provided pursuant to such reduction nor shall the reduction of the real property tax bill exceed \$1,000 in a given tax year. It shall be the responsibility of the city or town to maintain a record for each taxpayer including, but not limited to, the number of hours of service and the total amount by which the real property tax has been reduced and to provide a copy of such record to the assessor in order that the actual tax bill reflect the reduced rate. A copy of such record shall also be provided to the taxpayer prior to the issuance of the actual tax bill. Such cities and towns shall have the power to create local rules and procedures for implementing this section in any way consistent with the intent of this section.

[Second paragraph as amended by 2016, 218, Sec. 127 effective November 7, 2016. For text effective until November 7, 2016, see above.]

In any city or town which accepts the provisions of this section, the board of selectmen of a town or in a municipality having a town council form of government, the town council or the mayor with the approval of the city council in a city may establish a program to allow persons over the age of 60 to volunteer to provide services to such city or town. In exchange for such volunteer services, the city or town shall reduce the real property tax obligations of such person over the age of 60 on his tax bills and any reduction so provided shall be in addition to any exemption or abatement to which any such person is otherwise entitled and no such person shall receive a rate of, or be credited with, more than the current minimum wage of the commonwealth per hour for services provided pursuant to such reduction nor shall the reduction of the real property tax bill exceed \$1,500

in a given tax year. It shall be the responsibility of the city or town to maintain a record for each taxpayer including, but not limited to, the number of hours of service and the total amount by which the real property tax has been reduced and to provide a copy of such record to the assessor in order that the actual tax bill reflect the reduced rate. A copy of such record shall also be provided to the taxpayer prior to the issuance of the actual tax bill. Such cities and towns shall have the power to create local rules and procedures for implementing this section in any way consistent with the intent of this section.

In no instance shall the amount by which a person's property tax liability is reduced in exchange for the provision of services be considered income, wages, or employment for purposes of taxation as provided in chapter 62, for the purposes of withholding taxes as provided in chapter 62B, for the purposes of workers' compensation as provided in chapter 152 or any other applicable provisions of the General Laws, but such person while providing such services shall be considered a public employee for the purposes of chapter 258, but such services shall be deemed employment for the purposes of unemployment insurance as provided in chapter 151A.

[Third paragraph effective until November 7, 2016. For text effective November 7, 2016, see below.]

A city or town, by vote of its legislative body, subject to its charter, may adjust the exemption in this clause by: (1) allowing an approved representative, for persons physically unable, to provide such services to the city or town; or (2) allowing the maximum reduction of the real property tax bill to be based on 125 volunteer service hours in a given tax year, rather than \$1,000.

[Third paragraph as amended by 2016, 218, Sec. 127 effective November 7, 2016. For text effective until November 7, 2016, see above.]

A city or town, by vote of its legislative body, subject to its charter, may adjust the exemption in this clause by: (1) allowing an approved representative, for persons physically unable, to provide such services to the city or town; or (2) allowing the maximum reduction of the real property tax bill to be based on 125 volunteer service hours in a given tax year, rather than \$1,500.

MGL C.32B SECTION 20: OTHER POST-EMPLOYMENT BENEFITS LIABILITY TRUST FUND

[Text of section effective until November 7, 2016. For text effective November 7, 2016, see below.]

Section 20. (a) A city, town, district, county or municipal lighting plant that accepts this section may establish an Other Post-Employment Benefits Liability Trust Fund, and may appropriate amounts to be credited to the fund. Any interest or other income generated by the fund shall be added to and become part of the fund. Amounts that a governmental unit receives as a sponsor of a qualified retiree prescription drug plan under 42 U.S.C. section 1395w-132 may be added to and become part of the fund. All monies held in the fund shall be segregated from other funds and shall not be subject to the claims of any general creditor of the city, town, district, county or municipal lighting plant.

(b) The custodian of the fund shall be (i) a designee appointed by the board of a municipal lighting plant; (ii) the treasurer of any other governmental unit; or (iii) if designated by the city, town, district, county or municipal lighting plant in the same manner as acceptance prescribed in this section, the State Retiree Benefits Trust Fund board of trustees established in section 24A of chapter 32A, provided that the board of trustees accepts the designation. The custodian may employ an outside custodial service to hold the monies in the fund. Monies in the fund shall be invested and reinvested by the custodian consistent with the prudent investor rule established in chapter 203C and may, with the approval of the State Retiree Benefits Trust Fund board of trustees, be invested in the State Retiree Benefits Trust Fund established in section 24 of chapter 32A.

(c) This section may be accepted in a city having a Plan D or Plan E charter, by vote of the city council; in any other city, by vote of the city council and approval of the mayor; in a town, by vote of the town at a town meeting; in a district, by vote of the governing board; in a municipal lighting plant, by vote of the board; and in a county, by vote of the county commissioners.

