



Town of Dartmouth

400 Slocum Road
Dartmouth, MA 02747

Board of Selectmen

Select Board Members Present:

Michael P. Watson-Chairman
Lara H. Stone-Vice-Chairwoman
William J. Trimble-Absent

Joseph Michaud-Absent
Shawn McDonald

The Chairman called the meeting to order at 6:30 p.m. on May 2, 2011 in room 304.

Board members signed the **warrant(s)** for the following bills from various departments in the amounts of:

\$907,053.71	PR43	\$423,839.69	PD1144	\$76,894.71	D1145
\$17,035.80	P1145	\$140,526.12	S1145	\$118,505.45	T1145

Hearing-Application of Hollywood Internet Café Inc. d/b/a Café Hollywood, 6 Sheridan St. for a Year Round/All Alcohol License under the Provisions of M.G.L. Ch 138. The Manager/Owner is Antonio Vassal.

The Chairman opened the hearing.

Tony Vassal was present for his application.

Mr. Vassal has signed an Applicant's Supplemental Statement agreeing not to utilize any calling card or other sweepstakes devices or conduct any sweepstakes or games of chance of any sort on the premise.

The Chairman closed the hearing.

After a motion was made by Vice-Chairwoman Lara Stone and seconded by Selectman Shawn McDonald, it was voted unanimously to approve the Application of Hollywood Internet Café Inc. d/b/a Café Hollywood, 6 Sheridan St. for a Year Round/All Alcohol License under the Provisions of M.G.L. Ch. 138 including the Applicant's Supplemental Statement.

By-Law Committee Report.

Judith Brownell and Lili Chamberlain briefed the Board on the following:

- After researching the general by-laws of other towns, we reorganized and re-codified our General By-Laws into a more accessible and logical compilation.
- We solicited input from each board, department or committee mentioned in the existing General By-Laws.
- Town Counsel was consulted and reviewed our work. Comparisons and references to the Massachusetts State Laws have been done.

As a result of our work, we are recommending 3 articles to Town Meeting:

- **Re-codification** changing the entire general by-laws from an alphabetical listing to organization by topic and department.
- **Deletion** of some by-laws that were redundant to the charter or that were no longer relevant, due to changes in state law.
- **Revision** of some by-laws to reflect current practice or changes that were recommended by department heads.

After a motion was made by Vice-Chairwoman Lara Stone and seconded by Selectman Shawn McDonald, it was voted unanimously to delete the word Development in article 26 # 15.

The Board thanked the By-Law Committee for their work.

Appointment to the Veterans' Advisory Board.

Kenneth Correia was present for his appointment.

After a motion was made by Selectman Shawn McDonald and seconded by Vice-Chairwoman Lara Stone, it was voted unanimously to appoint Ken Correia to the Veterans' Advisory Board.

The Executive Administrator stated the Agricultural Restriction needs to be modified by the State Legislator; in the meantime we need to approve an Agricultural Use License. So the current lessee can continue to use this property.

After a motion was made by Selectman Shawn McDonald and seconded by Vice-Chairwoman Lara Stone, it was voted unanimously to approve the Agricultural Use License.

New Business:

Vice-Chairwoman Lara Stone requested that the Viscous By-Law be put on the Select Board Agenda. A discussion ensued about requiring the homeowner to present their policy when they register their dog.

Renewal Application of Dockside Ice Cream for a Common Victuallers License.

After a motion was made by Selectman McDonald and seconded by Vice-Chairwoman Lara Stone, it was voted unanimously to approve the Renewal Application of Dockside Ice Cream for a Common Victuallers License.

The Executive Administrator informed the Board that at a meeting last week with the Police Chief, the Chief stated that he will have six Police Officers with possibility of retiring before 2013. The Executive Administrator stated that we are moving forward to replace the three vacant positions. Mr. Cressman stated the \$40,000 dispatched will be charged off to the grant to free up \$40,000; we will reduce the Fuel budget by \$25,000 in which \$8,000 is needed for salaries leaving an additional \$17,000.

Memorandum of Understanding between Park Board and Cemetery Commission.

The Chairman stated this will be on the agenda for May 9th. The Park Board has approved this Memorandum of Understanding; however, we are still awaiting members of the Cemetery Commission to approve this.

