

**DEDHAM
WARRANT AND FINANCE COMMITTEE**



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

MONDAY, NOVEMBER 17, 2014

TOWN MEETING - 7:00 PM

DEDHAM HIGH SCHOOL AUDITORIUM

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TOWN OF DEDHAM
Finance Committee

To the Town Meeting Representatives and the Citizens of Dedham

Presented herein for your consideration and vote is the Warrant recommendations of your Warrant and Finance Committee. After hearing from the various proponents, departments, committees and citizens we believe our recommendations represent the best interests of the Town of Dedham

This Fall's Warrant has some important articles for consideration. We have an opportunity to expand our manufacturing and research activity with the development of a site that has been underutilized for years. This Project will advance the economic development goals of the Town as identified in the 2009 Master Plan.

There is another article that is worth particular mention. Article #5 is a proposal to change the name of the Other Post Employment Benefits (OPEB) Trust Fund to the Mariellen Murphy OPEB Trust Fund. Mariellen strongly believed that it was crucial to fund our long term liabilities. Mariellen had the persistence to make this a priority and I believe we will understand her vision in the years to come.

The Town continues to meet the financial goals of maximizing the highest bond rating, maintaining a balance within the General Stabilization Fund and fully funding the Town's pension, healthcare and other post retirement benefits.

Lastly I would like to thank David Martin, Laura Timmons and Derek Moulton for their service to the Finance Committee. David, Laura and Derek were dedicated and diligent in evaluating and analyzing the budgets and warrants. I have great respect for all three and it was a pleasure working with them.

John Heffernan
Chairman of the Warrant and Finance Committee

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

1. LINE ITEM TRANSFERS FOR CURRENT FISCAL YEAR

ARTICLE ONE: *By the Finance Committee:* To see what sum of money the Town will vote to raise and appropriate, or transfer from available funds to meet additional expenses of the current fiscal year not adequately funded under Article Three of the 2014 Annual Town Meeting (FY'15) or any other article thereof; or to take any other action relative thereto. *Referred to Warrant and Finance Committee for study and report.*

RECOMMENDATION OF THE WARRANT AND FINANCE COMMITTEE: Voted 5-1 that the following sums of money, totaling \$1,047,487, be transferred from free cash or current appropriations as scheduled on the following chart to meet additional expenses for the current fiscal year and for the Stabilization Fund.

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, 2015, and for the Stabilization Fund.
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LINE ITEM TRANSFERS

From		To		Amount		Line Item		Department		Line Item		Amount	
Department	Line Item	Line Item	Amount	Department	Amount	Department	Line Item	Department	Line Item	Amount	Department	Line Item	Amount
1	Police	Personnel Services	53,599	Police		Police	Medical		Medical	23,000		Publications & Subscriptions	10,032
						Police	Travel Expenses		Police	2,067		General Overtime	18,500
2	Fire	Personnel Services	30,000	Fire		Fire	Vehicle Repair Services		Fire	30,000		Vehicle Repair Services	10,000
3	Fire	Vehicle Parts/Supplies	10,000	Fire		Fire	Vehicle Repair Services		Fire	10,000		Supplies	2,000
4	Free Cash	N/A	2,000	Sealer of Weights & Measures		Sealer of Weights & Measures	Reserve Fund		Sealer of Weights & Measures	250,000		Reserve Fund	250,000
5	Free Cash	N/A	250,000	Finance Committee		Finance Committee	Transfer General Stabilization		Finance Committee	250,000		Transfer General Stabilization	15,000
6	Free Cash	N/A	250,000	General Stabilization		General Stabilization	Purchase of Services		General Stabilization	15,000		Purchase of Services	20,000
7	Free Cash	N/A	15,000	Board of Selectmen		Board of Selectmen	Veterans Benefits		Board of Selectmen	20,000		Veterans Benefits	65,000
8	Board of Assessors	Personnel Services	20,000	Veterans Services		Veterans Services	IT Purchase of Services		Veterans Services	65,000		IT Purchase of Services	45,000
9	Finance	IT Personnel Services	65,000	Finance		Finance	Finance Purchase of Services		Finance	45,000		Finance Purchase of Services	50,000
10	Finance	Personnel Services	45,000	Finance		Finance	Bus Service		Finance	50,000		Bus Service	4,300
11	Finance	Personnel Services	50,000	Board of Selectmen		Board of Selectmen	Regional Groups		Board of Selectmen	4,300		Regional Groups	200
12	Board of Selectmen	Personnel Services	4,300	Economic Development		Economic Development	Hazardous Waste Collection		Economic Development	200		Hazardous Waste Collection	82,871
13	Board of Health	Meetings & Conferences	200	Board of Health		Board of Health	School Operations		Board of Health	82,871		School Operations	57,129
14	Raise & Appropriate	State Aid Resources	82,871	School		School	School Operations		School	57,129		School Operations	8,800
15	Free Cash	N/A	57,129	School		School	Reserve Fund		School	8,800		Reserve Fund	7,566
16	Building	Personnel Services	8,800	Finance Committee		Finance Committee	Transfer to Worker's Comp Trust		Finance Committee	7,566		Transfer to Worker's Comp Trust	60,000
17	Board of Selectmen	Liability & Property Insurance	7,566	Finance		Finance	Personnel Services		Finance	60,000		Personnel Services	6,022
18	School	Personnel Services	60,000	Facilities		Facilities	Capital-Vehicles		Facilities	6,022		Capital-Vehicles	30,000
19	School	Capital-Vehicles	6,022	School		School	Operating Capital		School	30,000		Operating Capital	1,047,487
20	School	IT Server Operating Capital	30,000	Facilities		Facilities			Facilities	1,047,487			1,047,487

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2. PAYMENT OF DEBT SERVICE RELATED TO MUNICIPAL CAMPUS

ARTICLE TWO: *By the Board of Selectmen at the request of the Interim Town Manager.* To see if the Town will vote to transfer from the Robin Reyes Major Capital Facilities Stabilization Fund a sum or sums of money for payment of debt service related to the Municipal Campus project approved under Article 19 of the 2014 Annual Town Meeting, or take any other action relative thereto. *Referred to Warrant and Finance Committee for study and report.*

RECOMMENDATION OF THE WARRANT AND FINANCE COMMITTEE: That the sum of \$59,097.17 be transferred from the Robin Reyes Major Capital Facilities Stabilization Fund for payment of debt service related to the Municipal Campus project.

Article 2 funds the first semi-annual payment on the debt service related to the Municipal Campus Project; said payment due in February of 2015.

3. ESTABLISHMENT OF AMES BUILDING REVOLVING FUND

ARTICLE THREE: *By the Board of Selectmen at the request of the Interim Town Manager.* To see if the Town will vote, pursuant to the provisions of G.L. c. 44, §53E1/2, to establish a revolving fund, to be known as the Ames Building Revolving Fund, for the purpose of depositing receipts received by the Town in connection with the lease and use of said building, and to authorize expenditure of such funds for the operation and maintenance of such building, and for all expenses related thereto, including but not limited to relocation and related expenses, to be expended by the Town Manager, and to establish a limit on expenditures from said fund for FY 2015, or take any other action relative thereto. *Referred to Warrant and Finance Committee for study and report.*

RECOMMENDATION OF THE WARRANT AND FINANCE COMMITTEE: To authorize, pursuant to G.L. c.44 §53E 1/2, the establishment of a revolving fund, known as the Ames Building Revolving Fund, as set forth in the warrant under Article 3, and further to authorize expenditures of up to \$540,000 for Fiscal Year 2015.

Article 3 authorizes the creation of a revolving fund for FY'15 for the purpose of depositing receipts and paying expenses up to \$540,000 related to operating and maintaining the Ames Building.

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4. ESTABLISHMENT OF FORMER AVERY SCHOOL REVOLVING FUND

ARTICLE FOUR: *By the Board of Selectmen at the request of the Interim Town Manager.* To see if the Town will vote, pursuant to the provisions of G.L. c. 44, §53E1/2, to establish a revolving fund, to be known as the Former Avery School Revolving Fund, for the purpose of depositing receipts received by the Town in connection with the lease and use of said building, and to authorize expenditure of such funds for the expenses associated with said building, to be expended by the Town Manager, and to establish a limit on expenditures from said fund for FY 2015, or take any action in relation thereto. *Referred to Warrant and Finance Committee for study and report.*

RECOMMENDATION OF THE WARRANT AND FINANCE COMMITTEE: To authorize, pursuant to G.L. c.44 §53E ½, the establishment of a revolving fund, known as the Former Avery School Revolving Fund, as set forth in the warrant under Article 4, and further to authorize expenditures of up to \$2,000 for Fiscal Year 2015.

Article 4 authorizes the creation of a revolving fund for FY'15 for the purposes of depositing receipts and paying expenses up to \$2,000 associated with the building.

5. RENAMING OF OPEB TRUST FUND

ARTICLE FIVE: *By the Board of Selectmen at the request of the Interim Town Manager.* To see if the Town will vote to change the name of the Other Post Employment Benefits (OPEB) Trust Fund created under Article 19 of the 2009 Annual Town Meeting to the Mariellen Murphy OPEB Trust Fund, or take any other action relative thereto. *Referred to Warrant and Finance Committee for study and report.*

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

Article 5 authorizes renaming the OPEB Trust Fund to the Mariellen Murphy OPEB Trust Fund.

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6. TRANSFER OF FUNDS TO OPEB TRUST FUND

ARTICLE SIX: *By the Board of Selectmen at the request of the Interim Town Manager.* To see if the Town will vote to transfer a sum or sums of money from the Health Insurance line in the FY 2015 Annual Operating budget approved under Article 3 of the 2014 Annual Town Meeting, and the Health Insurance line in the FY 2014 Annual Operating budget approved under Article 3 of the 2013 Annual Town Meeting to the Other Post Employment Benefits Trust Fund, or take any other action relative thereto. *Referred to Warrant and Finance Committee for study and report.*

RECOMMENDATION OF THE WARRANT AND FINANCE COMMITTEE: That the sums of \$1,700,000.00 (FY'14) and \$1,674,000.00 (FY'15) be transferred from each Health Insurance Line to the Other Post Employment Benefits Trust Fund.

Article 6 authorizes the Town to transfer a total of \$3,374,000 from FY'14 and FY'15 Health Insurance Lines into the OPEB Trust Fund

7. APPROPRIATION OF PRIOR YEARS BILLS

ARTICLE SEVEN: *By the Board of Selectmen at the request of the Interim Finance Director:* 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 fiscal years, or take any other action relative thereto. *Referred to Warrant and Finance Committee for study and report.*

RECOMMENDATION OF THE WARRANT AND FINANCE COMMITTEE: That the following sum of money be raised and appropriated to meet expenses of a prior year; \$497.40 for payment to Meter Engineering Co., LLC.

Article 7 appropriates funds for payment of a bill from a prior fiscal year for goods or services the Town has received.
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8. GENERAL STABILIZATION FUND, APPROPRIATION

ARTICLE EIGHT: *By the Finance Committee.* To see what sum of money the Town will vote to raise and appropriate, or transfer from available funds for deposit in

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the Stabilization Fund, or to take any other action relative thereto. *Referred to Finance Committee for study and report.*

RECOMMENDATION OF THE WARRANT AND FINANCE COMMITTEE: That the sum of \$250,000 be appropriated from Free Cash to the General Stabilization Fund.

Article 8 transfers from free cash the sum of \$250,000 for deposit into the General Stabilization Fund consistent with the second goal of the Town's Financial Policy, adopted in 1998 and revised in 2003 and 2012, "to achieve and maintain a balance in the General Stabilization Fund of from 5% to 10% of its operating budget." With this transfer, the fund balance would be 5.75% of the FY'2015 operating budget.

9. SPECIAL PURPOSE STABILIZATION FUNDS, DEPOSIT FUNDS

ARTICLE NINE: *By the Board of Selectmen at the request of the Interim Finance Director.* To see if the Town will vote to raise and appropriate or transfer from available funds a sum or sums of money to one or more special purpose stabilization funds, or take any other action relative thereto. *Referred to Finance Committee for study and report.*

RECOMMENDATION OF THE WARRANT AND FINANCE COMMITTEE: That \$204,201.03, an amount equal to the amount collected from the local meals excise for the final quarter of FY'14, and \$82,121.21, an amount equal to the 2% collected from the room tax for the final quarter of FY'14, be transferred from Free Cash; and that \$224,183.56, an amount equal to the amount collected from the local meals excise for the first quarter of FY'15 and that \$201,404.70, an amount equal to the 3% collected from the room tax for the first quarter of FY'15, be raised and appropriated; and, further, that such amounts be deposited into the Robin Reyes Major Capital Facilities Stabilization Fund, created under Articles 6 and 7 of the November 16, 2009 Special Town Meeting.

Article 9 authorizes receipts held in reserve since the May 2014 Annual Town Meeting from the local meals excise and room occupancy tax, and amounts equal to such receipts collected in the first quarter of FY'15, to be deposited into the Robin Reyes Major Capital Facilities Stabilization Fund. With these transfers, the Town will have transferred \$5,409,798.50 into the fund.

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10. APPROVAL OF A TAX INCREMENT FINANCING PLAN (TIF)

ARTICLE TEN: *By the Board of Selectmen.* To see if the Town will vote, pursuant to G.L. c.40, §59, and G.L. c.23A, §§3E and 3F, to:

(a) Approve a Tax Increment Financing (“TIF”) Plan and Agreement between the Town and M.S. Walker Company, or its successors or assigns (“Company”) in the form substantially as on file with the Town Clerk, for property located at 112 Meadow Road, and shown as Assessors Map 171, Parcel 97, which TIF Plan and Agreement provide for real estate tax exemptions over a fifteen (15) year period at the exemption rate schedule set forth therein;

(b) Confirm the Board of Selectmen’s selection of the location of the project as an Economic Opportunity Area, if applicable, and approve the Company’s Local Incentive-Only application;

(c) Authorize the Board of Selectmen to execute the TIF Agreement and any documents related thereto or the TIF Plan more generally, and approve submission to the Massachusetts Economic Assistance Coordinating Council (“EACC”) of the TIF Agreement and Plan and any necessary documents relating thereto, and to take such other actions as are necessary or appropriate to obtain approval of the TIF Plan and Agreement, Economic Opportunity Area, Certified Project Application, [Local Incentive-Only Application] and all related submissions and to take such other actions as necessary or appropriate to implement the project and plan as set forth in those documents;

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

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

**TAX INCREMENT FINANCING AGREEMENT
BY AND AMONG THE TOWN OF DEDHAM
AND M. S. WALKER, INC.**

This AGREEMENT is made this 17th day of OCT., 2014 by and among the Town of Dedham, a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts, acting by and through its Board of Selectmen and having a principal place of business at Town Hall, 26 Bryant Street, Dedham, MA 02026, (hereafter referred to as the "Town"), and M. S. Walker, Inc., a Massachusetts corporation, with offices at 20 Third Ave., Somerville, MA 02143 (hereinafter referred to as the "Company") (collectively the "Parties").