(d) Every city, town, district, county and municipal lighting plant shall annually submit to the public employee retirement administration commission, on or before December 31, a summary of its other post-employment benefits cost and obligations and all related information required under Government Accounting Standards Board standard 45, in this subsection called "GASB 45", covering the last fiscal or calendar year for which this information is available. On or before

June 30 of the following year, the public employee retirement administration commission shall notify any entity submitting this summary of any concerns that the commission may have or any areas in which the summary does not conform to the requirements of GASB 45 or other standards that the commission may establish. The public employee retirement administration commission shall file a summary report of the information received under this subsection with the chairs of the house and senate committees on ways and means, the secretary of administration and finance and the board of trustees of the State Retiree Benefits Trust Fund.

CHAPTER 32B: SECTION 20. OTHER POST-EMPLOYMENT BENEFITS LIABILITY TRUST FUND; SOURCES OF FUNDING; CUSTODIAN; TRUSTEES; SEPARATE OPEB FUND BOARD OF TRUSTEES AS INVESTING AUTHORITY; EXPENDITURES AND INVESTMENTS

[Text of section as amended by 2016, 218, Sec. 15 effective November 7, 2016. For text effective until November 7, 2016, see above.]

Section 20. (a) As used in this section, and section 20A, the following words shall have the following meanings unless the context clearly requires otherwise:

"Chief executive officer", the mayor in a city or the board of selectmen in a town, unless some other municipal office is designated to be the chief executive officer pursuant to a local charter, the county commissioners in a county and the governing board, commission or committee in a district or other governmental unit.

"Commission" or "PERAC", the public employee retirement administration commission established pursuant to section 49 of chapter 7.

"GASB", the Governmental Accounting Standards Board.

"Governing body", the legislative body in a city or town, the county commissioners in a county, the regional district school committee in a regional school district, or the district meeting or other appropriating body in any other governmental unit.

"Governmental unit" or "unit", any political subdivision of the commonwealth, including a municipal lighting plant, local housing or redevelopment authority,

regional council of government established pursuant to section 20 of chapter 34B and educational collaborative, as defined in section 4E of chapter 40.

"State Retiree Benefits Trust Fund board of trustees", the board of trustees established by section 24A of chapter 32A.

"Other Post-Employment Benefits Liability Trust Fund" or "OPEB Fund"; a trust fund established by a governmental unit pursuant to this section for the deposit of gifts, grants, appropriations and other funds for the: (1) benefit of retired employees and their dependents, (2) payment of required contributions by the unit to the group health insurance benefits provided to employees and their dependents after retirement and (3) reduction and elimination of the unfunded liability of the unit for such benefits.

"OPEB Fund board of trustees"; an independent board of trustees selected by the governmental unit with investing authority for the OPEB Fund.

"OPEB investing authority" or "investing authority"; the trustee or board of trustees designated by the governmental unit to invest and reinvest the OPEB Fund using the investment standard or investment vehicle established pursuant to this section.

(b) A governmental unit that accepts this section shall establish on its books and accounts the Other Post-Employment Benefits Liability Trust Fund, the assets of which shall be held solely to meet the current and future liabilities of the governmental unit for group health insurance benefits for retirees and their dependents. The governmental unit may appropriate amounts to be credited to the fund and the treasurer of the governmental unit may accept gifts, grants and other contributions to the fund. The fund shall be an expendable trust subject to appropriation and shall be managed by a trustee or a board of trustees as provided in subsection (d). Any interest or other income generated by the fund shall be added to and become part of the fund. Amounts that a governmental unit receives as a sponsor of a qualified retiree prescription drug plan pursuant to 42 U.S.C. section 1395w-132 may be dedicated to and become part of the fund by vote of the governing body of the governmental unit. All monies held in the fund shall be accounted for separately from other funds of the governmental unit and shall not be subject to the claims of any general creditor of the governmental unit.

(c) The treasurer of the governmental unit shall be the custodian of the OPEB Fund and shall be bonded in any additional amounts necessary to protect fund assets.

(d) The governing body of the governmental unit shall designate a trustee or board of trustees, which shall have general supervision of the management, investment and reinvestment of the OPEB Fund. The governing body may designate as the trustee or board of trustees: (i) the custodian; (ii) the governmental unit's retirement board as the board of trustees; or (iii) an OPEB Fund board of trustees established by the governmental unit pursuant to subsection (e). If no designation is made, the custodian of the fund shall be the trustee and shall manage and invest the fund. The duties and obligations of the trustee or board of trustees with respect to the fund shall be set forth in a declaration of trust to be adopted by the trustee or board, but shall not be inconsistent with this section. The declaration of trust and any amendments thereto shall be filed with the chief executive officer and the clerk of the governing body of the governmental unit and take effect 90 days after the date filed, unless the governing body votes to disapprove the declaration or amendment within that period. The trustee or board of trustees may employ reputable and knowledgeable investment consultants to assist in determining appropriate investments and pay for those services from the fund, if authorized by the governing body of the governmental unit. The trustee or board of trustees may, with the approval of the State Retiree Benefits Trust Fund board of trustees, invest the OPEB Fund in the State Retiree Benefits Trust Fund established in section 24 of chapter 32A.

