

ACTS, 1982. - Chaps. 623, 624.

Thence turning S57°-55'-40"E for a distance of 20 feet to the point of beginning, containing an area of 2188± square feet.

Approved December 29, 1982.

Chap. 623. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF LAND UNDER THE CONTROL OF THE DEPARTMENT OF MENTAL HEALTH TO THE COLUMBIA CULTURAL TRUST, NO. 540 IN THE CITY OF TAUNTON.

Be it enacted, etc., as follows:

Chapter 655 of the acts of 1981 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The division of capital planning and operations, acting in the name of and on behalf of the commonwealth is hereby authorized to grant and convey, by a deed approved as to form by the attorney general, to the Columbia Cultural Trust, No. 540, recorded in the northern district registry of deeds in Bristol county, Book 2145, Page 249, a certain parcel of land under the control of the department of mental health.

Approved December 29, 1982.

Chap. 624. AN ACT ESTABLISHING AN ENVIRONMENT DEPARTMENT IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. There shall be in the city of Boston a department known as the environment department which shall provide support staff and resources to enable the following city commissions to carry out their responsibilities as required by law: air pollution control, art commission, Back Bay architectural commission, Beacon Hill architectural commission, Boston landmarks commission, conservation commission.

SECTION 2. The environment department shall be under the charge of a board, known as the commission on the environment, consisting of seven members, known as the environment commissioners, the members being the chairpersons of the commissions set forth in section one and the director of the environment

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department. The commission shall meet from time to time as necessary to establish policy for the administration of the staff and resources of the department. The commission shall elect one of its members as chairperson. Meetings may be at the call of the chairperson or of any two members and shall be subject to the requirements of section twenty-three B of chapter thirty-nine of the General Laws. The members of the commission shall serve without compensation and shall be deemed to be special municipal employees for the purposes of chapter two hundred and sixty-eight A of the General Laws.

SECTION 3. There shall be an officer known as director of the environment department. The director shall be qualified to serve in this capacity by education and experience, and shall be appointed by the mayor, for a term expiring on the first Monday of January following the next biennial election at which a mayor is elected. The director shall be responsible for administering the affairs of the department subject to the policies from time to time established by the commission on the environment.

There shall be a deputy director appointed by the director and qualified to serve in this capacity by education and experience. The director and deputy director shall be qualified in the fields of either the natural environment or historic preservation so that each field of expertise is represented at either the director or deputy director level. The deputy director shall attend meetings of the commission as a nonvoting member.

Subject to appropriation, the director shall hire such staff as is necessary to administer the functions of the various commissions. The staff shall have appropriate technical expertise in the following areas: architecture and architectural history, preservation planning and environmental engineering. Chapter thirty-one of the General Laws shall not be applicable to the department.

SECTION 4. The first paragraph of section 4 of chapter 616 of the acts of 1955, as amended by section 1 of chapter 429 of the acts of 1965, is hereby further amended by striking out, in line 1, the word "building" and inserting in place thereof the word:- environment.

SECTION 5. The first sentence of the first paragraph of section 4 of chapter 625 of the acts of 1966, as amended by section 3 of chapter 463 of the acts of 1974, is hereby further amended by striking out, in lines 1 and 2, the words "Boston Redevelopment Authority" and inserting in place thereof the words:- environment department.

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SECTION 6. The third paragraph of said section 4 of said chapter 625 is hereby amended by striking out, in line 5, the word "board" and inserting in place thereof the words:- environment department.

SECTION 7. Said section 4 of said chapter 625 is hereby further amended by striking out the fourth paragraph.