PRELIMINARY STATEMENT

WHEREAS the Company is engaged in the business of manufacturing spirits and distributing wines and spirits and intends to construct a new an estimated 120,000 - 150,000 square foot state-of-the-art manufacturing and research and development facility on property it intends to purchase located at 110 Meadow Road in Dedham, consisting of approximately 14 acres and being a portion of Parcel 97 on Dedham Assessors' Map 171 (the "Property"), which Property is more fully described and shown on a plan attached hereto, and incorporated herein, as Exhibit A, a plan of the Property showing property lines, location of projected buildings and other improvements, and the location and description of all public and private ways, easements, and other rights providing for access and use of the Property for the purpose of moving its existing operation from its present location in Somerville, Massachusetts (the "Project");

WHEREAS, the Town is located within the boundaries of the Quincy Economic Target Area (ETA), which has been designated as such by the Massachusetts Economic Assistance Coordinating Council ("EACC") pursuant to M.G.L. c.23A, section 3D;

WHEREAS, the Company expects to make a total project investment in the Property of an estimated \$50 million, including \$4 million for property purchase, \$25 million for construction costs, and \$21 million for specialized personal property; and expects to bring the new facility to operational status by December 31, 2017; and

WHEREAS, the Project, when complete and at full operational capacity, is expected to include an estimated 75 full-time jobs (based on an estimated 40 manufacturing jobs and an estimated 35 office jobs which may be located at adjacent sites), and are expected to be open to qualified Dedham and ETA residents as a result of existing employees that may choose not to relocate with the Company; and

WHEREAS, the Company intends to apply for status as a Certified Local Incentive-Only Project under the Massachusetts Economic Development Incentive Program; and

WHEREAS, the Company is seeking and the Town is willing to grant a TIF exemption to the Company in accordance with the provisions of Massachusetts General Laws Chapter 23A,

Chapter 40, Section 59 and Chapter 59, Section 5, Clause 51, subject to the construction and equipping of the Project; and

WHEREAS the assessed valuation of the Property for fiscal year 2015 is \$876,811, resulting in \$30,443 in annual property taxes for the Town at current rates; and

WHEREAS, the Project will further the economic development goals of the Town of Dedham as articulated in its 2009 Master Plan, which plan specifically encourages development of the Property, as well as the economic development goals and the criteria established for the ETA; and

WHEREAS the TOWN strongly supports increased economic development as provided by the Project, to provide additional jobs for qualified residents of the ETA, the TOWN, to expand manufacturing and retail activity within the TOWN, and to develop a healthy economy and stronger tax base;

NOW, THEREFORE, in consideration of mutual promises contained herein and other good valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties do mutually agree as follows:

A. TAX INCREMENT FINANCING EXEMPTION

1. The Town, as authorized by vote of its Board of Selectmen on October __, 2014, hereby enters into this TIF Agreement (hereafter, "Agreement") with the Company with respect to the Property and the Project. This Agreement shall not be binding without approval from the Dedham Town Meeting and the EACC.
2. The Town grants the TIF Exemption (the "Exemption") to the Company (or its Nominee) in accordance with M.G.L. c. 23A; M.G.L. c.40, s.59; and M.G.L. c.59, s.5, clause 51. The Exemption shall be for a period of fifteen (15) years (the "Exemption Period") commencing in the fiscal year that the Project is complete as determined by the issuance of a final certificate of occupancy(hereinafter referred to as the "Start Date"), and shall provide for an exemption for the increased value of the Property resulting from the Project.
3. The Exemption Schedule applicable to the Project is as follows:

TIF YEAR	EXEMPTION
1	100%
2	100%
3	100%
4	100%
5	100%
6	90%
7	80%

8	70%
9	60%
10	50%
11	45%
12	35%
13	30%
14	15%
15	5%

4. The Exemption for the Property will be calculated as prescribed by Massachusetts General Laws and regulated by the Department of Revenue and shall apply to the incremental difference in the assessed real property value of the Property for the fiscal year ending June 30, 2015 (the "Base Year") and its assessed valuation for each of the fifteen (15) fiscal years of the Exemption Period. The base valuation for the fiscal year ending June 30, 2015 is \$876,811 (the "Base Valuation"). The estimated assessed value of the Property expected to result from the Project is \$6,323,189, which actual assessed value shall be determined by the Town Board of Assessors from time to time in accordance with accepted appraisal practices and in compliance with applicable law.
5. The exemptions contained in this Agreement apply ONLY to real estate taxes and do not apply to personal property of any nature. The Company is a registered manufacturer by the Massachusetts Department of Revenue and is exempt from paying municipal personal property taxes.
6. This Agreement by and between the Parties will take effect only upon EACC's approval. The TOWN shall submit the Agreement and all documents necessary for EACC consideration and approval at the December, 2014 EACC meeting, or as soon as possible thereafter.
7. The Company will assist and cooperate with the Town in supplying all information, data, forms, proposals and/or certifications executed by authorized individuals, as required pursuant to the regulations at 402 CMR 2.00, and necessary in connection with the Company's application to the EACC.

B. CONDITIONS

Upon receipt of the aforementioned approval by the EACC, the Town grants the Exemption in consideration of the commitment and performance of the following by the Company:

1. The Company shall construct the Project at the Property, resulting in an investment of an estimated \$50 million for property purchase, construction, and purchase of specialized personal property with a goal of having the new facility operational by December 31, 2017.

2. The Company plans to maintain an estimated 75 full-time jobs (based on an estimated 40 manufacturing jobs and an estimated 35 office jobs which may be located at adjacent sites) and retain that number of employees through the duration of this agreement.
3. The Company shall, to the extent permitted by law and consistent with contractual union agreements, use reasonable efforts to employ qualified Dedham residents to fill open positions with the Company. Such efforts shall include but not be limited to advertising job openings in local Dedham newspapers.
4. The Company shall use diligent efforts to utilize qualified Massachusetts, and Dedham-based businesses wherever commercially reasonable to construct and maintain the Project, and to work towards a goal of filling 10% of the Project workforce with Dedham residents, to the extent that such a practice and its implementation are consistent with Federal, state and local law. Such efforts shall include requiring the general contractor for the Project and all major subcontractors with contracts over \$1,000,000 to advertise a minimum of three times in a local newspaper with general circulation in Dedham, as well as in a local newspaper with general circulation in Boston and surrounding communities, when seeking employees.
5. The Company, to the extent consistent with state and local law, shall garage in Town all its vehicles owned and used in connection with the Project, if any, as well as vehicles owned and use in connection with any expansion of the Company's facilities on the Property, if any, so that any local motor vehicle excise tax owed with respect to such vehicles will be paid to the Town. Nothing hereunder shall require the Company to so garage vehicles used and owned by the Company in connection with other Company facilities outside of the Project or the Property.
6. The Company shall submit annual reports on job retention, and investments at the Property to the Town and the EACC by February 28th of each year during the term of this Agreement, and otherwise in accordance with applicable law. The reports shall include but not be limited to the following information:
 - a. The status of the construction specified in this Agreement;
 - b. Full-time and Part-time employment levels at the Project;
 - c. Total number of Full-time and Part-time Economic Target Area Residents employed and the total number of Full-time and Part-time Town of Dedham residents employed at the Project;
 - d. The value of investments subject to the exemption made with respect to the Project, both annually and on a cumulative basis.
7. The Company shall timely pay all real estate taxes owed on the Property. Failure of the Company to timely pay taxes shall constitute a breach of this Agreement and constitute grounds for the Town to seek decertification of the Project. Nothing in paragraph or elsewhere in this Agreement shall limit any rights the Town may have under state and local law with respect to collection of such taxes and any amounts that might lawfully be added thereto as interest or penalties.

8. The Company shall agree to allow the Town to monitor and enforce the Agreement.
9. Prior to the issuance of any occupancy permits for the Project, the Company shall make a contribution of \$10,000.00 in the form of a gift to the Town of Dedham for the support of the Manor Neighborhood Association, which gift shall provide that interest thereon shall remain with the fund.
10. Commencing on the date the Company receives any occupancy permit for the Project and during the term of this Agreement, the Company shall make an annual contribution of \$1,000.00 to the Dedham Scholarship Fund to which any student in Dedham is eligible to apply for a scholarship.
11. The Company shall comply with the requirements of M.G.L. c.23A, as amended and its attendant regulations at 402 CMR 2.00, and all other applicable provisions of federal, state and local law.

C. ADDITIONAL PROVISIONS

1. The Company acknowledges that the Town has the right, at its option, to petition the EACC to decertify the Project and revoke this Agreement if the Town, acting through its Board of Selectmen, reasonably determines that the Company has failed to satisfy its obligations under this Agreement or as otherwise may be authorized under state or local law. Except as otherwise provided herein, upon decertification by the EACC the Town shall discontinue the exemption benefits described above in accordance with applicable law, commencing with the fiscal quarter in which such failure occurs or otherwise as would be required by law. Except as otherwise provided with respect to failure to pay real estate taxes as set forth in Section B(7), failure to perform any of the Company's obligations hereunder shall constitute a default under this Agreement if the Company fails to cure, correct or remedy such failure within ninety (90) days of the receipt of written notice of such failure from the Town to the Company, or, with respect to defaults which cannot be remedied within such ninety (90) day period, within such additional period of time as is reasonably required to remedy such default, provided the Company exercises due diligence in the remedying of such default and the Town, acting by and through its Board of Selectmen, agrees to such extended time period. Notwithstanding the foregoing, any late payments of property taxes the Company is obligated to pay shall be subject to the same interest and penalty charges that would otherwise be levied in case of a failure to timely pay property taxes, and the Town shall retain any rights provided by law with respect to collection of the same.
2. The Parties acknowledge that the obligations, covenants, or agreements on the part of the Company are material to the realization of economic benefits from the Project, and are conditions to the receipt of the tax exemptions provided herein. In the event EACC decertifies the Project without request of the Town, the Town may elect to continue with the Agreement provided that the Project continues to fulfill the terms and conditions of the municipal action authorizing the Town to enter into the Agreement and the EACC determines that the Agreement will continue to encourage increased industrial and

commercial activity in the Commonwealth notwithstanding EACC's revocation of project certification.

3. Notwithstanding anything to the contrary herein contained, upon written approval of the Town, such approval not to be unreasonably withheld, the Company shall have the right to assign or transfer its interest in this Agreement to: (a) an Affiliated Entity (as defined below), and (b) a Successor (as defined below), provided that prior to or simultaneously with the effective date of any assignment, such Affiliated Entity or Successor, as the case may be, and the Company shall execute and deliver to the Town an assignment and assumption agreement in form or substance reasonably satisfactory to the Town whereby such Affiliated Entity or Successor, as the case may be, shall agree to be independently bound by all applicable provision of this Agreement (an "Assumption Agreement"). For the purposes hereof, an "Affiliated Entity" shall be defined as any United States legal entity, which is controlled by, is under common control with, or which controls the Company. For the purposes hereof, a "Successor" shall be defined as any entity into or with which the Company has merged, or with which the Company is consolidated, or which acquires all or substantially all of the Company's stock or assets.
4. NOTICES. Notices to be delivered under this Agreement shall be delivered to the addresses set forth below (which addresses may be changed by a notice to the other party given pursuant to the terms hereof) by courier, overnight delivery service, certified mail, facsimile or other electronic transmission (so long as a copy of any facsimile or other electronic transmission is also delivered pursuant one of the previously described methods):

If to the Town: Town Manager
 Dedham Town Hall
 26 Bryant Street
 Dedham, MA 02026

If to the Company: M.S. Walker
 20 Third Avenue
 Somerville, MA 02143
 Att: Scott Allen

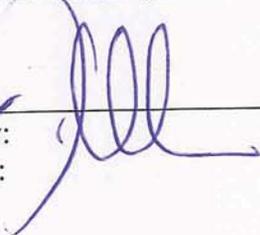
5. This Agreement shall be binding upon all Parties, shall run with title to the Property and be binding upon the Company and its successors and assigns, so long as the Project has not been decertified.

6. This Agreement may be amended by a written instrument executed by the Company and the Town in accordance with applicable law.
7. This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts, and the parties hereto submit to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Agreement.

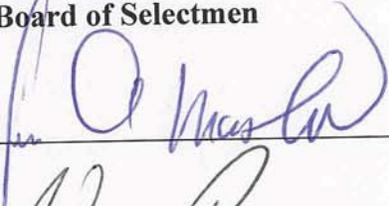
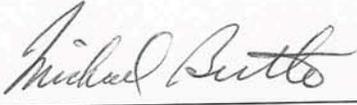
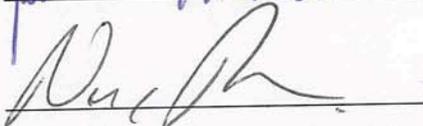
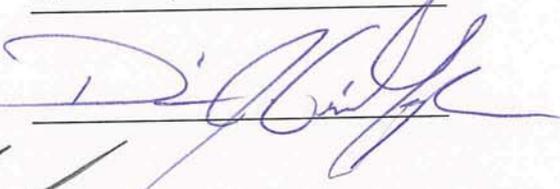
[signatures on following page]

IN WITNESS WHEREOF, each of the Parties, intending to be legally bound, has executed this Agreement as a sealed instrument by their duly authorized representatives and the Town as caused this Agreement to be executed in its name and behalf and its seal duly affixed by its Board of Selectmen on the day and year first written above.

