



## ADVISORY & FINANCE COMMITTEE

The following meeting of the Advisory & Finance Committee has been posted and will be held

**At:** Plymouth Town Hall  
Mayflower II Meeting Room  
11 Lincoln Street  
Plymouth, MA 02360

**On:** Wednesday, January 25, 2017 at 7:00PM

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*Items on the agenda will include but are not limited to the following.*

*Other discussion may include items that were not reasonably anticipated by the Chairman 48-hours in advance of the meeting posting.*

### Call to Order

### Announcements

### Public Comment

### Agenda Items

- ATM Article 26: Bylaws – Licenses & Permits Pam Borgatti, Treasurer/Collector
- ATM Article 2: Reports of Boards/Committees
- ATM Article 4: Committees

### Old/New/Other Business

- Sub-Committee & Committee Liaison Updates
  - Revenue Study Harry Salerno, A&F Vice Chair
- Review of Budget/Meeting/Town Meeting Timeline

### Public Comment

### Adjournment

*Next Meeting: Wednesday February 1 2017 7PM Mayflower II Meeting Room – Town Hall*



# TOWN OF PLYMOUTH

11 Lincoln Street  
Plymouth, Massachusetts 02360

FAX (508) 830-4062  
(508) 747-1620

DT: January 20, 2017

FR: Pamela L. Borgatti *PB*  
Treasurer/Collector

TO: Advisory & Finance Committee

RE: Bylaw Amendment Licenses & Permits §109-1 through §109-6

This article requests an amendment to the bylaw for Licenses & Permits §109-1 through §109-6. This amendment will allow the bylaw to mirror Massachusetts General Law Chapter 40 §57 in accordance with recent changes that are a direct result of the Municipal Modernization Act which was effective on November 7, 2016.

To provide you with a brief history, in April 1987 by Article 5 at a Special Town Meeting, MGL c.40 §57 was adopted. In April 1993 by Article 14 Special Town Meeting then adopted bylaw 109 for the revocation of Licenses and Permits for failure to pay. In August 2016 the Governor signed an act to modernize municipal finance and government which has triggered this request.

The amendment to Licenses & Permits §109-1 through §109-6 will allow the Collector's office to increase collection efforts for delinquent taxes and fees owed to the town by refusing to issue or renew licenses and permits when there are outstanding taxes owed. And further, will allow for the revocation of licenses and permits when there are outstanding obligations owed.

Along with this memo you will find the proposed draft bylaw language showing the proposed changes. The language has also been submitted to town counsel for review.

Your thoughtful consideration of this matter is greatly appreciated.



## LICENSES AND PERMITS

### With Chapter 40, Section 57 changes as of November 7<sup>th</sup>, Municipal Modernization Act

**Strikethrough** = language removed

**Bold & Underlined** = language added

§ 109-1. Denial or revocation for failure to pay charges.

§ 109-2. List of delinquents.

§ 109-3. Notice and hearing; certificate of good standing.

§ 109-4. Payment agreements.

§ 109-5. Waivers.

§ 109-6. Exemptions.

[HISTORY: Adopted by the Special Town Meeting of the Town of Plymouth 4-3-1993 by Art. 14. Amendments noted where applicable.]

§ 109-1. Denial or revocation for failure to pay charges. [Amended 4-12-1995 ATM by Art. 33]

Any town board, officer or department may deny any application for, or revoke or suspend, **a building permit**, **or** any local license or permit, including renewals and transfers, issued by any such board, officer or department for any person, corporation or business enterprise who or which has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or other matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges, in accordance with the following procedure.

§ 109-2. List of delinquents.

The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the "Tax Collector," shall annually **and may periodically**, furnish to each town department, board, commission or division, hereinafter referred to as the "licensing authority," that issues licenses or permits, including renewals and transfers, a list of any person, corporation or business enterprise, hereinafter referred to as the "party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges ~~for not less than a twelve month period~~ and that such party has not filed in good faith a pending application for any abatement of such tax or a pending petition before the Appellate Tax Board.

§ 109-3. Notice and hearing; certificate of good standing. [Amended 4-12-1995 ATM by Art. 33]

- A. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority from the Tax Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Tax Collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than 14 days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party.

- B. The ~~Finance Director~~ **Tax Collector** shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension.
- C. Any license or permit denied, suspended or revoked under this chapter shall not be reissued or renewed until the licensing authority receives a certificate issued by the ~~Finance Director~~ **Tax Collector** that the party is in good standing with respect to any and all taxes, fees, assessments, betterments or other municipal charges payable to the municipality as of the date of issuance of said certificate.

#### **§ 109-4. Payment agreements.**

Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit, and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder shall be given notice and a hearing as required by applicable provisions of law.

#### **§ 109-5. Waivers.**

The Board of Selectmen may waive such denial, suspension or revocation if it finds that there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his or her immediate family, as defined in MGL c. 268A, § 1, in the business or activity conducted in or on said property.