Spring Annual and Special Town Meeting Warrants.

The Select Board reviewed the spring and Special Town Warrants.

ARTICE 1: COMMUNITY PRESERVATION ACT – FY/2012 BUDGET

To see if the Town will vote to appropriate from FY 2012 Community Preservation Fund Annual Revenues in the amount of \$32,000.00 for administrative expenses; or take any action relative thereto.

Sponsor: Community Preservation Committee
Executive Administrator

After a motion was made by Vice-Chairwoman Lara Stone and seconded by Selectman Shawn McDonald, it was voted unanimously to approve Article 1.

ARTICLE 2: RESCIND BORROWING AUTHORIZATION

To see if the Town will rescind the authority to borrow previously authorized un-issued debt, comprised of amounts voted by the Town under the following warrant articles from prior years:

<u>Town Meeting Date</u>	<u>Warrant Article</u>	<u>Purpose</u>	<u>Amount to Rescind</u>
May 3, 2006	8	Water Main Replace/Misc. Areas	\$124,350.00
June 6, 2006	26	Upgrade Pump Station Systems	\$50,000.00
October 16, 2007	7	Sewer Ext. – Birchfield Farm	\$40,000.00
October 16, 2007	22	Recycling Truck	\$115,000.00
June 3, 2008	22	CIP – Dump Truck w/Plow & Sander	\$8,386.00
June 3, 2008	22	CIP – Loader With Dump Bucket	\$4,417.00
June 3, 2008	8	CIP – Library Roof Replacement	\$102,235.00
June 2, 2009	8	CIP – Diesel Wood Chipper	\$10,000.00

Or take any action relative thereto.

Sponsor: Director of Budget & Finance/Treasurer

After a motion was made by Vice-Chairwoman Lara Stone and seconded by Selectman Shawn McDonald, it was voted unanimously to approve Article 2.

ARTICLE 3: DEED IN LIEU OF FORECLOSURE – PROPERTY LOCATED ON WINTERVILLE ROAD

To see if the Town will accept, pursuant to the requirements of Massachusetts General Laws, Chapter 60, Section 77C, the deed in lieu of foreclosure dated March 14, 2011, for the land and any buildings thereon located on Winterville Road and identified as Dartmouth Assessor’s Map 151, Lot 4; or take any action relative thereto.

Sponsor: Treasurer/Custodian of Tax Possessions

ARTICLE 4: DEED IN LIEU OF FORECLOSURE – PROPERTY LOCATED ON GENTLE VALLEY DRIVE

To see if the Town will accept, pursuant to the requirements of Massachusetts General Laws, Chapter 60, Section 77C, the deed in lieu of foreclosure dated March 15, 2011, for the land and any buildings thereon located on Gentle Valley Drive and identified as Dartmouth Assessor’s Map 42, Lot 62; or take any action relative thereto.

Sponsor: Treasurer/Custodian of Tax Possessions

After a motion was made by Vice-Chairwoman Lara Stone and seconded by Selectman Shawn McDonald, it was voted unanimously to approve Article 3 & 4.

ARTICLE 5: TRANSFER OF CUSTODY OF DESIGNATED TAX POSSESSIONS TO CONSERVATION COMMISSION FOR CONSERVATION PURPOSE; AUTHORIZATION TO RECORD THESE POSSESSIONS AS PERMANENTLY PROTECTED OPEN SPACE AT THE REGISTRY OF DEEDS

To see if the Town will vote to transfer custody of the following parcels which are currently held as Tax Possessions from the Custodian of Tax Possessions to municipal property for conservation purposes under the custodianship of the Dartmouth Conservation Commission for their care, custody and control and to further authorize the recording of a deed including an appropriate restrictive covenant, or the

recording of an appropriate restrictive covenant, with the Bristol County (S.D.) Registry of Deeds so that said parcels may receive the protection of Amendment Article 97 to the Constitution of the Commonwealth of Massachusetts; said parcels have been deemed by the Conservation Commission to be of significant conservation value.