M. S. Walker, Inc.

By: 
Its: _____

**Town of Dedham
Board of Selectmen**


15 year Dedham Tax Increment Financing (TIF) Proposal Assumptions

New Square Footage =	140,000
Land Base Assessed Value = \$	876,811
Incremental Assessed Value = \$	6,323,189
New Market Assessed Value = \$	7,200,000
Estimated Annual Base Tax Payment = \$	30,443
FY14 Split Tax Rate per \$1000 = \$	34.72
Initial Incremental Annual Tax = \$	219,541

Assessor's Map 171 Parcel 97 (portion)
112 Meadow Road Dedham, MA

Year	Estimated Projected Current Property Tax (Base Only)	Estimated Projected Incremental Assessed Value	Estimated New Incremental Annual Property Tax	% Exempt	Estimated TIF Savings to Company	Estimated Incremental Tax Payment w/TIF to Town	Estimated Total RE Taxes to Town (Base + New)
1	30,443	6,323,189	219,541	100%	219,541	0	30,443
2	30,443	6,323,189	219,541	100%	219,541	0	30,443
3	30,443	6,323,189	219,541	100%	219,541	0	30,443
4	30,443	6,323,189	219,541	100%	219,541	0	30,443
5	30,443	6,323,189	219,541	100%	219,541	0	30,443
6	30,443	6,323,189	219,541	90%	197,587	21,954	52,397
7	30,443	6,323,189	219,541	80%	175,633	43,908	74,351
8	30,443	6,323,189	219,541	70%	153,679	65,862	96,305
9	30,443	6,323,189	219,541	60%	131,725	87,816	118,259
10	30,443	6,323,189	219,541	50%	109,771	109,770	140,213
11	30,443	6,323,189	219,541	45%	98,793	120,748	151,191
12	30,443	6,323,189	219,541	35%	76,839	142,702	173,145
13	30,443	6,323,189	219,541	30%	65,862	153,679	184,122
14	30,443	6,323,189	219,541	15%	32,931	186,610	217,053
15	30,443	6,323,189	219,541	5%	10,977	208,564	239,007
Est. Real Property	456,645		3,293,115	65%	2,151,502	1,141,613	1,598,258
TOTALS					2,151,502	Total	1,598,258
					Tax Savings To Company		Revenue To Town

Projected assessed values shown are estimated, actual assessed values to be determined by local Assessor
 Assumptions based on no annual inflation factor increase in assessed property values or tax rate
 Base assessed value increases may occur due to inflation factor
 New building assessed value or tax rate may change annually
 Building was demolished in 2013 and base value reflects land portion w/ foundation for proposed project

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Article 10 seeks approval of a 15-year Tax Increment Financing Agreement (“TIF”) negotiated by the Board of Selectmen with M.S. Walker. While the complicated process established by state law cannot easily be summarized, the TIF will allow the Town to provide M.S. Walker tax relief in exchange for M.S. Walker’s agreement to make an investment of approximately \$50 million dollars to construct a manufacturing facility in the Town, maintain a workforce of approximately 75 employees, and make other contributions to the community, including its best efforts to publicize locally available positions if and when such openings occur, and yearly donations to the Dedham Scholarship Fund. The tax relief provided under the TIF, which relief is based upon the increased value of the land after the construction of the facility, is greater at the beginning of the agreement after M.S. Walker’s initial investment is made and becomes progressively lower over time. The tax relief authorized will completely cease after the 15th year.

11. APPROPRIATION FOR RECORDS RETENTION PROGRAM

ARTICLE ELEVEN: *By the Board of Selectmen at the request of the Interim Town Manager.* To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money for the purposes of funding a records retention program for the Town of Dedham, and to add said sum to the amount appropriated for such purposes under Article 4 of the 2014 Annual Town Meeting, or take any other action relative thereto. *Referred to Warrant and Finance Committee for study and report.*

RECOMMENDATION OF THE WARRANT AND FINANCE COMMITTEE: That the sum of \$90,000 be appropriated from Free Cash for the purposes of funding a records retention program.

Article 11 provides for additional funding to continue with the Town’s Records Retention Program as we prepare for the move to a new building.

Dedham Fall Town Meeting 2014

12. MWRA I/I LOCAL FINANCIAL ASSISTANCE PROGRAM-PHASE 9

ARTICLE TWELVE: *By the Board of Selectmen at the request of the Director of Engineering.* (MWRA I/I Local Financial Assistance Program – Phase 9). To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of NINE HUNDRED THIRTEEN THOUSAND (\$913,000.00) DOLLARS, for the purpose of participating in the Massachusetts Water Resources Authority (MWRA) Inflow/Infiltration Local Financial Assistance Program – Phase 9, and to meet such appropriation to authorize the Treasurer, with approval of the Board of Selectmen, to borrow said sum in accordance with Section 7(1) and 7(1A) of Chapter 44 of the General Laws, or any other enabling authority and issue bonds and notes therefor, and to authorize the Town to apply for any grants or loans available for the project, or take any other action relative thereto. *Referred to Warrant and Finance Committee for study and report.*

RECOMMENDATION OF THE WARRANT AND FINANCE COMMITTEE: That the Town appropriate \$913,000, for the purpose of participating in the Massachusetts Water Resources Authority (MWRA) Phase 9 Inflow/Infiltration Local Assistance Program; and to meet such appropriation, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum, in accordance with Section 7(1) and 7(1A) of Chapter 44 of the General Laws, or any other enabling authority, and issue bonds and notes therefor; and further, to authorize appropriate Town officials and employees to apply for, accept and expend any grants or loans available for the project.

Article 12 authorizes the Town to borrow \$913,000 to participate in the MWRA Phase 9 I/I Local Assistance Program.

13. CREATION OF AND APPROPRIATION FOR A PARK AND RECREATION MASTER PLAN

ARTICLE THIRTEEN: *By the Park and Recreation Commission.* To see what sum of money the Town will vote to raise, appropriate, or transfer from available funds for the development of a comprehensive Park and Recreation Master Plan. This plan is intended to help meet the needs of current and future residents of all ages from youth to seniors by positioning Dedham to build on the community's

Dedham Fall Town Meeting 2014

unique parks and recreation assets and identify new opportunities. The Master Plan will establish a clear direction to guide the Park and Recreation Commissioners, staff, advisory committees, and interested residents and organizations in their efforts to enhance the community's parks and recreation programs, services and facilities. The plan will evaluate existing facilities, future needs assessment and a blueprint for planning and staffing requirements. And further, to create a Park and Recreation Master Plan Steering Committee to be comprised of: Two (2) members of the Park and Recreation Commission designated by the Commission, one (1) member of the Finance Committee or its designee, one (1) member of the Open Space and Recreation Committee or its designee, and three (3) residents at-large to be appointed by the Moderator. The Park and Recreation Director shall serve as an ex-officio member, or take any other action relative thereto. *Referred to Warrant and Finance Committee for study and report.*

RECOMMENDATION OF THE WARRANT AND FINANCE COMMITTEE: Voted 7-1 that the sum of \$50,000 be appropriated from Free Cash for the purpose of developing a comprehensive Park and Recreation Master Plan, and to create a Park and Recreation Master Plan Steering Committee, comprised of two (2) members of the Park and Recreation Commission designated by the Commission, one (1) member of the Finance Committee or its designee, one (1) member of the Open Space and Recreation Committee or its designee, and three (3) residents at-large to be appointed by the Moderator with all designees authorized hereunder to be residents or employees of the Town of Dedham. The Park and Recreation Director shall serve as an ex-officio member.

Article 13 appropriates \$50,000 to prepare a comprehensive Park and Recreation Master Plan and authorizes creation of a Master Plan Steering Committee.
--

14. **ZONING: CHANGE RDO TO HB**

ARTICLE FOURTEEN: *By District Four Town Meeting Member Kevin F. Hampe.* To see if the Town will vote to amend the Zoning Map of the Town of Dedham, by changing from Research, Development, and Office (RDO) to Highway Business (HB), the following parcels of land according to the Town of Dedham Assessors plans.

Dedham Fall Town Meeting 2014

1. Map 136 – Parcel 19A
2. Map 136 - Parcel 20
3. Map 149 – Parcel 1
4. Map 149 - Parcel 2
5. Map 149 – Parcel 3 - (1 & 2)
6. Map 149 - Parcel 3A
7. Map 149 - Parcel 3B
8. Map 149 - Parcel 3C
9. Map 149 - Parcel 11
10. Map 149 - Parcel 12
11. Map 149 - Parcel 13
12. Map 149 - Parcel 14
13. Map 149 - Parcel 15
14. Map 149 - Parcel 16
15. Map 149 - Parcel 17
16. Map 149 - Parcel 18
17. Map 149 - Parcel 19
18. Map 149 - Parcel 20
19. Map 149 - Parcel 41
20. Map 149 - Parcel 42
21. Map 150 – Parcel 7A
22. Map 150 – Parcel 7B

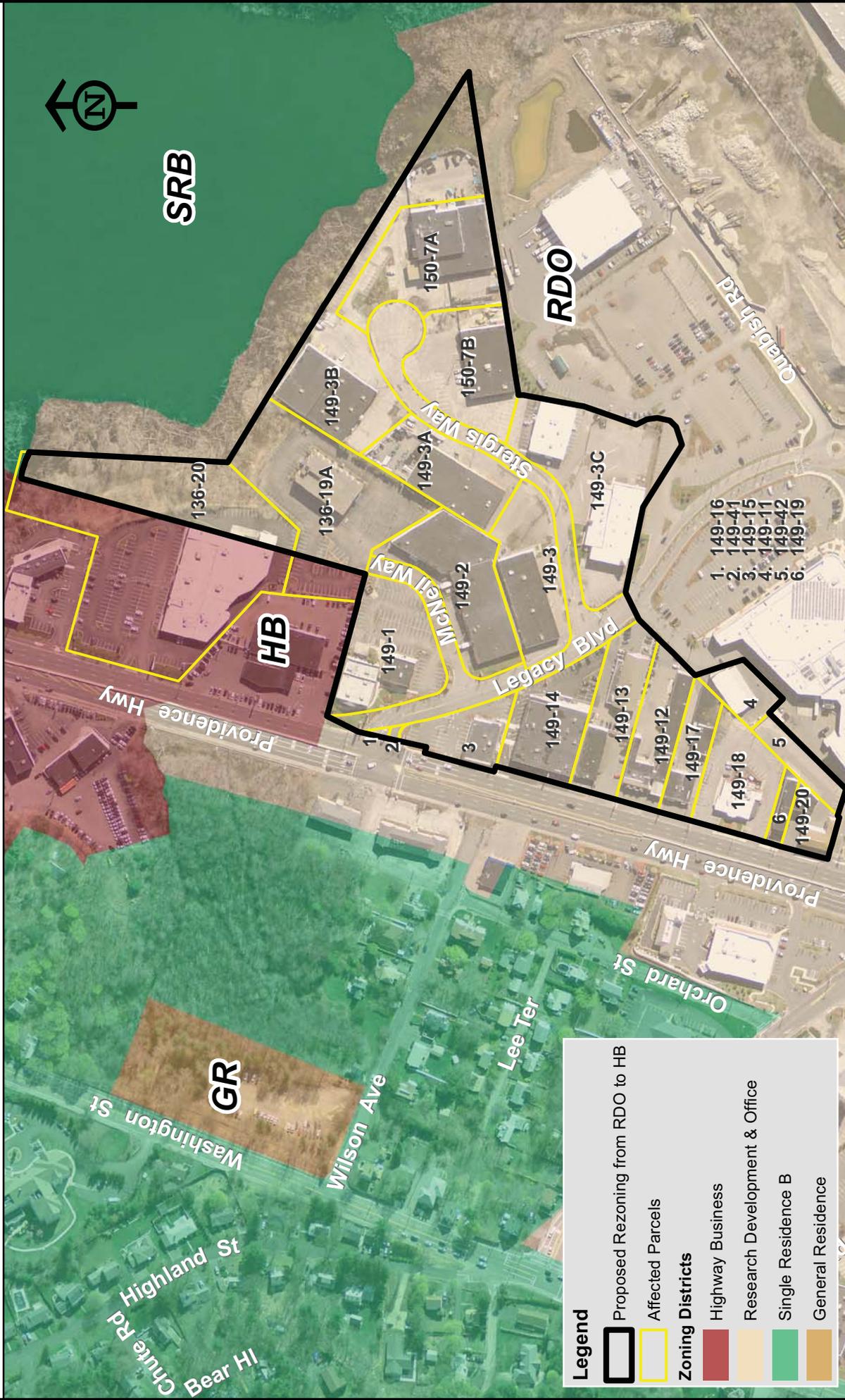
Said parcels are also shown on the attached Town of Dedham Geographic Information Systems (Dedham GIS) online mapping plans attached hereto, or take any other action relative thereto. *Referred to Planning Board and Warrant and Finance Committee for study and report.*

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

Article 14 authorizes an amendment to the Zoning Map to change the designation of the above stated parcels from Research, Development and Office (RDO) to Highway Business (HB).

Proposed Zoning Amendment to Highway Business

Fall Town Meeting 2014



Legend

- Proposed Rezoning from RDO to HB
- Affected Parcels

Zoning Districts

- Highway Business
- Research Development & Office
- Single Residence B
- General Residence

1. 149-16
2. 149-41
3. 149-15
4. 149-11
5. 149-42
6. 149-19

1 inch = 300 feet



Source Information:
Town of Dedham GIS Division
Imagery Source:
USGS, April 2013
Coordinate System:
NAD 1983 StatePlane Massachusetts Mainland FIPS 2001 Feet

Town of Dedham
Norfolk County
Massachusetts



Dedham Fall Town Meeting 2014

15. BY-LAW: SUBMISSION OF ARTICLES TO TOWN MEETING

ARTICLE FIFTEEN: *By Trust Fund Commissioner Brian M.B. Keaney.* To see if the Town will vote to add a new section to the Revised By-Laws, 85-3A, or some other number as assigned by the Town Clerk, as follows:

In addition to the individuals and bodies listed in Section 2-9 (a) of the Charter, articles for Town Meeting may be submitted by the Town Manager or a department head,

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

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

Article 15 allows for the Town Manager or individual department head to submit articles to Town Meeting.
--

16. BY-LAW: REVISION TO BUILDING, PLANNING, & CONSTRUCTION COMMITTEE COMPOSITION

ARTICLE SIXTEEN: *By Trust Fund Commissioner Brian M.B. Keaney.* To see if the Town will vote to amend the Revised By-Laws by striking section 12-12 and inserting the following:

"There shall be a Building, Planning and Construction Committee consisting of seven members, including one member of the Planning Board, appointed by said board, and six members appointed by the Town Manager. The members appointed by the Town Manager shall include a registered professional engineer or architect, an attorney admitted to practice in Massachusetts, a person employed in the construction industry or a related trade or occupation, a person with a discipline in Environmental Sciences or a member of the Conservation Commission, and two other persons,"

or take any other action relative thereto. *Referred to By-Law Review Committee*

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and Warrant and Finance Committee for study and report.

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

Article 16 establishes by by-law the composition of the Building, Planning and Construction Committee.

17. BY-LAW: DISCLOSURE OF FINANCIAL INTEREST

ARTICLE SEVENTEEN: *By Trust Fund Commissioner Brian M.B. Keaney.* To see if the Town will vote to amend the Revised By-Laws by striking the text of section 85-16 and inserting in place thereof the following:

Any Town Representative or other speaker who speaks on any motion in which the speaker or an immediate family member has a direct financial interest shall first disclose such interest to the Meeting. For the purposes of this section, "direct financial interest" shall include, but not be limited to, employment as an attorney or consultant with respect to the matter,

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

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

Article 17 requires disclosure by a Town Meeting Representative or other speaker of their direct financial interest on any motion in which they will speak to at Town Meeting.