(e) The governing body of the governmental unit may vote to establish a separate OPEB Fund board of trustees to be the investing authority. The board of trustees shall consist of 5 to 13 individuals, including a person or persons with the investment experience desired by the governmental unit, a citizen or citizens of the governmental unit, an employee of the governmental unit, a retiree or retirees of the governmental unit, and a governmental unit officer or officers. The governmental unit employee trustee shall be selected by current employees of the unit by ballot, and the retiree trustee or trustees shall be selected by current retirees of the unit by ballot. The remainder of the trustees shall be appointed by the chief executive officer of the governmental unit. The trustees will serve for terms of 3 or 5 years, as determined by the governing body of the governmental unit, and if a vacancy occurs, a trustee may be elected or selected in the same

manner to serve for the remainder of the term. Trustees shall be eligible for reappointment.

(f) The trustee or board of trustees shall: (i) act in a fiduciary capacity, (ii) discharge its duties for the primary purpose of enhancing the value of the OPEB Fund, (iii) act with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise with like character and with like aims and (iv) diversify the investments in the fund to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so.

In any civil action brought against a trustee, the board of trustees, acting within the scope of official duties, the defense or settlement of which is made by legal counsel for the governmental unit, the trustee or employee shall be indemnified from the OPEB Fund for all expenses incurred in the defense thereof and for damages to the same extent as provided for public employees in chapter 258. No trustee or employee shall be indemnified for expenses in an action or damages awarded in such action in which there is: (i) a breach of fiduciary duty, (ii) an act of willful dishonesty or (iii) an intentional violation of law by the trustee or employee.

(g) Monies in the OPEB Fund not required for expenditures or anticipated expenditures within the investment period, shall be invested and reinvested by the custodian as directed by the investing authority from time to time; provided such investment or reinvestment is made in accordance with: (i) section 54 of chapter 44, if the treasurer or OPEB Fund board of trustees is the investing authority, unless the governing body of the governmental unit authorizes investment under the prudent investor rule established in chapter 203C; (ii) section 23 of chapter 32, if the retirement board is the investing authority; or (iii) sections 24 and 24A of chapter 32A, if the OPEB Fund is invested in the State Retiree Benefits Trust Fund.

(h) Amounts in the OPEB Fund may be appropriated by a two-thirds vote of the governing body of the governmental unit to pay the unit's share of health insurance benefits for retirees and their dependents upon certification by the trustee or board of trustees that such amounts are available in the fund. The treasurer of the governmental unit after consulting with the chief executive officer of the unit shall determine the amount to be appropriated from the fund to the annual budget for retiree health insurance and notify the trustee or board of trustees of that amount at the earliest possible opportunity in the annual budget

cycle. Upon notification, the trustee or board of trustees shall take diligent steps to certify those funds as available for appropriation by the governmental unit, or will be available by the time the appropriation would become effective or provide an explanation why the funds are or will not be available or should not be made available.

(i) In a regional school district, appropriations of amounts to the OPEB Fund may be made only in the annual budget submitted to the member cities and towns for approval. The annual report submitted to the member cities and towns pursuant to clause (k) of section 16 of chapter 71 shall include a statement of the balance in the fund and all additions to and appropriations from the fund during the period covered by such report.

(j) A municipal lighting plant that establishes an OPEB fund shall pay the premiums and assume the liability for the municipal share of retiree healthcare benefits attributable to lighting plant employees and their dependents.

(k) A governmental unit that accepts this section may participate in the OPEB Fund established by another governmental unit pursuant to this section upon authorization of the governing boards of both units and in accordance with the procedures and criteria established by the trustee or board of trustees of the fund. Each governmental unit shall remain responsible for all costs attributable for the health care and other post-employment obligations for its retired employees and their dependents and for completing an actuarial valuation of its liabilities and funding schedule that conforms to GASB requirements.

The participating governmental unit may appropriate or otherwise contribute amounts to the OPEB Fund as provided in subsection (b). Amounts from the fund may be appropriated by the participating unit for its retiree health insurance expenses in the manner authorized in subsection (h) upon a determination by the treasurer of the unit, after consulting with the chief executive officer of the unit, of the necessary amount and notification of the treasurer of the governmental unit maintaining the fund and the trustee or board of trustees of that amount. The trustee or board of trustees shall certify those funds available for appropriation, as provided in subsection (h), and the treasurer of the governmental unit maintaining the fund shall transfer the amounts certified to the participating governmental unit.