Dartmouth Assessors Map 29, Lot 15	Bakerville Rd
Dartmouth Assessors Map 32, Lot 25	Gidley Town Road
Dartmouth Assessors Map 55, Lot 5	Reed Rd
Dartmouth Assessors Map 55, Lot 4	Reed Rd
Dartmouth Assessors Map 55, Lot 7	Reed Rd
Dartmouth Assessors Map 55, Lot 12	Valley St
Dartmouth Assessors Map 63, Lot 28	Faunce Corner Rd
Dartmouth Assessors Map 63, Lot 34	Faunce Corner Rd
Dartmouth Assessors Map 63, Lot 39	Faunce Corner Rd
Dartmouth Assessors Map 63, Lot 41	Faunce Corner Rd
Dartmouth Assessors Map 129, Lot 1	Meridan St
Dartmouth Assessors Map 181, Lot 12	Melrose Ave
Dartmouth Assessors Map 181, Lot 13	Connecticut Ave
Dartmouth Assessors Map 181, Lot 8	Melrose Ave
Dartmouth Assessors Map 191, Lot 1	Hixville Rd
Dartmouth Assessors Map 191, Lot 5	Hixville Rd
Dartmouth Assessors Map 191, Lot 7	Hixville Rd
Dartmouth Assessors Map 191, Lot 18	Hixville Rd
Dartmouth Assessors Map 191, Lot 20	Hixville Rd
Dartmouth Assessors Map 191, Lot 23	Hixville Rd
Dartmouth Assessors Map 191, Lot 37	Hixville Rd
Dartmouth Assessors Map 191, Lot 39	Hixville Rd
Dartmouth Assessors Map 192, Lot 19	Hixville Rd
Dartmouth Assessors Map 192, Lot 24	Hixville Rd
Dartmouth Assessors Map 192, Lot 26	Hixville Rd
Dartmouth Assessors Map 192, Lot 30	Hixville Rd
Dartmouth Assessors Map 192, Lot 31	Hixville Rd
Dartmouth Assessors Map 192, Lot 34	Hixville Rd
Dartmouth Assessors Map 192, Lot 36	Hixville Rd
Dartmouth Assessors Map 192, Lot 38	Hixville Rd
Dartmouth Assessors Map 192, Lot 42	Hixville Rd
Dartmouth Assessors Map 192, Lot 48	Hixville Rd
Dartmouth Assessors Map 192, Lot 50	Hixville Rd

Or to take any action related thereto.

Sponsor: Treasurer/Custodian of Tax Possessions
Conservation Commission
Select Board

**ARTICLE 6: AUTHORIZATION TO RECORD DESIGNATED CONSERVATION
COMMISSION PARCELS AS PERMANENTLY PROTECTED OPEN SPACE
AT THE REGISTRY OF DEEDS**

To see if the Town will vote to authorize the recording of a deed including an appropriate restrictive covenant, or the recording of an appropriate restrictive covenant, with the Bristol County (S.D.) Registry of Deeds on the following parcels which have been previously transferred to custodianship of the Conservation Commission for conservation purposes so that said parcels may receive the protection of Amendment Article 97 to the Constitution of the Commonwealth of Massachusetts; or to take any other action relative thereto.

Dartmouth Assessors Map 42, Lot 43	Chase Rd
Dartmouth Assessors Map 42, Lot 41	Chase Rd
Dartmouth Assessors Map 42, Lot 42	Chase Rd
Dartmouth Assessors Map 45, Lot 1	Lucy Little Rd
Dartmouth Assessors Map 55, Lot 1	Reed Rd
Dartmouth Assessors Map 55, Lot 3	Reed Rd
Dartmouth Assessors Map 61, Lot 13	Reed Rd
Dartmouth Assessors Map 63, Lot 35	Faunce Corner Rd
Dartmouth Assessors Map 63, Lot 40	Faunce Corner Rd
Dartmouth Assessors Map 109, Lot 68	Russells Mills Rd
Dartmouth Assessors Map 131, Lot 81-1	Utica Lane
Dartmouth Assessors Map 141, Lot 23	Tucker Rd
Dartmouth Assessors Map 160, Lot 51	Metropolitan Ave
Dartmouth Assessors Map 160, Lot 50	Metropolitan Ave
Dartmouth Assessors Map 181, Lot 11	Melrose Ave

Or to take any action related thereto.