Dedham Fall Town Meeting 2014

18. BY-LAW: CHANGES TO REFERENCES IN BY-LAWS TO CONFORM TO NEW CHARTER PROVISIONS

ARTICLE EIGHTEEN: *By the By-Law Review Committee.* To see if the Town will vote to amend the Revised By-Laws as follows:

- 1) Strike out the words "Town Administrator" in each instance in which they appear and insert in place thereof the words "Town Manager";
- 2) In Section 85-31 (B), strike out "2-10 (c)" and insert in place thereof "2-9 (c)";
- 3) In Section 85-31 (C), strike out "6-9" and insert in place thereof "7-2";
- 4) In Section 5-6, strike out "2-10 (a)" and insert in place thereof "2-9 (a)";
- 5) Strike out the words "Finance Committee" in each instance in which they appear and insert in place thereof the words "Warrant and Finance Committee";

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

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

Article 18 makes clerical changes to the By-Laws to conform with the recently approved changes to the Town Charter and newly codified By-Laws.
--

19. BY-LAW: MULTIPLE MEMBER BODY APPOINTEES OR DESIGNEES TO BE REGISTERED VOTERS

ARTICLE NINETEEN: *By the By-Law Review Committee.* To see if the Town will vote to amend the Revised By-Laws by adding a new section to be numbered by the Town Clerk, as follows:

All appointees or designees to any multiple member body of the Town of Dedham, however created, shall be registered voters of the Town of Dedham.

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

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

Article 19 would require appointees or designees of all multiple member bodies to be registered voters of the Town.

20. **BY-LAW: PROPOSED TREE REPLACEMENT BY-LAW**

ARTICLE TWENTY: *By District One Town Meeting Member Frederick Civian.* To see if the Town will vote to add a new section to the Revised By-laws, a number to be assigned by the Town Clerk, as follows:

TREE REPLACEMENT BY-LAW

The purpose of this bylaw is to require the replacement of trees that are cut as part of any private or public new development or redevelopment for commercial uses, for industrial uses, for transportation uses, or for residential uses of 2 or more units.

Prior to the approval by any Town board, commission or office of any such new development the developer shall propose a Tree Management Plan which preserves to the maximum extent practicable the tree canopy and tree species diversity of the site that exists prior to development.

Prior to the approval by any Town board, commission or office of any such redevelopment the developer shall propose a Tree Management Plan which significantly increases the tree canopy and tree species diversity of the site that existed prior to the redevelopment.

This Bylaw shall only apply to projects that include the cutting of large trees. If no large trees are to be cut, no Tree Management Plan is required.

Large trees are those that measure at least 12" diameter at breast height.

Dedham Fall Town Meeting 2014

A public office may propose a general Tree Management Plan.

The Tree Management Plan's calculation of tree canopy shall be based upon trees' canopy at maturity.

Whenever practicable, invasive tree species shall be removed.

The Planning Board and Conservation Commission shall jointly develop and adopt regulations to implement this Bylaw,

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

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

Article 20 proposes a new Tree Management By-Law.

21. BY-LAW: AMENDMENT TO BY-LAW RELATED TO TRESPASSING UPON PARK AND RECREATION PROPERTIES

ARTICLE TWENTY-ONE: *By the Park and Recreation Commission.* To see if the Town will vote to amend Chapter 199, Section 199-13 (b) of the Revised By-Laws by deleting the section in its entirety and replacing it with the following language:

No person shall trespass upon properties of the Parks and Recreation Commission known as Memorial Park, Condon Park, Fairbanks Park, Paul Park, Churchill Park, Gonzalez Field, Manor Field (formerly Striar), Hartnett Square, Oakdale Common and East Dedham Passive Park between sunset and sunrise; if, on any given evening, an activity, sanctioned by the Commission is in progress under the lights at Memorial or Condon Park, the presence of any individual on the property will constitute trespass beginning 15 minutes after the lights have been turned off. Any violation of this section shall be subject to a fine of \$100; or take any other action relative thereto. *Referred to By-Law Review Committee and Warrant and Finance Committee for study and report.*

RECOMMENDATION OF THE WARRANT AND FINANCE COMMITTEE: That it be

Dedham Fall Town Meeting 2014

indefinitely postponed.

Article 21 proposes adoption of a by-law expanding Park and Recreation properties subject to no trespass restrictions.

22. ADDING TERMS TO MEMBERS OF SBRC APPOINTED BY MODERATOR

ARTICLE TWENTY-TWO: *By the Town Moderator.* To see if the Town will vote to amend the vote taken under Article 5 of the December 4, 2000 STM establishing the School Building Rehabilitation Committee and composition thereof, as amended under Article 43 of the 2008 ATM, to provide that the four (4) at large members appointed by the Town Moderator shall be appointed for terms of three (3) years, or take any other action relative thereto. *Referred to Warrant and Finance Committee for study and report.*

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

Article 22 would provide specific terms for the four (4) positions appointed by the Town Moderator on the School Building Rehabilitation Committee.

23. ACCEPTANCE OF STATUTE (DEFERRAL OF SEWER CHARGES)

ARTICLE TWENTY-THREE: *By the Board of Selectmen at the request of the Treasurer/Collector.* To see if the Town will vote to accept the provisions of M.G.L. c. 83 (Sewers, Drains & Sidewalks) §16G (Deferral of Charges), or take any other action relative thereto. *Referred to Warrant and Finance Committee for study and report.*

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

Article 23 authorizes the Town to defer sewer charges for owners of real property who defer real estate taxes under M.G.L. C.59 §5 Clause 41A

Dedham Fall Town Meeting 2014

24. ACCEPTANCE OF STATUTE (MOTOR VEHICLE EXCISE EXEMPTION FOR MASSACHUSETTS RESIDENTS ON ACTIVE MILITARY DUTY)

ARTICLE TWENTY-FOUR: *By District Seven Town Meeting Member John M. Albani.* To see if the Town will vote to accept the provisions of paragraph 8 of M.G.L. c. 60A §1, or such other paragraph in said §1, providing for a Motor Vehicle Excise Exemption for Massachusetts Residents on Active Military Duty as outlined therein, or take any other action relative thereto. *Referred to Warrant and Finance Committee for study and report.*

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

Article 24 authorizes a motor vehicle excise tax exemption for those on active Military Duty
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25. LAYOUT OF PUBLIC SIDEWALK AT 600 HIGH STREET

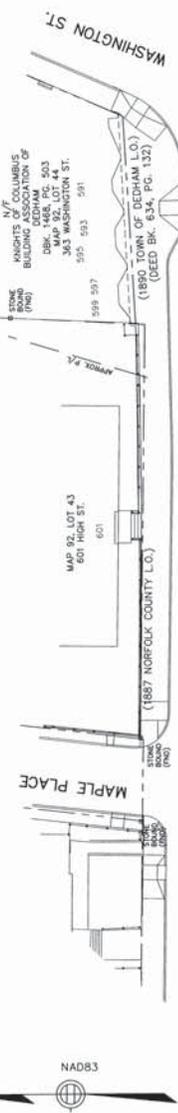
ARTICLE TWENTY-FIVE: *By the Board of Selectmen at the request of the Director of Engineering.* To see if the Town will vote to accept the layout of a public sidewalk at 600 High Street, as ordered by the Board of Selectmen in accordance with Massachusetts General Laws, Chapter 82, Section 33, and further, pursuant to Massachusetts General Laws, Chapter 40, Section 15A, to transfer from such board holding care, custody and control of the property for the purposes for which it is presently held, to the Board of Selectmen for general municipal purposes, including the purpose of maintaining a public sidewalk, the care, custody, management and control of the land within said layout; and to authorize the Board of Selectmen to acquire, on behalf of the Town, by purchase, gift, eminent domain or otherwise, such property rights within the layout as may be required to provide for the use of said sidewalk for all purposes for which public sidewalks are used in the Town of Dedham, or take any other action relative thereto. *Referred to Warrant and Finance Committee for study and report.*

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

Article 25 accepts the layout of the identified land as a public sidewalk.
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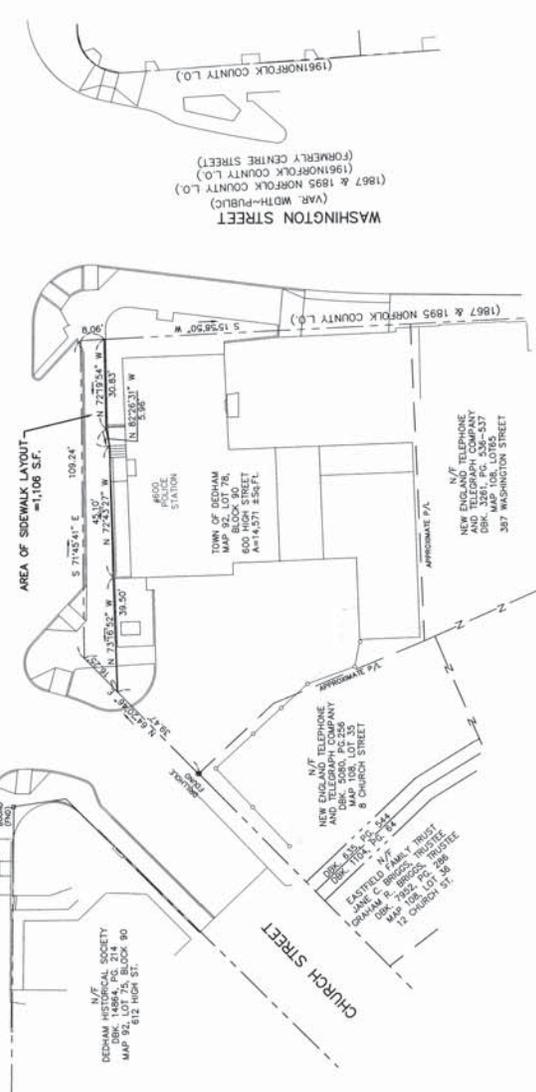


FOR REGISTRY USE ONLY



(1871 & 1887 NORFOLK COUNTY L.O.)
 (VAR. WIDTH-PUBLIC)
 (A.K.A.-HARTFORD RD./HARTFORD TURNPIKE/MIDDLE POST ROAD)

HIGH STREET



(1867 & 1895 NORFOLK COUNTY L.O.)
 (VAR. WIDTH-PUBLIC)
 (FORMERLY CENTRE STREET)
 (1961 NORFOLK COUNTY L.O.)

WASHINGTON STREET

I certify that this plan was prepared in accordance with the Rules and Regulations of the Registers of Deeds and the Procedural and Technical Standards for the practice of Land Surveying in the Commonwealth of Massachusetts.



Karen D. Patenaude, P.L.S.
 Earth Services Corporation
 198 Crane Avenue South
 Taunton, MA 02780

Professional Land Surveyor Date

8-14-14

I certify that the property lines shown on this plan are the lines dividing existing ownerships and the lines of the streets and ways shown are those of public use. If there are any ways or easements of public use that are not shown for division of existing ownership or for new ways are shown.

I certify that the property lines were established by an on the ground survey performed by the County of Norfolk Engineering Department. Coordinates shown are North American Datum of 1983 (NAD83)

NOTE:
 Zoning: Central Business District



PLAN OF PUBLIC SIDEWALK
 LAYOUT IN THE TOWN OF
 DEDHAM
 NORFOLK COUNTY

PREPARED BY
 EARTH SERVICES CORPORATION
 198 CRANE AVE. SOUTH TAUNTON MA 02780
 (508) 823-1091
 DATE: AUGUST 5, 2014 SCALE: AS SHOWN

TOWN OF DEDHAM
ORDER OF LAYOUT

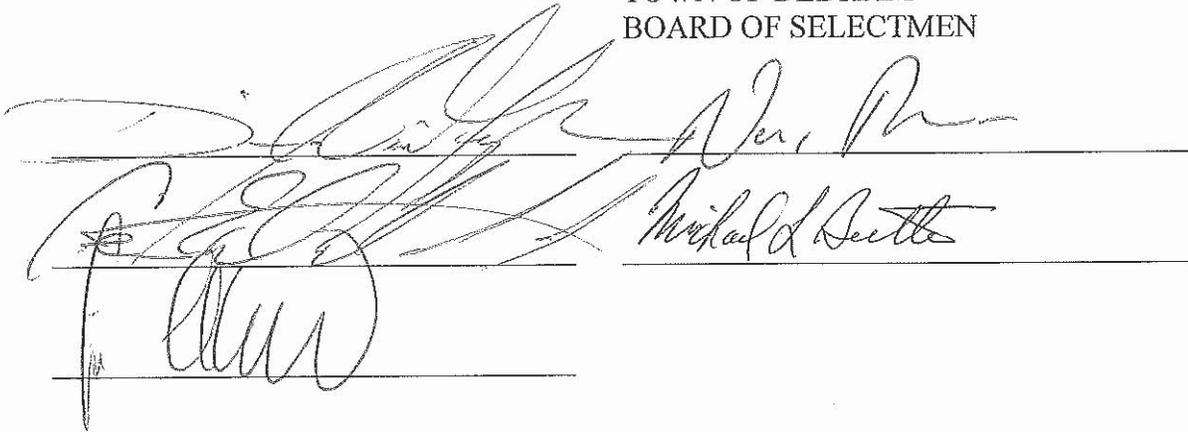
SIDEWALK AT 600 HIGH STREET

The Board of Selectmen of the Town of Dedham, acting pursuant to G.L. c. 82, §33 and having determined that common convenience and necessity require the layout of a public sidewalk at 600 High Street in the town, hereby order that a public sidewalk be laid out in the location shown as "Area of Sidewalk Layout = 1,106 S.F." on the plan entitled: "Plan of Public Sidewalk Layout in the Town of Dedham Norfolk County," dated August 5, 2014, and prepared by Earth Services Corporation, 198 Crane Ave. South, Taunton, MA, which plan is presently on file with said Board of Selectmen and incorporated herein.

The herein Order, together with a copy of the aforementioned plan, shall be immediately forwarded to the Town Clerk for filing and reported to the Town for acceptance.

Adopted: *Oct-15*, 2014

TOWN OF DEDHAM
BOARD OF SELECTMEN


Three handwritten signatures are present, each written over a horizontal line. The signatures are in cursive and appear to be those of the Board of Selectmen members.

Filed in the office of the
Town Clerk, *Carol M. Mulvaney* 2014 Town Clerk, Attest

Dedham Fall Town Meeting 2014

26. TRANSFER OF LAND

ARTICLE TWENTY-SIX: *By Board of Selectmen.* To see if the Town will vote, pursuant to Massachusetts General Laws, Chapter 40, Section 15A, to transfer from the Dedham Park and Recreation Commission for recreational purposes to the Board of Selectmen for the purpose of conveyance, and authorize the Board of Selectmen to convey, for such consideration and upon such terms and conditions as the Board of Selectmen and the Park and Recreation Commission deem appropriate, a perpetual easement to construct and maintain an underground gas pipeline within that land at 351 East Street known as Gonzalez Field and acquired by the Town pursuant to a deed recorded with the Norfolk County Registry of Deeds in Book 13545, Page 523; and to authorize the Board of Selectmen and the Park and Recreation Commission to seek such approvals as may be needed to carry out such transfer and conveyance, which may include legislative approval pursuant to Article 97 of the Amendments to the Massachusetts Constitution, or take any other action relative thereto. *Referred to Warrant and Finance Committee for study and report.*

RECOMMENDATION OF THE WARRANT AND FINANCE COMMITTEE: Voted 5-2 that it be so voted.