The participating governmental unit shall be separately credited for any contributions made to and appropriations from the OPEB Fund, and interest or

other income generated by the fund, in the accounting of the relative liabilities of each governmental unit for its retirees and their dependents.

(l) This section may be accepted in a city or town in the manner provided in section 4 of chapter 4; in a county, by vote of the county commissioners; in a regional school district, by vote of the regional school committee; and in a district or other governmental unit, by vote of the district meeting or other appropriating body.

(m) This section shall also apply to the OPEB Fund established by a governmental unit under a special law, notwithstanding any provision to the contrary, upon the acceptance of this section by the governmental unit.

MGL C.32A SECTION 24: STATE RETIREE BENEFITS TRUST FUND

Section 24. (a) There shall be established and set up on the books of the commonwealth a fund to be known as the State Retiree Benefits Trust Fund. The State Retiree Benefits Trust Fund board of trustees established in section 24A shall be the trustee of the fund and shall employ the pension reserves investment management board to invest the fund's assets in the Pension Reserves Investment Trust Fund. The fund shall be an expendable trust not subject to appropriation.

(b) The purpose of said fund shall be for depositing, investing and disbursing amounts set aside solely to meet liabilities of the state employees' retirement system for health care and other non-pension benefits for retired members of the system and for depositing, investing and disbursing amounts transferred to it under subsection (d). There shall be credited to the fund any revenue from appropriations or other monies authorized by the general court and specifically designated to be credited to the fund, and any gifts, grants, private contributions, investment income earned on the fund's assets and all other sources. Money remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

(c) Upon request of the group insurance commission established, the board may expend amounts in the fund, without further appropriation, to pay the costs of health care and other non-pension benefits for retired members of the state retirement system; provided, however, that said group insurance commission shall remain responsible for administering the payment of, and determining the terms, conditions, schedule of benefits, carriers and eligibility for, health care and other non-pension benefits for retired members of the state retirement system.

- (d) Upon authorization by the board, any political subdivision, municipality, county or agency or authority of the commonwealth may participate in the fund using procedures and criteria to be adopted by the board.
- (e) The fund shall be revocable only when all such health care and other non-pension benefits, current and future, payable pursuant to this chapter have been paid or defeased.
- (f) The trustees shall adopt an annual budget for the fund and supplemental budgets that the trustees consider necessary, subject to the approval of the general court. Funding for the budget shall be from the investment return of the fund. If the general court takes no final action to disapprove a budget within 60 days after its filing with the clerk of the house of representatives and the clerk of the senate, the budget shall be considered to be approved. If the general court disapproves a budget within 60 days after it has been filed, the trustees shall operate under the annualized budgetary level most recently approved pending the filing and subsequent approval of any other annual or supplemental budget request.
- (g) The trustees shall engage actuaries experienced in retiree health care costs to perform annual actuarial calculations in accordance with Government Accounting Standards Board Statements 43 and 45, using data as needed from the group insurance commission, the public employee retirement administration commission, the state treasurer and the comptroller and prepare funding schedules to be filed in accordance with section 25.
- (h) The trustees shall engage an independent auditor to perform an annual audit of the State Retiree Benefits Trust Fund's assets, liabilities, net assets, investments and operations on an annual basis in accordance with government auditing standards and policies established by the comptroller. The annual audit report shall be made available to all participating subdivisions, authorities, boards or instrumentalities not later than September 15.
- (i) All transactions affecting the fund including, but not limited to, all amounts credited to and all expenditures, transfers or allocations made from the fund shall be recorded by a subsidiary on the Massachusetts management accounting and reporting system.
- (j) The fund shall be classified by the comptroller as a nonbudgeted fund of the commonwealth. Amounts credited to the fund, including both principal and

earnings, shall not be subject to the calculation of the consolidated net surplus under sections 2H and 5C of chapter 29.

(k) The attorney general shall file a quarterly report with the state comptroller, the secretary of administration and finance and the house and senate committees on ways and means which shall include, but not be limited to: (i) an updated schedule of payments due to the commonwealth under the master settlement agreement in *Commonwealth of Massachusetts v. Philip Morris, Inc. et al.*, Middlesex Superior Court, No. 95?7378; (ii) an analysis of imminent factors that may affect the industry's ability to generate those payments to the commonwealth; (iii) a detailed account of the analysis and methodology used to determine the variations associated with the schedule of payments; (iv) an explanation of the financial impact that those variations in the schedule of payments shall have upon the amount due to the commonwealth and the industry's obligation to the commonwealth; and (v) an itemized account of all amendments that have been made to the master settlement agreement referenced in clause (i).

FINANCE COMMITTEE



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Please bring this report to
Town Meeting for reference.