Sponsor: Conservation Commission
Select Board

After a motion was made by Vice-Chairwoman Lara Stone and seconded by Selectman Shawn McDonald, it was voted unanimously to recommend articles 5 & 6.

ARTICLE 25: RECODIFICATION OF GENERAL BY-LAWS

To see if the Town will vote to recodify, reorganize and retitle its General By-Laws, without altering the substance thereof, all as set forth in the document that is on file with the Town Clerk and available on the Town Clerk's website, and that is entitled "Proposed Recodification of Town of Dartmouth General By-Laws".

Or take any other action relative thereto.

Sponsor: By-Law Committee

ARTICLE 26: GENERAL BY-LAW DELETIONS

To see if the Town will vote to repeal from its General By-Laws the following by-laws, or sections thereof, that are redundant to, or contradict, current statutes or the Town Charter, or are otherwise superfluous, obsolete, outdated or no longer of relevance to the functioning or governance of the Town:

Or take any other action relative thereto.

Sponsor: By-Law Committee

ARTICLE 27: GENERAL BY-LAW REVISIONS

To see if the Town will vote to make the following revisions to its General By-Laws in order reflect current practice in the governance of the Town:

1. To change all instances of "Board of Selectmen" to "Select Board", and all instances of "Selectman" or "Selectmen" to "Selectperson" or "Selectpersons".
2. To change all instances of "Gulf Road Landing" to "Arthur F. Dias Landing".
3. To change all instances of "By-law", "by-law", "Bylaw" and "bylaw" to "By-Law", with respect to both singular and plural forms.
4. To revise the By-Law that is known under its original codification as "Select Board, Section 2: Selectmen's Meetings" and under the proposed recodification pursuant to warrant article 25 as "Article 12.2 – Meetings of the Select Board" by replacing its current language with the following:

The Select Board shall meet at least once every two weeks.

5. To revise the By-Law that is known under its original codification as "Committees and Commissions, Section 2: Capital Planning Committee, Sub-Section 1: Establishment of Committee" and under the proposed recodification pursuant to warrant article 25 as "Article 22.2 – Composition of the Committee" by replacing its current language with the following:

The committee membership will consist of the Director of Budget and Finance and six (6) citizen representatives who have experience in the building trades, finance, capital asset acquisition, and other relevant backgrounds.

6. To revise the By-Law that is known under its original codification as "Council on Aging, Section 2: Membership" and under the proposed recodification pursuant to warrant article 25 as "Article 25.2 – Requirements for Appointment" by replacing its current language with the following:

The members of the Council on Aging shall consist of nine residents of the Town of Dartmouth. With respect to any vacancy on the Council, whether due to resignation, death, inability to act, or the expiration of a term, said Council shall receive all applications for the position, shall review those applications, and shall forward the same to the Select Board with its recommendations. Except with respect to any unexpected resignation, death, or inability to act, such recommendations shall be provided to the Select Board at least one month prior to the expected date of the vacancy. Otherwise, such recommendations shall be provided to the Select Board as soon as possible, but not more than one month after the unexpected vacancy. All such recommendations shall be advisory only, and nonbinding upon the Select Board.

The membership of said Council shall include at least one person of at least sixty-five years of age, shall consist of a cross-section of professionals from the community, and shall serve without pay from the Town.

7. To revise the By-Law that is known under its original codification as "Miscellaneous, Section 4: Outdoor Music Festival" and under the proposed recodification pursuant to warrant article 25 as "Article 61.2 – Issuance of License for Outdoor Music Festival" by inserting the following sentence at its conclusion:

Should it determine that the Town's interests will not be adversely affected, the Select Board may, in its discretion, waive the bond requirement of this By-Law.

8. To revise the By-Law that is known under its original codification as "Streets and Sidewalks, Section 12: Sidewalk Sales" and under the proposed recodification pursuant to warrant article 25 as "Article 61.8 – Sidewalk Sales" by replacing its current language with the following:

Any commercial activities that obstruct a sidewalk shall require the issuing of a permit by the Select Board. A permit shall only be issued if the Select Board determines, after consultation with

relevant Town departments and officials, that said activity will not interfere with or obstruct public safety and public health.