Article 26 would transfer from the Park and Recreation Commission to the Board of Selectmen an interest in the land known as Gonzalez Field to allow the Board of Selectmen to grant an easement related to the proposed pipeline project.
--

27. SPECIAL LEGISLATION REGARDING ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES-PACKAGE STORE (TEDESCHI)

ARTICLE TWENTY-SEVEN: *By Attorney and District 7 Town Meeting Representative Peter A. Zahka, II, at the Request of R&Z Greige, Inc. (doing business as Tedeschi Food Shop, 77 Cedar Street/7 Sanderson Avenue, Dedham, MA)*

To see if the Town will vote to petition the General Court to adopt the following legislation. The Legislature may reasonably vary the form and substance of the requested legislation subject to the approval of the Board of Selectmen who are

Dedham Fall Town Meeting 2014

hereby authorized to approve amendments within the scope of the general public objectives of this petition.

AN ACT AUTHORIZING THE TOWN OF DEDHAM TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES

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

SECTION 1.

(a) Notwithstanding Sections 15 and 17 of Chapter 138 of the General laws of Massachusetts or any other general or special law to the contrary, the Dedham Board of Selectmen may grant one (1) additional license for the sale of all alcoholic beverages not to be drunk on the premises, subject to the conditions set forth in this act.

(b) The additional license authorized by this act shall be reserved for and initially granted to R&Z Greige, Inc., subject to all other requirements for an all alcoholic beverages license.

(c) The license granted hereunder shall not be transferrable by R&Z Greige, Inc., for a period of five (5) years from the date said license is granted to said R&Z Greige, Inc., by the Dedham Board of Selectmen.

SECTION 2. This act shall take effect upon passage.

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

RECOMMENDATION OF THE WARRANT AND FINANCE COMMITTEE: Voted 5-1 that it be so voted.

Article 27 would authorize the Town to petition the Legislature to authorize the Board of Selectmen to issue one additional All Alcoholic Package Store License, with such license to be reserved for R & Z Greige, Inc.
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Dedham Fall Town Meeting 2014

28. SPECIAL LEGISLATION REGARDING ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES-TO BE DRUNK ON THE PREMISES (MOTHER BROOK ARTS AND COMMUNITY CENTER)

ARTICLE TWENTY-EIGHT: *By District Five Town Meeting Member Sarah MacDonald, District One Town Meeting Member Hope McDermott and District Six Town Meeting Member Eileen Kelly.* To see if the Town will vote to petition the General Court to adopt the following legislation. The Legislature may reasonably vary the form and substance of the requested legislation subject to the approval of the Board of Selectmen who are hereby authorized to approve amendments within the scope of the general public objectives of this petition.

AN ACT AUTHORIZING THE TOWN OF DEDHAM TO GRANT AN ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.

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

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

Section 2. The licensing authority shall restrict the licenses granted under Sections 1 above to entities located in the building known as the Mother Brooks Arts and Community Center located at 123 High Street in the Town of Dedham. Licenses issued pursuant to this Act shall be nontransferable to any other locations, persons, corporations, or organizations.

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

Section 4. The additional license authorized by this Act shall be subject to an

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

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

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

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

RECOMMENDATION OF THE WARRANT AND FINANCE COMMITTEE:
Recommendation to be made at Town Meeting.

Article 28 would authorize the Town to petition the Legislature to authorize the Board of Selectmen to issue one additional All Alcoholic Common Victualer License for use at the building known as the Mother Brook Arts and Community Center.

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SELECTED STATUTES REFERENCED

Ch 44, Municipal Finance, §53E1/2, Revolving Funds

Section 53E1/2 Notwithstanding the provisions of section fifty-three, a city or town may annually authorize the use of one or more revolving funds by one or more municipal agency, board, department or office which shall be accounted for separately from all other monies in such city or town and to which shall be credited only the departmental receipts received in connection with the programs supported by such revolving fund Expenditures may be made from such revolving fund without further appropriation, subject to the provisions of this section; provided, however, that expenditures shall not be made or liabilities incurred from any such revolving fund in excess of the balance of the fund nor in excess of the total authorized expenditures from such fund, nor shall any expenditures be made unless approved in accordance with sections forty-one, forty-two, fifty-two and fifty-six of chapter forty-one

Interest earned on any revolving fund balance shall be treated as general fund revenue of the city or town No revolving fund may be established pursuant to this section for receipts of a municipal water or sewer department or of a municipal hospital No such revolving fund may be established if the aggregate limit of all revolving funds authorized under this section exceeds ten percent of the amount raised by taxation by the city or town in the most recent fiscal year for which a tax rate has been certified under section twenty-three of chapter fifty-nine No revolving fund expenditures shall be made for the purpose of paying any wages or salaries for full time employees unless such revolving fund is also charged for the costs of fringe benefits associated with the wages or salaries so paid; provided, however, that such prohibition shall not apply to wages or salaries paid to full or part-time employees who are employed as drivers providing transportation for public school students; provided further, that only that portion of a revolving fund which is attributable to transportation fees may be used to pay such wages or salaries and provided, further, that any such wages or salaries so paid shall be reported in the budget submitted for the next fiscal year

A revolving fund established under the provisions of this section shall be by vote of the annual town meeting in a town, upon recommendation of the board of selectmen, and by vote of the city council in a city, upon recommendation of

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the mayor or city manager, in Plan E cities, and in any other city or town by vote of the legislative body upon the recommendation of the chief administrative or executive officer Such authorization shall be made annually prior to each respective fiscal year; provided, however, that each authorization for a revolving fund shall specify: (1) the programs and purposes for which the revolving fund may be expended; (2) the departmental receipts which shall be credited to the revolving fund; (3) the board, department or officer authorized to expend from such fund; (4) a limit on the total amount which may be expended from such fund in the ensuing fiscal year; and, provided, further, that no board, department or officer shall be authorized to expend in any one fiscal year from all revolving funds under its direct control more than one percent of the amount raised by taxation by the city or town in the most recent fiscal year for which a tax rate has been certified under section twenty-three of chapter fifty-nine Notwithstanding the provisions of this section, whenever, during the course of any fiscal year, any new revenue source becomes available for the establishment of a revolving fund under this section, such a fund may be established in accordance with this section upon certification by the city auditor, town accountant, or other officer having similar duties, that the revenue source was not used in computing the most recent tax levy

In any fiscal year the limit on the amount that may be spent from a revolving fund may be increased with the approval of the city council and mayor in a city, or with the approval of the selectmen and finance committee, if any, in a town; provided, however, that the one percent limit established by clause (4) of the third paragraph is not exceeded

The board, department or officer having charge of such revolving fund shall report to the annual town meeting or to the city council and the board of selectmen, the mayor of a city or city manager in a Plan E city or in any other city or town to the legislative body and the chief administrative or executive officer, the total amount of receipts and expenditures for each revolving fund under its control for the prior fiscal year and for the current fiscal year through December thirty-first, or such later date as the town meeting or city council may, by vote determine, and the amount of any increases in spending authority granted during the prior and current fiscal years, together with such other information as the town meeting or city council may by vote require

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At the close of a fiscal year in which a revolving fund is not reauthorized for the following year, or in which a city or town changes the purposes for which money in a revolving fund may be spent in the following year, the balance in the fund at the end of the fiscal year shall revert to surplus revenue unless the annual town meeting or the city council and mayor or city manager in a Plan E city and in any other city or town the legislative body vote to transfer such balance to another revolving fund established under this section

The director of accounts may issue guidelines further regulating revolving funds established under this section

Ch 40, Tax Increment Finance Plan, §59

Section 59 Notwithstanding any general or special law to the contrary, any city or town by vote of its town meeting, town council, or city council with the approval of the mayor where required by law, on its own behalf or in conjunction with one or more cities or towns, and pursuant to regulations issued by the director of housing and community development, may adopt and prosecute a tax increment financing hereinafter referred to as TIF plan, and do any and all things necessary thereto; provided, however, that the TIF plan:

(i) designates one or more areas of such city or town as a TIF zone; provided, however, that each area so designated is wholly within an area designated by the director of economic development, pursuant to regulations adopted by the economic assistance coordinating council established pursuant to section three B of chapter twenty-three A, as presenting exceptional opportunities for increased economic development; provided, further, that in the case of a TIF plan adopted by more than one city or town, the areas designated as TIF zones shall be contiguous areas of such cities or towns;

(ii) describes in detail all construction and construction-related activity, public and private, contemplated for such TIF zone as of the date of adoption of the TIF plan; provided, however, that in the case of public construction as aforesaid, the TIF plan shall include a detailed projection of the costs thereof and a betterment schedule for the defrayal of such costs; provided, further, that the TIF plan shall provide that no costs of such public constructions shall be recovered through betterments or special assessments imposed on any party which has not executed an agreement in accordance with the provisions of clause (v); and provided, further, that in the case of private construction as

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aforesaid, the TIF plan shall include the types of industrial and commercial developments which are projected to occur within such TIF zone, with documentary evidence of the level of commitment therefor, including but not limited to architectural plans and specifications as required by said regulations;

(iii) authorizes tax increment exemptions from property taxes, under clause Fifty-first of section 5 of chapter 59, for a specified term not to exceed 20 years, for any parcel of real property which is located in the TIF zone and for which an agreement has been executed with the owner of the real property under clause (v); provided, however, that the TIF plan shall specify the level of the exemptions expressed as exemption percentages, not to exceed 100 per cent to be used in calculating the exemptions for the parcel, and for personal property situated on that parcel, as provided under said clause Fifty-first of said section 5 of said chapter 59; provided, further, that the exemption for each parcel of real property shall be calculated using an adjustment factor for each fiscal year of the specified term equal to the product of the inflation factors for each fiscal year since the parcel first became eligible for an exemption under this clause; provided, further that the inflation factor for each fiscal year shall be a ratio;

(a) the numerator of which shall be the total assessed value of all parcels of commercial and industrial real estate that are assessed at full and fair cash value for the current fiscal year minus the new growth adjustment for the current fiscal year attributable to the commercial and industrial real estate as determined by the commissioner of revenue under subsection (f) of section 21C of chapter 59; and

(b) the denominator of which shall be the total assessed value for the preceding fiscal year of all the parcels included in the numerator; provided, however, that the ratio shall not be less than 1;

(iv) establishes a maximum percentage of the costs of any public construction, referenced in clause (ii) and initiated subsequent to the adoption of the TIF plan, that can be recovered through betterments or special assessments against any parcel of real property eligible for tax increment exemptions from property taxes pursuant to clause (iii) during the period of such parcel's eligibility for exemption from annual property taxes pursuant to clause fifty-first of section five of chapter fifty-nine, notwithstanding the provisions of chapter eighty or any other general or special law authorizing the imposition of betterments or special assessments;

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(v) includes executed agreements between such city or town and each owner of a parcel of real property which is located in such TIF zone; provided, however, that each such agreement shall include: (1) all material representations of the parties which served as the basis for the descriptions contained in the TIF plan in accordance with the provisions of clause (ii); (2) a detailed recitation of the tax increment exemptions and the maximum percentage of the cost of public improvements that can be recovered through betterments or special assessments regarding such parcel of real property pursuant to clauses (iii) and (iv); (3) a detailed recitation of all other benefits and responsibilities inuring to and assumed by the parties to such agreement; and (4) a provision that such agreement shall be binding upon subsequent owners of such parcel of real property;

(vi) delegates to one board, agency or officer of the city or town the authority to execute agreements in accordance with the provisions of clause (v);

(vii) is certified as an approved TIF plan by the economic assistance coordinating council established by section three B of chapter twenty-three A pursuant to regulations adopted by said council; provided, however, that the economic assistance coordinating council shall find, based on the information submitted in support of the TIF plan by the city or town and such additional investigation as the economic assistance coordinating council shall make, and incorporate in its minutes, that the plan is consistent with the requirements of this section and will further the public purpose of encouraging increased industrial and commercial activity in the commonwealth; provided, further, that a city or town may at any time revoke its designation of a TIF zone and, as a consequence of such revocation, shall immediately cease the execution of any additional agreements pursuant to clause (v); provided, further, such revocation shall not affect agreements relative to property tax exemptions and limitations on betterments and special assessments pursuant to said clause (v) which were executed prior thereto; and provided, further, that the board, agency or officer of the city or town authorized pursuant to clause (vi) to execute agreements shall forward to the board of assessors a copy of each such agreement, together with a list of the parcels included therein; and

(viii) requires of an owner of a parcel pursuant to clause (v) to submit to the city or town clerk and the economic assistance coordinating council a report detailing the status of the construction laid out in the plan; the current value of

the property; and the number of jobs created to date as a result of the plan; provided, however, that a report shall be filed every 5 years for the term of the tax increment exemption allowed under clause Fifty-first of section 5 of chapter 59; and provided further, that a final report shall be filed in the final year of the exemption

**Ch 23A, Department of Economic Development, §§3E,
Economic Opportunity Areas**

Section 3E The EACC may from time to time designate one or more areas of an ETA as an EOA, and take any and all actions necessary or appropriate thereto, upon compliance with the following:

(1) receipt of a municipal application requesting such designation for a specified period of years, which shall be not less than five years nor more than twenty years, and representing that the municipality, based on its own independent investigation, has determined that the area proposed for designation:

(a) is wholly within an area designated as an ETA pursuant to section three D;

(b) conforms to the definition of a “blighted open area”, “decadent area”, or “substandard area” as set forth in section one of chapter one hundred and twenty-one A or has experienced a plant closing or permanent layoff resulting in a job loss of two thousand or more within the four years prior to designation as an EOA or the municipality has sited within it a generation facility, as defined pursuant to section 1 of chapter 164, which has a market value at the time of sale that is at least 50 per cent less than its current net book value; and

(c) satisfies such additional mandatory or permissive criteria as may be prescribed from time to time by the EACC; and

(2) receipt with the municipal application of the following documents:

(a) a detailed map of the area proposed for designation, which clearly delineates and identifies such area and which indicates with particularity existing streets, highways, waterways, natural boundaries and other physical features;

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(b) a statement describing the economic development goals of the municipality for the area proposed for designation for the five year period subsequent to the date on which the application is submitted;

(c) a statement which describes the manner and extent to which the municipality shall provide for an increase in the efficiency of the delivery of local services within the area proposed for designation;

(d) a plan, if any, to link the municipality's choice of banking institutions to the performance of such institutions in complying with the requirements of the community reinvestment act;

(e) a proposal which identifies an individual who shall be authorized to review and approve project proposals for and on behalf of the municipality and the standards and procedures to be employed thereby; and

(f) in the case of a municipal application submitted, in whole or in part, by a municipality with a population in excess of fifty thousand people according to the most recent United States census, an economic development plan submitted by said municipality which contains the following elements:

(i) a proposal which provides for streamlined licensing procedures for certified projects within the area proposed for designation;

(ii) a proposal which provides for the provision of adequate infrastructure support, including transportation access, water and sewer hook-ups, lighting, and other utilities, to and for certified projects within the area proposed for designation;