#### **§ 109-6. Exemptions.**

This chapter shall not apply to the following licenses and permits: open burning (MGL c. 48, § 13); sales of articles for charitable purposes (MGL c. 101, § 33); children work permits (MGL c. 149, § 69) ; clubs and associations dispensing food or beverage license (MGL c. 140, § 21E) ; dog licenses (MGL c. 140, § 137) ; fishing, hunting and trapping licenses (MGL c. 131, § 12); marriage licenses (MGL c. 207, § 28); and theatrical events and public exhibition permits (MGL c. 140, § 181).

2017 ANNUAL TOWN MEETING,  
Saturday April 1, 2017

ARTICLE 2:

To hear the reports of the several Boards and Officers and Committees of the  
Town thereon.

BOARD OF SELECTMEN

**TOWN OF PLYMOUTH**

TO: Board of Selectmen  
Advisory and Finance Committee

FROM: Kere Gillette  
Budget Analyst

RE: **Article 4 – Town Meeting Committee Continuations**

DATE: December 27, 2016

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Attached please find a data sheets corresponding to the Town Meeting Committee(s) scheduled for review at the 2017 Annual Town Meeting - Article 4.

**North Plymouth Steering Committee**

Continue for review in three years at the 2020 Annual Town Meeting with no changes. A report will be placed on file with the Town Clerk to be included in the Annual Town Report. Please see the attached data sheet.

**1749 Court House Committee**

Continue for review in three years at the 2020 Annual Town Meeting with no changes. A report will be placed on file with the Town Clerk to be included in the Annual Town Report. Please see the attached data sheet.

**Plymouth Energy Committee**

Continue for review in three years at the 2020 Annual Town Meeting with no changes. A report will be placed on file with the Town Clerk to be included in the Annual Town Report. Please see the attached data sheet.

## TOWN MEETING COMMITTEES

Committee: **North Plymouth Steering Committee**

Article/Year: Art. 7 - 12/7/92 STM

Members: 7

Appointing Authority: 6 - Planning Board  
1 - Selectmen

Any Town Meeting members who live within the defined North Plymouth Village Service Area who are not appointed to the committee shall be non-voting "ex-officio" members.

Purpose: "...implementing the recommendations outlined in the North Plymouth Village Master Plan. The Committee to be advisory in nature and its primary function to assist in the implementation of the North Plymouth Village Master Plan, and to advocate for the needs of the area."

Temporary/Permanent: Permanent

Review Dates: 1996 ATM            2008 ATM  
1999 ATM            2011 ATM  
2002 ATM            2014 ATM  
2005 ATM

Next Review Date: 2017 ATM

Term: 3-year overlapping terms

Report Required: Oral report at Town Meeting or written report placed on file with Town Clerk for inclusion in Annual Report of the town.

**2017 Recommendation: Continue for review at the 2020 Annual Town Meeting.**

TOWN MEETING COMMITTEES

Committee: **1749 Court House Committee**

Article/Year: Art. 27 - 1966 Annual  
Art. 102 - 1967 Annual  
Art. 64 - 1972 Annual

Term: Indefinite

Members: 5

Appointing Authority: Board of Selectmen

Purpose: "...To explore the possibility of raising funds for the restoration of the interior of the building, by gifts from private and public sources, and if such financing is found, then the Committee, with the approval of the Board of Selectmen may accept such financing and proceed with the plans for restoration, in accordance with the terms of such gift or financing...(102,67)" and further "...the maintenance and continued restoration of said building, and furnishings therein...(64,72)".

Temporary/Permanent: Permanent

Review Dates: 1987 ATM 2005 ATM  
1990 ATM 2008 ATM  
1993 ATM 2011 ATM  
1996 ATM 2014 ATM  
1999 ATM  
2002 ATM

Next Review Date: 2017 ATM

Term: Annual Appointment

Report Required: Oral report at Town Meeting or written report placed on file with Town Clerk for inclusion in Annual Report of the town.

**2017 Recommendation: Continue for review at the 2020 Annual Town Meeting.**

TOWN MEETING COMMITTEE

<u>Committee:</u>	<b>Plymouth Energy Committee</b>
<u>Article/Year:</u>	Article 27 - 2004 FATM Article 19 - 2005 FATM
<u>Members:</u>	9
<u>Appointing Authority:</u>	Board of Selectmen
<u>Purpose:</u>	“to investigate the municipalization and/or aggregation of electric power and/or distribution and to review energy usage and sources for recommendation”
<u>Temporary/Permanent:</u>	Temporary
<u>Review Dates:</u>	2008 2011 ATM 2014 ATM
<u>Next Review Date:</u>	2017 ATM
<u>Term:</u>	3- year overlapping terms
<u>Report Required:</u>	Oral report at Town Meeting or a written report placed on file with Town Clerk for inclusion in Annual Report of the town.
<u>2017 Recommendation:</u>	<b>Continue for review at the 2020 Annual Town Meeting.</b>