9. To revise the By-Law that is known under its original codification as "Buildings, Section 1B: Permit Fee" and under the proposed recodification pursuant to warrant article 25 as "Article 63.1.2 – Required Fee" by changing the dollar value of the fee from five dollars to three hundred dollars.
10. To revise the By-Law that is known under its original codification as "Dogs, Section 2: Fines for Unlicensed Dogs" and under the proposed recodification pursuant to warrant article 25 as Article 68.3.1 – Fine for Failure to Register with Town Clerk" by replacing its current language with the following:

Each year, any dog over six months of age found after March 1st to be unregistered with the Dartmouth Town Clerk, shall have a fine of \$25.00 imposed upon the owner of the dog.

11. To revise the By-Law that is known under its original codification as "Dogs, Section 5: Keeping of Dogs" and under the proposed recodification pursuant to warrant article 25 as "Article 68.3.2 – Kennel License" by replacing the current language of paragraph (a) with the following:

No more than three dogs are allowed to be kept on one premise in the Town of Dartmouth, except where the keeping of more dogs is allowed by zoning and a kennel license is granted. Applications for licensing of four or more dogs shall be obtained through the Town Clerk's Office. The application form is to be filled out by the applicant and returned to the Town Clerk's Office. An application fee of \$100.00 will be required and is non-refundable.

An investigation will be done by the Animal Control Officer in regards to sanitary conditions of current and/or exercise areas, location and construction of kennel, sound-proofing of kennel area, number of dogs, type of dogs, abutters concerns and any other issues he deems necessary.

The granting or denial of a kennel license will be done within 30 days of filing a complete application. Appeal by an aggrieved abutter or applicant shall be heard by the Board of Selectmen and/or Officer in Charge of Animal Control, who shall have the right to grant or deny a kennel license on appeal.

12. To revise the By-Law that is known under its original codification as "Dogs, Section 3: Removal of Town from County Dog Fund, Sub-section 2: Fees" and under the proposed recodification pursuant to warrant article 25 as "Article 68.3.3 – Fees for Licenses" by adding the following sentence at the end:

These fees accrue from year to year.

13. To revise the By-Law that is known under its original codification as "Dogs, Section 1: Dogs, Sub-section 1: Definitions" and under the proposed recodification pursuant to warrant article 25 as "Article 72.1.1 - Definitions" by replacing the last two definitions with the following:

ANIMAL SHELTER - Any premises designated by action of the Town or the continued use of the present premises for the purpose of impounding and caring for all dogs found running at large in violation of this By-Law.

ANIMAL CONTROL OFFICER - Any person that is authorized by the Town to enforce the provisions of this By-Law.

And concurrently, by adding the following definition:

DOG HEARING OFFICER – The police officer that is appointed at any given time by the Select Board to hear and adjudicate matters under this By-Law.

14. To revise the By-Law that is known under its original codification as “Dogs” and under the proposed recodification pursuant to warrant article 25 as “Article 68.3 – Dog Licenses” and “Article 72 – Dogs” by replacing all instances of “pound”, “dog pound”, “shelter” and “designated shelter”, “licensed facility” or any variants thereof, and whether or not capitalized, with “Animal Shelter”.
15. To revise the By-Law that is known under its original codification as “Dogs, Section 1: Dogs, Sub-section 2: Enforcement” and under the proposed recodification pursuant to warrant article 25 as “Article 72.1.2 – Enforcing Officers” by replacing its current language with the following:

The provisions of this by-law shall be enforced by the Animal Control Officer(s) and any Police Officer of the Town.

16. To revise the By-Law that is known under its original codification as “Dogs, Section 1: Dogs, Sub-section 3: Restraint” and under the proposed recodification pursuant to warrant article 25 as “Article 72.1.3 – Continuous Restraint of Dogs” by replacing its current language with the following:

No person owning or harboring a dog or dogs shall suffer or allow it to run at large in the Town or allow such dog(s) upon any private property without the permission of the owner thereof.

17. To revise the By-Law that is known under its original codification as “Dogs, Section 1: Dogs, Sub-section 4: Impoundment” and under the proposed recodification pursuant to warrant article 25 as “Article 72.1.4 – Impoundment” by replacing the phrase “registered or certified mail” with “posting a notice upon the door of the same”.