(iii) a statement which describes the municipality's proposals to secure access to publicly or privately sponsored training programs to be made available to employees of certified projects, or others who reside in the ETA which contains the area proposed for designation; and

(iv) a plan by which the municipality shall increase the level of involvement by private persons and community development organizations in the economic revitalization of the area proposed for designation, which may include commitments from private persons to provide jobs and job training to

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residents and employees who work, or who will work, for certified projects in the area proposed for designation; and

(g) such additional documentation or information as may be prescribed by the EACC; and

(3) receipt with the municipal application of a binding written offer from the municipality, subject only to acceptance by the EACC through designation of the area proposed therefor, in the municipal application as an EOA, to provide to certified projects within the project EOA and pursuant to section fifty-nine of chapter forty either tax increment financing or a special tax assessment as follows:

(a) for the purposes of the provision of tax increment financing, said binding written offer shall contain a tax increment financing plan adopted in accordance with the provisions of, section fifty-nine of chapter forty; provided, however, that the tax incremental financing zone proposed in such plan shall in addition satisfy the requirements set forth in paragraph (1) of this section;

(b) for the purposes of the provision of a special tax assessment, said binding written offer shall set forth the following assessment schedule for each parcel of real property in and on which is located, and which is otherwise a part of, a certified project in the project EOA:

(i) in the first year, an assessment of zero percent of the actual assessed valuation of the parcel; provided, that such assessment shall be granted for the year designated in the binding written offer;

(ii) in the second year, an assessment of up to twenty-five percent of the actual assessed valuation of the parcel;

(iii) in the third year, an assessment of up to fifty percent of the actual assessed valuation of the parcel;

(iv) in the fourth year, an assessment of up to seventy-five percent of the actual assessed valuation of the parcel;

(v) in subsequent years, assessment of up to one hundred percent of the actual assessed valuation of the parcel

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For the purposes of this clause the term “municipality’s fiscal year” shall refer to a period of three hundred and sixty-five days beginning, in the first instance, with the, calendar year in which the assessed property is purchased or acquired or the calendar year in which the assessed property is designated as an EOA, whichever is last to occur; provided, further, that no such written offer from a municipality shall be considered to be binding as aforesaid unless and until it is authorized

(4) approval of the municipal application by the EACC, provided that the EACC shall find, based on the information submitted in support of the municipal application and such additional investigation as the EACC shall make, and incorporate in its minutes, that:

(a) the area or areas proposed for designation in said application comport with the definition of an EOA as set forth in clauses (a) to (c), inclusive, of paragraph (1); provided, however, that such decision shall be effective as specified by the EACC; provided, further, that the statistical criteria employed by the EACC in making its decision hereunder shall be the most recent data available as of the date of such decision; provided, further, that the EACC shall be under no obligation to withdraw or rescind any such designations because of changes in said statistical data which are published subsequent to such decision; provided, further, that in the event the statistical categories incorporated by reference in said clauses (a) to (c), inclusive, of said paragraph (1) are subsequently materially altered or superseded by the publishers thereof, the EACC is authorized and directed to develop or employ new categories of statistical criteria which most nearly comport with those incorporated by reference as aforesaid; and provided, further, that said new categories of statistical criteria shall become effective when approved by the director of economic development;

(b) the documents required pursuant to clauses (a) to (g), inclusive, of paragraph (2) are final and complete and otherwise satisfactory;

(c) the binding offer of the municipality complies with the requirements of paragraph (3); and

(d) the request for designation as set forth in the municipal application, in its entirety and including all documents and materials submitted therewith, will if approved, have a reasonable probability of inducing businesses to locate or

expand within the area proposed for designation and thereby increase the prospects of achieving economic stability and reducing chronic unemployment in said area; provided, however, that (i) in evaluating requests for designation pursuant to this clause the EACC may, subject to such criteria as it shall prescribe, consider and rank the relative merits of municipal applications, ascribing to each a total score which reflects the considered judgment of the EACC as to the prospects and degree to which said applications, if approved, will further the public purposes set forth in this clause; (ii) the EACC shall, if and as directed by the director of economic development, establish an application process pursuant to which municipal applications are reviewed in a competitive fashion; (iii) the EACC shall work with interested municipalities to assist such municipalities to understand the purpose and requirements of the application process and how to best exploit the economic development potential of an affirmative designation decision and, further, to minimize the administrative burden associated with such application process; and (iv) the EACC shall, through regulations or otherwise, tailor its program specifications to maximize the extent to which the commonwealth's economic opportunity area program can benefit from similar programs sponsored by the federal government and if necessary or appropriate, file legislation with the general court which seeks amendments designed to serve such purpose

An EOA shall retain its designation for at least five years and not more than twenty years from the date it is so designated, as determined by the EACC, unless such designation is revoked prior to the expiration of the specified period; provided, however, that the EACC shall not specify a duration in excess of that requested in the municipal application. The designation of an EOA may be revoked only by the EACC, and only upon the following grounds: (a) upon the petition of the municipality which requested the designation which petition satisfies the authorization requirements for a municipal application, and which petition shall be granted as a matter of course; or (b) if the EACC determines, based on its own investigation, that plans and commitments incorporated with the municipal application for such designation are materially at variance with the conduct of the municipality subsequent to the designation and such variance is found to frustrate the public purpose which such designation was intended to advance. Any such revocation shall only be applied prospectively to deny certification to any projects located or to be located in such EOA and not certified prior to such revocation and shall not apply to, nor revoke any benefits due to or which may become due to, any certified project already in

existence in said EOA, including but without limitation any benefits included in any plans and commitments incorporated with the municipal application for such designation; provided, however, that in no event shall a certified project receive any benefits arising from its status as a certified project for a period of longer than that specified by the EACC in its certification designation, including any renewals thereof, or twenty years, whichever period is of shorter duration. The EACC shall review the designation of each EOA at least once every two years. No designation of an area as an EOA may be renewed or extended except pursuant to the provisions of paragraphs (1) to (4), inclusive. No renewal shall be granted for a period to exceed, when combined with the durations of all prior periods of designation, twenty years.

(5) notwithstanding any provisions of sections three to three H, inclusive, the EACC shall not designate nor shall there exist at any one time more than 40 Economic Target Areas. The limitations imposed by this section shall not apply to the EACC in its designation of communities applying for designation under the federal empowerment zones and enterprise communities program, so called, or to communities applying for economic target area designation that qualify under the criteria set forth in subclauses (I) and (J) of clause (ii) of paragraph (a) of section 3D.

Ch 23A, Department of Economic Development, §§3F,
Certified Projects; Proposals

Section 3F (1) The EACC may from time to time designate one or more projects as certified expansion, enhanced expansion or manufacturing retention and job growth projects, and take any and all actions necessary or appropriate thereto, upon compliance with the following:

- (a) receipt of a project proposal therefor requesting such designation from the controlling business;
- (b) in the case of expansion project proposals and manufacturing retention and job growth project proposals, receipt of a written approval of said project proposal by the municipality which contains the project, said municipality having found, based on the information submitted with said project proposal and such additional investigation as the municipality shall make, and incorporate in a formal written determination, that:

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(i) the project proposal complies with the definition of a project proposal set forth in section three A;

(ii) the project as described in the proposal and all documentation submitted therewith:

(A) if the proposal is for an expansion project, that it is consistent with and can reasonably be expected to benefit significantly from the municipality's plans relative to the project EOA, as those plans are described in paragraph (2) of section three E; and

(B) together with all other projects previously certified and located in the same expansion project EOA or municipality, will not overburden the municipality's supporting resources, including but without limitation those set forth in clause (f) of said paragraph (2) of section three E;

(iii) the project proposal includes a workable plan, with precise goals and objectives, by which the controlling business proposes to realize the increased employment objectives for the project and the business' plan to employ aggressive affirmative action goals, objectives and identification and recruitment techniques and, in the case of an expansion project, the plan for increased employment from among residents of the expansion project ETA; and

(iv) the project proposal contains documentation regarding an agreement, if any, between the controlling business and area banking institutions by which said controlling business agrees to establish one or more accounts in said banks and said banks agree to commit a specified percentage of the funds deposited in said accounts for loans made thereby to businesses located within the expansion project area pursuant to the Massachusetts capital access program established pursuant to section fifty-seven of chapter twenty-three A; and

(v) the expansion, enhanced expansion or manufacturing retention and job growth project as described in the proposal, together with the municipal resources committed thereto, will, if certified, have a reasonable chance of increasing or retaining employment opportunities for residents of the expansion project area, ETA or municipality as applicable, as advanced in said proposal; and

(c) receipt with such written approval by the municipality of a request for a designation of the project as a certified project for a specified number of years, which shall be not less than five years nor more than: (i) twenty years; or (ii) if the designation is for an expansion project, the number of years remaining on the duration of the designation of the expansion project EOA, whichever is less; and

(d) the following findings are made by the EACC, based on the project proposal, documents submitted therewith, the municipality's written approval decision, and such additional investigation as the EACC shall make, and incorporate in its minutes, that:

(i) the project proposal complies with the definition of a project proposal set forth in section three A, with all other applicable statutory requirements, and with such other criteria that EACC may prescribe from time to time; and

(ii) the project as described in the proposal, and as further described in the written determination of the municipality made pursuant to clause (b) will, if certified, have a reasonable chance of increasing or retaining employment opportunities for residents of the expansion project area, ETA or municipality, as applicable; and

(2) A certified project shall retain its certification for the period specified by the EACC in its certification decision; provided, however, that such specified period shall be not less than 5 years from the date of certification nor more than: (i) 20 years from such date; or (ii) for an expansion project, the number of years remaining on the duration of the designation of the project EOA, including any renewals thereof; or (iii) the number of years requested by the municipality approving the project proposal, whichever is lesser, unless such certification is revoked prior to the expiration of the specified period The certification of a project may be revoked only by the EACC and only upon: (a) the petition of the municipality that approved the project proposal, if applicable, if the petition satisfies the authorization requirements for a municipal application, or the petition of the director of economic development; and (b) the independent investigation and determination of the EACC that representations made by the controlling business in its project proposal are materially at variance with the conduct of the controlling business subsequent to the certification and such

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variance is found to frustrate the public purposes that such certification was intended to advance; provided, that the EACC shall review such certified project at least once every 2 years; provided, however, that for an expansion project where the actual number of permanent full-time employees employed by the controlling business at the project is less than 50 per cent of the number of such permanent full-time employees projected in the project proposal, then this shall be deemed a material variance for the purposes of a revocation determination Upon such a revocation, the commonwealth, and the municipality, in the case of a certified expansion project, shall have causes of action against the controlling business for the value of any economic benefit received by the controlling business prior or subsequent to such revocation Under this section, revocation shall take effect on the first day of the tax year in which the EACC determines that a material variance commenced The commissioner of revenue may, as of the effective date of the revocation, disallow any credits, exemptions or other tax benefits allowed by the original certification under this section The department shall issue regulations to recapture the value of any credits, exemptions or other tax benefits allowed by the certification under this section

Any such revocation shall only be applied prospectively and shall not apply to, nor revoke any benefits due to the project that relate to years prior to the year in which the revocation determination is made, unless the EACC determines that the controlling business of the project made a material misrepresentation in its project proposal, in which case both the commonwealth and the municipality shall have causes of action against the controlling business for the value of any economic benefits received subsequent to the date on which such material misrepresentation was made Annually, on or before the first Wednesday in December, the EACC shall file a report detailing its findings of the review of all certified projects that it evaluated in the prior fiscal year to the commissioner of revenue, to the chairs of the joint committee on revenue and the chairs of the joint committee on economic development and emerging technologies

(3) The EACC shall evaluate and either grant or deny a project proposal within 90 days of its project proposal date and failure to do so by the EACC shall result in approval of the project for a term of 5 years Approval of a project under this section shall not constitute an approval by the EACC of any tax incentives provided for under chapters 62 and 63

(4) The EACC may amend the boundaries of an ETA to address unique situations in which a commercial or industrial facility, which is the location for a prospective certified expansion project candidate, is located within the boundaries of two or more municipalities, with at least one of the municipalities in an existing ETA Under such circumstance, if all of the municipalities involved wish to certify the proposed project, the boundaries of the ETA may deviate from census tract boundaries to include the parcel or parcels occupied by said commercial or industrial facility The EACC may consider such an application for amending the boundaries of an ETA; provided, however, that:

(a) inclusion of the facility and underlying parcels in the pre-existing contiguous ETA does not alter the eligibility of said ETA as determined pursuant to subclause (ii) of clause (a) of section three D;

(b) evidence that said commercial or industrial facility is physically located in two or more municipalities can be provided;

(c) the amended ETA application is jointly filed by the municipalities in which the facility and parcels are located, and the EACC approves said amended ETA application;

(d) an application for designation of an Economic Opportunity Area for the area including the facility and parcels are located is also submitted and approved by the EACC; and

(e) a certified project application will be submitted to the EACC within a reasonable period of time for the project proposing to occupy said facility and parcels

(5) The EACC may award to a certified project tax credits available under subsection (g) of section 6 of chapter 62 and section 38N of chapter 63 The amount and duration of the credit awarded shall be based on the following factors:

(a) for expansion projects:

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(i) the degree to which the project is expected to generate net new economic activity within the commonwealth by generating substantial sales from outside of the commonwealth, or otherwise;

(ii) the degree to which the project is expected to increase employment opportunities for residents of the project ETA and of the commonwealth; and

(iii) the economic need of the project ETA as measured by the income and employment levels of the ETA;

(b) for enhanced expansion projects:

(i) the degree to which the project is expected to generate net economic activity within the commonwealth by generating substantial sales from outside of the commonwealth, or otherwise; and

(ii) the degree to which the project is expected to increase employment opportunities for residents of the commonwealth;

(c) for manufacturing retention and job growth projects:

(i) the degree to which the project is expected to generate economic activity within the commonwealth by generating substantial sales from outside of the commonwealth, or otherwise; and

(ii) the degree to which the project is expected to retain or increase manufacturing employment opportunities for residents in the project gateway municipality and the commonwealth

(6) The EACC may, in consultation with the department of revenue, limit any incentive or credit available to a project pursuant to subsection (g) of section 6 of chapter 62 and section 38N of chapter 63 to a specific dollar amount or time duration or in any other manner deemed appropriate by EACC

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

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

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(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

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(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

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(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

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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

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

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

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

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

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

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

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

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

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

Ch 83, Sewers, Drains & Sidewalks, §16G, Deferral of Charges

Section 16G In a city, town or district which accepts the provisions of this section, the board responsible for assessing charges for the use of the common sewers under section sixteen of chapter eighty-three or any other provision of law, shall, upon the application of the owner of the real property served by the common sewers, if such owner is receiving an exemption from property taxes under clause Forty-first A of section five of chapter fifty-nine with respect to such property, defer charges for said use of the common sewers An application for deferral may be filed with said board within the time limit established for the filing of an application for exemption under said clause Forty-first A