18. To revise the By-Law that is known under its original codification as “Dogs, Section 1: Dogs, Sub-section 7: Confinement of Certain Dogs” and under the proposed recodification pursuant to warrant article 25 as “Article 72.1.7 – Confinement of Certain Dogs” by replacing the current language with the following:

The owner shall confine, within a building or secure enclosure, every fierce, dangerous or vicious dog, to the extent, and in the manner prescribed by, the Dog Hearing Officer.

19. To revise the By-Law that is known under its original codification as “Dogs, Section 1: Dogs, Sub-section 8: Nuisance Abatement, paragraph (a)” and under the proposed recodification pursuant to warrant article 25 as “Article 72.1.8 – Nuisance Abatement” by replacing its current language with the following:

It is a public nuisance and unlawful to keep or harbor any dog, whether licensed or not, which by habitual, consistent and persistent howling, yelping, barking, or other noise disturbs or annoys any persons residing in the neighborhood, with each day of such nuisance constituting a separate offense. Dogs shall be kept in such a manner that no nuisance is produced regarding sanitary conditions, housing, food, shelter, water, or other factors which may cause a nuisance. Upon determination by the Animal Control Officer, based on evidence, that a dog is causing a nuisance, the keeper of such dog shall be given a warning to end such nuisance.

A second offense to such warning shall result in a fine of \$25.00 per day. If more than five such fines are given in a calendar year, the dog owner shall be given the prescribed statutory notice to appear before the Dog Hearing Officer for a hearing concerning the maintenance of such a nuisance. If he determines that a nuisance exists, the Dog Hearing Officer may issue an

order to permanently remove the animal from the Town, and fines and penalties shall accrue for each day and until the nuisance is abated.

20. To revise the By-Law that is known under its original codification as “Dogs, Section 1: Dogs, Sub-section 8: Nuisance Abatement, second paragraph” and under the proposed recodification pursuant to warrant article 25 as “Article 72.1.9 – Prohibited Activities” by replacing the current language of sentence #1 with the following:

Run loose in any Town Park, Beach or Recreation Area, other than a Town Designated Dog Park, or run loose upon any private property without the permission of the party owning or in control of the same.

And concurrently, by deleting the following sentence:

Any person sheltering a stray animal without the permission of the owner or person with the right to control that animal shall immediately notify the Animal Control Officer.

21. To revise the By-Law that is known under its original codification as “Dogs, Section 1: Dogs, Sub-section 9: Interference” and under the proposed recodification pursuant to warrant article 25 as “Article 72.1.10 – Interference” by replacing its current language with the following:

No person shall interfere with or hinder the Animal Control Officer of this Town in the performance of his duties, or make a false report to the Animal Control Officer, or seek to release any dog in the custody of the Animal Control Officer, except as herein provided.

22. To revise the By-Law that is known under its original codification as “Dogs, Section 1: Dogs, Sub-section 11: Penalties” and under the proposed recodification pursuant to warrant article 25 as “Article 72.1.12 – Penalties” by replacing each instance of “in the calendar year” with “within a calendar year”.

23. To revise the By-Law that is known under its original codification as “Dogs, Section 4: Non-Criminal Disposition of Dog Law Violations” and under the proposed recodification pursuant to warrant article 25 as “Article 72.2 – Non-Criminal Disposition of Dog Law Violations” by replacing the current language of the first paragraph with the following:

Any person found to be in violation of the Dartmouth General By-Laws and/or Rules and Regulations relating to dogs shall be issued a citation. The citation shall denote the specific violation and cost of fine. All fines are to be paid to the Town of Dartmouth within 21 days of the violation notice. Anyone wishing to appeal the violation notice shall do so in writing or in person within the 21-day period by notification to the Executive Administrator of the Board of Selectmen. The Executive Administrator may decide upon the appeal or forward the appeal to the Dog Hearing Officer. The Dog Hearing Officer will hold a hearing with all parties concerned on the matter. The decision of the Executive Administrator or the Dog Hearing Officer may be appealed through the provisions provided in MGL, Chapter 40 Section 21D. All receipts received for violation shall be deposited in the account established under the provisions of MGL, Chapter 140 Section 147A as adopted under Article 8 of the February 13, 1990 Special Town Meeting.