The board that imposes such charges shall notify the board of assessors of any deferral granted under the provisions of this section, and shall annually thereafter notify said board of assessors of any unpaid sewer charges to be added to the tax bill Such charges shall be committed by the assessors along with the real estate taxes for each fiscal year, and abated along with such taxes, and secured by the statement of lien executed pursuant to said clause Forty-first A Upon such qualification for deferral, no further application under this section need be filed in order to qualify for deferral of sewer charges in subsequent years No additional notice or statement of lien need be recorded or registered with respect to such deferred sewer use charges, but the amount of such deferred charges shall be listed on any certificate of liens issued under section twenty-three, twenty-three A or twenty-three B of chapter sixty Whenever a person who has received an exemption under said clause Forty-first A is no longer eligible for such exemption, the board of assessors shall cease deferring sewer use charges added to the tax bill, and shall notify the board responsible for the assessment of such charges of the discontinuance of such deferral of said charges

Interest shall be charged upon deferred sewer use charges at the same rate as interest on taxes deferred under said clause Forty-first A The deferred charges, together with accrued interest shall be due and collectible at the same time and upon the same terms and conditions as taxes deferred under said clause Forty-first A

The amount of sewer use charges deferred under this section, plus accrued interest, shall not be used in determining whether a taxpayer continues to be eligible for exemption under said clause Forty-first A

Ch 59, Assessment of Local Taxes, §5 (41A), Property Exemptions

Forty-first A, Real property, to an amount determined as hereinafter provided, of a person sixty-five years of age or over and occupied by him as his domicile, of a person who owns the same jointly with his spouse, either of whom is sixty-five years of age or over, and occupied as their domicile, or of a person who owns the same jointly or as a tenant in common with a person not his spouse and occupied by him as his domicile; provided, that such person has been domiciled in the commonwealth for the preceding ten years and

(1) has so owned and occupied as his domicile such real property or other real property in the commonwealth for five years; or

(2) is a surviving spouse who inherits such real property and has occupied such real property or other real property in the commonwealth as his or her domicile for five years and who otherwise qualifies under this clause; and provided further that such person, and such person and his spouse, if married, had, during the preceding year, gross receipts from all sources not in excess of twenty thousand dollars Any city or town may also, by vote of its legislative body, adopt a higher maximum qualifying gross receipts amount for the purposes of this section; provided, however, that such maximum qualifying gross receipts amount shall not exceed the amount of income determined by the commissioner of revenue for the purposes of subsection (k) of section 6 of chapter 62, for a single person who is not a head of household

In determining the total period ownership of an applicant for exemption under this clause, the time during which the same property was owned by a husband or wife individually shall be added to the period during which such property was owned by said husband and wife jointly In computing the gross receipts of such an applicant or of such an applicant and his spouse, if married, ordinary business expenses and losses may be deducted but not personal and family expenses

Any such person may, on or before December fifteenth of each year to which the tax relates or within three months after the date on which the bill or notice is first sent, whichever is later, apply to the board of assessors for an exemption of all or part of such real property from taxation during such year; provided, however, that in the case of real estate owned by a person jointly or as a tenant in common with a person not his spouse, the exemption shall not exceed that proportion of total valuation which the amount of his interest in such property

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bears to the whole tax due The board of assessors shall grant such exemption provided that the owner or owners of such real property have entered into a tax deferral and recovery agreement with said board of assessors on behalf of the city or town The said agreement shall provide:

(1) that no sale or transfer of such real property may be consummated unless the taxes which would otherwise have been assessed on such portion of the real property as is so exempt have been paid, with interest at the rate of eight per cent per annum or such lesser rate as may be determined by the legislative body of the city or town, subject to its charter, no later than the beginning of the fiscal year to which the tax relates;

(2) that the total amount of such taxes due, plus interest, for the current and prior years does not exceed fifty per cent of the owner's proportional share of the full and fair cash value of such real property;

(3) that upon the demise of the owner of such real property, the heirs-at-law, assignees or devisees shall have first priority to said real property by paying in full the total taxes which would otherwise have been due, plus interest; provided, however, if such heir-at-law, assignee or devisee is a surviving spouse who enters into a tax deferral and recovery agreement under this clause, payment of the taxes and interest due shall not be required during the life of such surviving spouse Any additional taxes deferred, plus interest, on said real property under a tax deferral and recovery agreement signed by a surviving spouse shall be added to the taxes and interest which would otherwise have been due, and the payment of which has been postponed during the life of such surviving spouse, in determining the fifty per cent requirement of subparagraph (2);

(4) that if the taxes due, plus interest, are not paid by the heir-at-law, assignee or devisee or if payment is not postponed during the life of a surviving spouse, such taxes and interest shall be recovered from the estate of the owner; and

(5) that any joint owner or mortgagee holding a mortgage on such property has given written prior approval for such agreement, which written approval shall be made a part of such agreement

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In the case of each tax deferral and recovery agreement entered into between the board of assessors and the owner or owners of such real property, said board of assessors shall forthwith cause to be recorded in the registry of deeds of the county or district in which the city or town is situated a statement of their action which shall constitute a lien upon the land covered by such agreement for such taxes as have been assessed under the provisions of this chapter, plus interest as hereinafter provided A lien filed pursuant to this section shall be subsequent to any liens securing a reverse mortgage, excepting shared appreciation instruments The statement shall name the owner or owners and shall include a description of the land adequate for identification Unless such a statement is recorded the lien shall not be effective with respect to a bona fide purchaser or other transferee without actual knowledge of such lien The filing fee for such statement shall be paid by the city or town and shall be added to and become a part of the taxes due

In addition to the remedies provided by this clause, the recorded statement of the assessors provided for in this clause shall have the same force and effect as a valid taking for nonpayment of taxes under the provisions of section fifty-three of chapter sixty, except that: (1) interest shall accrue at the rate provided in this clause until the conveyance of the property or the death of the person whose taxes have been deferred, after which time interest shall accrue at the rate provided in section sixty-two of chapter sixty; (2) no assignment of the municipality's interest under this clause may be made pursuant to section fifty-two of chapter sixty; (3) no petition under section sixty-five of chapter sixty to foreclose the lien may be filed before the expiration of six months from the conveyance of the property or the death of the person whose taxes have been deferred

Ch 60A, Excise Tax on Registered Motor Vehicles in Lieu of Local Tax

§§ 16 and 117 Motor Vehicle Excise Exemptions *Effective January 1, 2010* Adds a new local acceptance paragraph to GL c 60A, § 1 that if accepted, will exempt from the motor vehicle excise Massachusetts residents who are on active military duty outside the country for at least 45 days of the excise calendar year If the service member is wounded or killed in an armed conflict, the exemption applies regardless of the number of days deployed As with all motor vehicle excise exemptions for individuals found in GL c 60A, § 1, the service member may exempt only one vehicle owned and registered for personal use If the community accepts the exemption, then all taxpayers in the community with

delinquent motor vehicle excise bills will be charged an extra \$3 when the excises are sent to a deputy collector for collection action (the current fee is \$10) This is intended to offset any reduced revenue if eligible residents are granted the exemption The exemption takes effect on the January 1 after the calendar year the acceptance is voted Acceptance of this paragraph requires a majority vote of the municipal legislative body, subject to local charter GL c 4, § 4

Also adds a new paragraph to GL c 60A, § 1 that will apply to all motor vehicle excise exemptions beginning with 2010 excises Under the amendment, certain persons other than the qualifying taxpayer will have standing to apply for the exemption Where the vehicle is jointly owned, the spouse of a taxpayer who qualifies for an exemption may apply instead Where the qualifying taxpayer is deceased, the taxpayer's surviving spouse, executor or administrator, may apply The purpose is to allow an excise exemption to be granted when the qualifying taxpayer is absent due to military service or other reason, or passed away before applying

Ch 82, The Laying Out, Alteration, Relocation and Discontinuance of Public Ways, and Specific Repairs Thereon, §33, Footways

Section 33 Cities and towns may lay out footways for the use of the public in the manner provided for the laying out of town ways

Ch 40, Powers and Duties of Cities and Towns, §15A, Transfer of Land; Procedure

Section 15A Whenever a board or officer having charge of land, including land acquired for playground purposes pursuant to the provisions of section fourteen of chapter forty-five, but excluding land acquired for park purposes, constituting the whole or any part of an estate held by a city or town within its limits for a specific purpose shall determine that such land is no longer needed for such purpose, whether such land was acquired before or after the effective date of this section and whether acquired by eminent domain, purchase, gift, devise or otherwise, such board or officer shall forthwith give notice of such determination to the city council of the city or the board of selectmen of the town At any time after the receipt of such notice, the city council of the city by a two thirds vote of all its members, in the case of a city having a city manager,

with the approval of said city manager, and in the case of other cities, with the approval of the mayor, or the town by a two thirds vote at a regular or special town meeting, may transfer the care, custody, management and control of such land to the same or another board or officer of the city or town for another specific municipal purpose, any provision of general or special law to the contrary notwithstanding; provided, that no such transfer shall be valid if it is in violation of any term or condition of the title of the city or town to such land

In any city or town which accepts the provisions of this paragraph, when land is being transferred for the purpose of constructing low and moderate income housing, the vote required of the city council or the town meeting shall be by a majority vote

Ch 138, Alcoholic Liquors, §12, Licenses Authorizing Sale of Beverages to be Drunk on the Premises

Section 12 A common victualler duly licensed under chapter one hundred and forty to conduct a restaurant, an innholder duly licensed under said chapter to conduct a hotel, a pub brewer and a keeper of a tavern as defined by this chapter, in any city or town wherein the granting of licenses under this section to sell all alcoholic beverages or only wines and malt beverages, as the case may be, is authorized by this chapter, subject however, in the case of a tavern, to the provisions of section eleven A, may be licensed by the local licensing authorities, subject to the prior approval of the commission, to sell to travelers, strangers and other patrons and customers not under twenty-one years of age, such beverages to be served and drunk, in case of a hotel or restaurant licensee, only in the dining room or dining rooms and in such other public rooms or areas of a hotel as the local licensing authorities may deem reasonable and proper, and approve in writing; and provided further, that the limitations relative to service and consumption in a restaurant or hotel only in the dining rooms and such other public rooms or areas deemed reasonable and proper by the local licensing authority shall not be deemed to preclude the restaurant or hotel from allowing a patron to retain and take off the premises only so much as may remain of a bottled wine purchased by the patron in conjunction with a meal and not totally consumed by the patron during such meal; provided further, that the bottle shall be resealed in accordance with regulations promulgated by the commission and transported in a manner authorized in section 24I of chapter 90 when carried in a motor vehicle, as defined in section 1 of said chapter 90; provided, that no tavern license shall be granted to the

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

The local licensing authority of any city or town wherein the granting of licenses under this section is authorized, notwithstanding any limitation on the number of licenses the city or town is authorized to grant in section 17, may

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grant a license to the holder of a farmer-winery license under section 19B or from any other state for service to travelers, strangers, and other patrons and customers who are at least 21 years of age, such wine to be served and drunk on the premises of the winery at such locations on the premises of the farm as the local licensing authority may deem reasonable and proper For purposes of this section, a farm shall have the meaning ascribed to it in section 1A of chapter 128

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

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

The local licensing authorities may determine in the first instance, when originally issuing and upon each annual renewal of licenses under this section, the amount of the license fee, for a tavern license or for any other license under this section for the sale of all alcoholic beverages, or for any other license under

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this section for the sale of wines and malt beverages, and provided that nothing herein shall prevent such authorities from establishing license fees differing in amounts within the limitations aforesaid for restaurant licenses authorizing such sale on secular days only If different license fees are so established the fee for licenses authorizing the sale of alcoholic beverages on all days of the week shall not be more than twenty-five per cent higher than the fee for licensing such sale on secular days only Before issuing a license to any applicant herefor under this section, or before a renewal of such license, the local licensing authority shall cause an examination to be made of the premises of the applicant to determine that such premises comply in all respects with the appropriate definition of section one and that the applicant is not less than twenty-one years of age and a person of good character in the city or town in which he seeks a license hereunder No license shall be issued to any applicant who has been convicted of a violation of a federal or state narcotic drugs law The local licensing authorities may accept the surrender of a license issued under this section and may issue in place thereof to the same licensee any other form of license authorized under this section, and may allow as a credit on the fee for the new license the license fee paid for the license surrendered but no refund shall be authorized Different licenses issued as aforesaid for any portion of the same license year to the same licensee shall count as one license for the purposes of section seventeen

[Seventh paragraph effective until July 11, 2013 For text effective July 11, 2013, see below]

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

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or closing the business in an orderly manner The licensing authority shall not decrease the hours during which sales of such alcohol beverages may be made by a licensee until after a public hearing concerning the public need for such decrease; provided, however, that a licensee affected by any such change shall be given 2 weeks notice of the public hearing; provided further, that a local licensing authority, subject to the approval of the commission, may grant a license notwithstanding section 17 to sell wine for consumption on the winery premises to a winegrower authorized to operate a farmer-winery under section 19B, to sell malt beverages for consumption on the brewery premises to a farmer-brewer authorized to operate a farmer-brewer under section 19C and to sell spirits for consumption on the distillery premises to a farmer-distiller authorized to operate a farmer-distillery under section 19E; and provided further, that such licensees may sell for on premises consumption wines, malt beverages and spirits produced by the winery, brewery or distillery or produced for the winery, brewery or distillery and sold under the winery, brewery or distillery brand name

[Seventh paragraph as amended by 2013, 36, Sec 16 effective July 11, 2013 For text effective until July 11, 2013, see above]

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

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decrease; provided, however, that a licensee affected by any such change shall be given 2 weeks notice of the public hearing

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

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

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

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

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

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

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affirmative vote on subdivision A or B shall be considered an authorization for the granting of general on-premise licenses in a city or town

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

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

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

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

No license shall be issued or renewed under this section until the applicant or licensee provides proof of coverage under a liquor legal liability insurance policy for bodily injury or death for a minimum amount of \$250,000 on account of injury to or death of 1 person, and \$500,000 on account of any 1 accident resulting in injury to or death of more than 1 person Proof of the insurance

coverage required by this section shall be made by filing a certificate of insurance in a form acceptable to the local licensing authority The insurance shall be subject to sections 5 and 6 of chapter 175A of the General Laws

Ch 138, Alcoholic Liquors, §15, Licenses Authorizing Sale of Beverages not to be Drunk on the Premises

[First paragraph effective until January 1, 2016 For text effective January 1, 2016, see below]

Section 15 The local licensing authorities in any city or town which votes to authorize the granting of licenses for the sale of all alcoholic beverages, and such authorities in any city or town which votes to authorize the granting of licenses for the sale of wines and malt beverages only, may grant licenses for the sale at retail of such alcoholic beverages or wines and malt beverages, as the case may be, not to be drunk on the premises, to applicants therefor who are citizens and residents of the commonwealth, or partnerships composed solely of such citizens and residents or to corporations organized under the laws of the commonwealth and whereof all directors shall be citizens of the United States and a majority residents of the commonwealth or to limited liability companies or limited liability partnerships organized under the laws of the commonwealth, subject to such conditions as the commission may prescribe by regulation to address issues of citizenship and residency and the requirements for a citizen manager or citizen principal representative of an alien licensee under section 26 as qualifications for a limited liability company or limited liability partnership to hold a license pursuant to this section and sections 18, 18A, 19, 19B and 19C, or to an applicant licensed to operate as a farmer-winery under said section 19B or in any other state No person, firm, corporation, association, or other combination of persons, directly or indirectly, or through any agent, employee, stockholder, officer or other person or any subsidiary whatsoever, shall be granted, in the aggregate, more than 5 such licenses in the commonwealth, or participate in decisions regarding the purchasing of alcoholic beverages or the purchasing of insurance or accounting or bookkeeping services, or receive any percentage or fee derived from gross revenues in exchange for management assistance, or participate in any other action designed to effect common results of more than 5 licensees under this section, or be granted more than one such license in a town or two in a city Each applicant for a new license or the transfer of a license shall pay a fee of up to \$5,000 to the commission when the issuing of the new or transferred license would result in the applicant owning more than 3 licenses The fee shall be paid

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to the commission after approval of the application but before the issuance of the new or transferred license No such license shall be granted except to an applicant approved by the commission Such applicant shall be at least twenty-one years of age and of good character in the city or town in which he seeks a license hereunder No license shall be issued to any applicant who has been convicted of a felony Each license shall describe the premises to which it applies Not more than one location shall be included in any such license, nor shall any location or premises for which a license has been granted under section twelve be included therein or connected therewith Every licensee hereunder shall keep conspicuously posted in each room where any alcoholic beverages are sold a price list of such beverages Sales by such licensees shall be made only in the original manufacturer's or wholesaler's and importer's package and at the prices stated on the current posted price list All malt beverages containing not more than three and two tenths per cent of alcohol by weight shall be so labelled

[First paragraph as amended by 2011, 193, Secs 2 and 5 effective January 1, 2016 until January 1, 2020 See 2011, 193, Sec 9 For text effective until January 1, 2016, see above For text effective January 1, 2020, see below]

The local licensing authorities in any city or town which votes to authorize the granting of licenses for the sale of all alcoholic beverages, and such authorities in any city or town which votes to authorize the granting of licenses for the sale of wines and malt beverages only, may grant licenses for the sale at retail of such alcoholic beverages or wines and malt beverages, as the case may be, not to be drunk on the premises, to applicants therefor who are citizens and residents of the commonwealth, or partnerships composed solely of such citizens and residents or to corporations organized under the laws of the commonwealth and whereof all directors shall be citizens of the United States and a majority residents of the commonwealth or to limited liability companies or limited liability partnerships organized under the laws of the commonwealth, subject to such conditions as the commission may prescribe by regulation to address issues of citizenship and residency and the requirements for a citizen manager or citizen principal representative of an alien licensee under section 26 as qualifications for a limited liability company or limited liability partnership to hold a license pursuant to this section and sections 18, 18A, 19, 19B and 19C, or to an applicant licensed to operate as a farmer-winery under said section 19B or in any other state No person, firm, corporation, association, or other combination of persons, directly or indirectly, or through

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any agent, employee, stockholder, officer or other person or any subsidiary whatsoever, shall be granted, in the aggregate, more than 7 such licenses in the commonwealth, or participate in decisions regarding the purchasing of alcoholic beverages or the purchasing of insurance or accounting or bookkeeping services, or receive any percentage or fee derived from gross revenues in exchange for management assistance, or participate in any other action designed to effect common results of more than 7 licensees under this section, or be granted more than one such license in a town or two in a city Each applicant for a new license or the transfer of a license shall pay a fee of up to \$5,000 to the commission when the issuing of the new or transferred license would result in the applicant owning more than 3 licenses The fee shall be paid to the commission after approval of the application but before the issuance of the new or transferred license No such license shall be granted except to an applicant approved by the commission Such applicant shall be at least twenty-one years of age and of good character in the city or town in which he seeks a license hereunder No license shall be issued to any applicant who has been convicted of a felony Each license shall describe the premises to which it applies Not more than one location shall be included in any such license, nor shall any location or premises for which a license has been granted under section twelve be included therein or connected therewith Every licensee hereunder shall keep conspicuously posted in each room where any alcoholic beverages are sold a price list of such beverages Sales by such licensees shall be made only in the original manufacturer's or wholesaler's and importer's package and at the prices stated on the current posted price list All malt beverages containing not more than three and two tenths per cent of alcohol by weight shall be so labelled

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

The local licensing authorities in any city or town which votes to authorize the granting of licenses for the sale of all alcoholic beverages, and such authorities in any city or town which votes to authorize the granting of licenses for the sale of wines and malt beverages only, may grant licenses for the sale at retail of such alcoholic beverages or wines and malt beverages, as the case may be, not to be drunk on the premises, to applicants therefor who are citizens and residents of the commonwealth, or partnerships composed solely of such citizens and residents or to corporations organized under the laws of the

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commonwealth and whereof all directors shall be citizens of the United States and a majority residents of the commonwealth or to limited liability companies or limited liability partnerships organized under the laws of the commonwealth, subject to such conditions as the commission may prescribe by regulation to address issues of citizenship and residency and the requirements for a citizen manager or citizen principal representative of an alien licensee under section 26 as qualifications for a limited liability company or limited liability partnership to hold a license pursuant to this section and sections 18, 18A, 19, 19B and 19C, or to an applicant licensed to operate as a farmer-winery under said section 19B or in any other state No person, firm, corporation, association, or other combination of persons, directly or indirectly, or through any agent, employee, stockholder, officer or other person or any subsidiary whatsoever, shall be granted, in the aggregate, more than 9 such licenses in the commonwealth, or participate in decisions regarding the purchasing of alcoholic beverages or the purchasing of insurance or accounting or bookkeeping services, or receive any percentage or fee derived from gross revenues in exchange for management assistance, or participate in any other action designed to effect common results of more than 9 licensees under this section, or be granted more than one such license in a town or two in a city Each applicant for a new license or the transfer of a license shall pay a fee of up to \$5,000 to the commission when the issuing of the new or transferred license would result in the applicant owning more than 3 licenses The fee shall be paid to the commission after approval of the application but before the issuance of the new or transferred license No such license shall be granted except to an applicant approved by the commission Such applicant shall be at least twenty-one years of age and of good character in the city or town in which he seeks a license hereunder No license shall be issued to any applicant who has been convicted of a felony Each license shall describe the premises to which it applies Not more than one location shall be included in any such license, nor shall any location or premises for which a license has been granted under section twelve be included therein or connected therewith Every licensee hereunder shall keep conspicuously posted in each room where any alcoholic beverages are sold a price list of such beverages Sales by such licensees shall be made only in the original manufacturer's or wholesaler's and importer's package and at the prices stated on the current posted price list All malt beverages containing not more than three and two tenths per cent of alcohol by weight shall be so labelled

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Any sale of such beverages shall be conclusively presumed to have been made in the store wherein the order was received from the customer. The local licensing authorities may determine in the first instance when originally issuing and upon each annual renewal of licenses under this section, the amount of the license fee and nothing shall prohibit the local licensing authority from establishing reduced fees for special licenses issued under section 15F. Any holder of a license under this section shall be permitted to make sales in accordance with the terms of his license at any time between eight o'clock ante meridian and eleven o'clock post meridian, or between eight o'clock ante meridian and half past eleven o'clock post meridian on any day immediately preceding a legal holiday, except when prohibited by section thirty-three. Any such licensee may provide, without charge, on premises sample wine or malt beverage tastings for prospective customers available for sale on such premises; provided, however, that no single serving of wine shall exceed one ounce and no single serving of malt beverages shall exceed two ounces. A licensee who holds a license according to the provisions of this section may also conduct on premise sample wine or malt beverage tasting in restaurants and function rooms licensed under the provisions of section 12; provided, however, that the holder of a license pursuant to this section shall not solicit orders for off premises consumption; provided, further, that the holder of a license issued pursuant to the provisions of section 12 shall control the dispensing of wine or malt beverage samples on his premises; and provided, further, that food shall be served in conjunction with such wine or malt beverage tasting conducted on the premises of the holder of a license issued pursuant to said section 12.

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

the holder of a license issued pursuant to said section 12 shall control the dispensing of liqueurs and cordials samples on his premises; and provided further, that food shall be served in conjunction with liqueurs and cordials tasting conducted on the premises of the holder of a license issued pursuant to section 12

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

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

Ch 138, Alcoholic Liquors, §17, Number of Licenses, Quotas; Licenses for wine and malt beverages per population unit; additional licenses; estimates of increased population; decrease in quota due to loss in population; determination of population by city or town

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

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

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

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

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authorized to be granted in any such city or town by the provisions of this section

The local licensing authorities of any city or town, except the city of Boston, may make an estimate prior to March the first in any year of any temporary increased resident population in such city or town as of July the tenth following, and one additional license under section fifteen, to be effective from April 1 to November 30 or from April 1 to the following January 15 at the discretion of the local licensing authority, may be granted by said authorities for each unit of five thousand or additional fraction thereof of such population as so estimated, and the local licensing authorities of any city or town in Berkshire county, in which the city council, in accordance with the provisions of its charter, or the town, at an annual or special town meeting, votes to authorize such authority to grant winter seasonal licenses, or of any town in Franklin county, may make an estimate not later than October the fifteenth in any year of any temporary increased resident population in such city or town as of February the tenth following, and one additional license under section fifteen, to be effective from December the first to April the first of the year following, may be granted by said authorities for each unit of five thousand or additional fraction thereof of such population as so estimated; provided, that not more than one additional license shall be granted under this paragraph to the same person or for the same premises in any one year; and provided, further, that the local licensing authorities of any city or town, except the city of Boston, may grant, in addition to and irrespective of any limitation of the number of licenses contained in this section, seasonal licenses under section twelve, to be effective from April first to January fifteenth of the following year, or any portion thereof, and in any city or town in Berkshire county in which the granting of winter seasonal licenses is authorized as above provided, and in any town in Franklin county seasonal licenses under section twelve, to be effective from December the first to April the first, to the amount or number that such authorities deem to be in the public interest Every estimate hereunder of temporary resident population shall be made and voted upon by the local licensing authorities at a meeting of said authorities called for the purpose after due notice to each of the members thereof of the time, place and purpose of said meeting and after investigation and ascertainment by them of all the facts and after co-operative discussion and deliberation A copy of such an estimate, signed by a majority of the members of said authorities, stating under the penalties of perjury that all the foregoing requirements have been complied

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with and that the estimate is true to the best of their knowledge and belief, shall be forwarded forthwith to the commission Upon the petition of twenty-five persons who are taxpayers of the city or town in which a seasonal license has been so granted, or who are registered voters in the voting precinct or district wherein the licensed premises are situated, filed within five days after the granting of such license, the commission shall, and upon its own initiative at any time may, after a hearing, examine and review any estimate made or action taken by the local licensing authorities in granting the same, and after such examination or review, may rescind, revoke, cancel, modify or suspend any such estimate or action Nothing in this paragraph shall be deemed to authorize or permit the commission to deny a renewal of, or to rescind, revoke or cancel, because of a decrease in population, any seasonal license outstanding and in full force on April thirtieth, nineteen hundred and fifty

The licensing board for the city of Boston may grant six hundred and ninety-two licenses for the sale of all alcoholic beverages under section twelve; provided, that no further original licenses under said section shall be granted until the number of licenses outstanding thereunder shall have been reduced to less than six hundred and fifty by cancellation or revocation or the failure of holders of such licenses to apply for renewals and thereafter licenses thereunder may be granted only up to a total not exceeding six hundred and fifty Said board may grant two hundred and fifty licenses for the sale of all alcoholic beverages under section fifteen The number of licenses for the sale of wines and malt beverages only, or both, in the said city shall not exceed three hundred and twenty The transfer of existing licenses shall be subject to a public hearing in the neighborhood in which the license is to be relocated, properly advertised and at an appropriate time to afford that neighborhood an opportunity to be present

The licensing board for the city of Boston may grant up to 25 additional licenses for the sale of all alcoholic beverages to be drunk on the premises and up to 30 additional licenses for the sale of wines and malt beverages to drunk on the premises Notwithstanding the first sentence, 5 of the additional all alcoholic beverages licenses shall be granted only to innholders duly licensed under chapter 140 to conduct a hotel and 10 of the additional all alcoholic beverages licenses shall be granted, to existing holders of licenses for the sale of wines and malt beverages under section 12 provided that those licensees return to the licensing board, the licenses that they currently hold The

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remaining licenses for the sale of all alcoholic beverages to be drunk on the premises and the 30 additional licenses for the sale of wines and malt beverages to be drunk on the premises shall be granted in the areas designated by the Boston Redevelopment Authority as main street districts, urban renewal areas, empowerment zones or municipal harbor plan areas Once issued to a licensee in a Boston Redevelopment Authority designated area, the licensing board shall not approve the transfer of that license to a location outside of the designated area A license granted pursuant to this paragraph shall be nontransferable to any other person, corporation or organization and shall be clearly marked nontransferable on the face of the license A license issued under this paragraph, if revoked or no longer in use, shall be returned physically, with all of the legal rights and privileges thereto, to the licensing board which may grant any such returned license to a new applicant consistent with the criteria set forth in this paragraph No license shall be re-issued to the same location within 6 months from the date the prior license terminated unless the applicant files a letter in writing from the department of revenue with the local licensing authority indicating the prior licensee's good standing with the department

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

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

“Airport”, the General Edward Lawrence Logan International Airport

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

“Passenger terminals”, the passenger terminals and designated airline clubs within the airport

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

The licensing board for the city of Boston may grant restricted airport licenses to common victuallers duly licensed under chapter 140 and operating within the passenger terminals, subject to the approval of the alcoholic beverages

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

Notwithstanding the provisions hereof, no quota established hereunder for any city or town shall be decreased because of any loss in population Unless expressly authorized by this chapter, local licensing authorities shall not grant licenses to any person, firm or corporation under more than one section of this chapter

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

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

Notwithstanding the provisions of this section, the number of licenses which a city or town was authorized to grant in nineteen hundred and thirty-three under this section shall not be decreased because of any loss in population, but only because of cancellation, revocation or failure to renew existing licenses, and no further original licenses shall be granted in a city or town where the population has decreased since nineteen hundred and thirty-three until the number of licenses outstanding shall have been reduced for the aforementioned reasons to a number which is less than that which may be granted based on such reduced population and thereafter the number of licenses in force and effect at any one time during the license year shall be based on such reduced population as provided in this section

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

**Ch 138, Alcoholic Liquors, §77, Cancellation of License Upon
Cessation of Licensed Business**

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

FINANCE COMMITTEE



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Please bring this report to
Town Meeting for reference.