24. To revise the By-Law that is known under its original codification as “Town Collector, Section 3: Furnishing Delinquent Tax Lists and License Denials” and under the proposed recodification as “Article 69 – Creation and Distribution of Delinquent Tax List and Procedures for Denying Licenses and Permits to Parties on that List” by replacing its current language with the following:

In accordance with the terms of Massachusetts General Laws, Chapter 40, Section 57, which the Town has duly adopted, the procedures for revoking or denying a license or permit due to tax delinquency are as provided below. Any changes to said Section 57 subsequent to the adoption of this By-Law are incorporated herein prospectively by reference.

(a) 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 furnish to each 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 an abatement of such tax or a pending petition before the appellate tax board.

(b) 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 fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The 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 such 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. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

(c) 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 be given notice and a hearing as required by applicable provisions of law.

(d) The Select Board may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty-eight A in the business or activity conducted in or on said property.

This section shall not apply to the following licenses and permits: open burning; section thirteen of chapter forty-eight; bicycle permits; section eleven A of chapter eighty-five; sales of articles for charitable purposes, section thirty-three of chapter one hundred and one; children work permits, section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses, section twenty-one E of chapter one hundred and forty; dog licenses, section one hundred and thirty-seven of chapter one hundred and forty; fishing, hunting, trapping license, section twelve of chapter one hundred and thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven and theatrical events, public exhibition permits, section one hundred and eighty-one of chapter one hundred and forty.

25. To revise the By-Law that is known under its original codification as "Noise, Section 1: Unlawful Noise" and under the proposed recodification pursuant to warrant article 25 as "Article 73.1 – Unlawful Noise" by deleting the word "phonograph".

26. To revise the By-Law that is known under its original codification as “Alcohol, Section 1: Consuming Alcoholic Beverages” and under the proposed recodification pursuant to warrant article 25 as “Article 75.1 – Unlawful Consumption of Alcohol on Public Property” by adding the following phrase to the beginning of the first paragraph:

Unless otherwise allowed be a permit duly issued by the Select Board

And concurrently, to revise said By-Law by adding the following sentence at the end of the second paragraph:

Any permit issued by the Select Board for the consumption of alcoholic beverages on, about or in public ways, property or buildings shall be valid for a single day only and shall not be issued unless and until the applicant for the same provides documented evidence to the Select Board that sufficient insurance, but in no instance with coverage of less than one million dollars, has been obtained that indemnifies and holds harmless the Town and its officials and employees from any damages resulting from the any activities undertaken pursuant to said permit.

27. To revise the By-Law that is known under its original codification as “Buildings, Section 4: House Numbering, Sub-Section 4” and under the proposed recodification pursuant to warrant article 25 as “Article 82.2.4 – Notification to Police of Numbering” by replacing its current language with the following:

Once an occupancy permit has been issued for a building by the Dartmouth Building Department, the Department of Public Works shall provide the building owner with a building number or numbers for the same, and shall notify the Police Department of said building number(s). The Police Department thereupon shall revise its emergency services database to incorporate said building number(s).

28. To revise the By-Law that is known under its original codification as “Buildings, Section 4: House Numbering, Sub-Section 5” and under the proposed recodification pursuant to warrant article 25 as “Article 82.2.5 – Inspection and Penalties” by adding the following sentence to the end of said By-Law:

Whenever the Zoning Enforcement Officer or the Building Inspector determines that a violation of this By-Law has occurred, he shall issue the appropriate fine and notify the Police Department of said violation.

Or take any other action relative thereto.

Sponsor: By-Law Committee

After a motion was made by Selectman Shawn McDonald, and seconded by Vice-Chairwoman Lara Stone, it was voted unanimously to recommend articles 25, 26 & 27.

Minutes:

April 25, 2011.

After a motion was made by Selectman Shawn McDonald and seconded by Vice-Chairwoman Lara Stone, it was voted unanimously to approve the minutes of April 25, 2011.

Announcements:

Community Park update: the playground equipment should be installed in July. The Sculpture will be installed in August. Vice-Chairperson Lara Stone stated that the DPW has been working very hard.

With no further business to be discussed the Chairman declared the regular meeting adjourned.

Attest:

David G. Cressman, Executive Administrator

Transcribed by: Linda Torres