SECTION 8. Section 8 of said chapter 625 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Within eight days after the filing of an application for a certificate of design approval, Saturdays, Sundays and legal holidays excluded, the commission or such member or employee as the commission may from time to time designate so to do shall determine the properties deemed by it to be materially affected by such application and, unless a public hearing on such application is waived in writing by all persons entitled to notice thereof, shall forthwith cause its secretary to give by mail, postage prepaid, to the applicant, to the owners of all such estates as they appear on the then most recent real estate tax list, and to any person filing written request for notice of hearings, such request to be renewed yearly in December, reasonable notice of a public hearing on such application to be held not sooner than twenty days after the date on which the copy of the application was transmitted to the board. The public hearing may be conducted by the commission itself or by such member or members or employee or employees as the commission may from time to time designate; provided, however, that if such public hearing is not conducted by the commission itself, the person or persons so conducting it shall transmit a written report and recommendation thereon forthwith to the commission. There shall be available at such public hearing a report and recommendation from the commission, together with material, plans or drawings to aid the commission in reaching its decision.

Prior to the public hearing the commission shall transmit a copy of the report to the board for its consideration and recommendations.

The commission shall not render any decision until such report and the recommendation of the environment department and the board have been received and considered, provided that if no such report and recommendations have been received by the time of the public hearing, the commission may render its decision without such report and recommendations.

SECTION 9. The first paragraph of section 3 of chapter 772

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of the acts of 1975 is hereby amended by striking out, in line 2, the words "Boston Redevelopment Authority" and inserting in place thereof the words:- environment department.

SECTION 10. The fourth paragraph of said section 3 of said chapter 772 is hereby amended by striking out, in line 2 and in lines 5 and 6, the words "Boston Redevelopment Authority" and inserting in place thereof, in each instance, the words:- environment department.

Approved December 29, 1982.

Chap. 625. AN ACT AUTHORIZING THE SOUTH MIDDLESEX REGIONAL VOCATIONAL TECHNICAL SCHOOL DISTRICT TO PAY FIFTY PER CENT OF THE PREMIUM FOR GROUP HEALTH INSURANCE FOR CERTAIN RETIRED TEACHERS.

Be it enacted, etc., as follows:

The South Middlesex Regional Vocational Technical School District, acting by and through its School Committee, is hereby authorized to enter into an agreement with the South Middlesex Regional Vocational Technical Teachers Association, which agreement may become a part of the collective bargaining agreement between said committee and said association, that the South Middlesex Regional Vocational Technical District may pay fifty per cent of the premium actually paid for group health insurance by teachers who have, retired directly from the South Middlesex Regional Vocational Technical School District, are receiving a pension or annuity allowance from the teachers retirement system, have attained the age of fifty-five years and have served for a minimum of ten years in the South Middlesex Regional Vocational Technical School District.

Approved December 29, 1982.

Chap. 626. AN ACT RELATIVE TO BRANCH OFFICES AND ACQUISITIONS OF FINANCIAL INSTITUTIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to make certain changes in the law relative to mergers and consolidation of banks effective forthwith, therefore it is hereby declared to be an emergency

ACTS, 1989. - Chap. 137.

Be it enacted, etc., as follows:

The city of Beverly is hereby authorized to appropriate for the payment of, and after such appropriation the treasurer of said city is authorized to pay to certain employees of the public library of said city, compensation due in fiscal year nineteen hundred and eighty-seven the sum of nine thousand one hundred forty-two dollars and fifty-five cents; provided, however, that the money so appropriated to pay such compensation shall be raised by taxation or made available from the unappropriated surplus funds of the city.

Approved June 13, 1989.

Chapter 137. AN ACT EXEMPTING CERTAIN MEMBERS OF CERTAIN COMMISSIONS OF THE CITY OF BOSTON FROM CERTAIN PROVISIONS OF THE CONFLICT OF INTEREST LAW.

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 616 of the acts of 1955, as most recently amended by section 4 of chapter 624 of the acts of 1982, is hereby further amended by adding the following paragraph:-

Members of the commission shall not be deemed in violation of paragraph (a) of section seventeen of chapter two hundred and sixty-eight A of the General Laws for receiving compensation regarding a particular matter which is pending before the commission, or which is, or within one year has been, under their official responsibility provided that (1) the commission member does not participate either directly or indirectly in the commission's review or decision on the particular matter; and (2) as soon as the conflict is known, the commission member files with the city clerk a statement making full disclosure of the member's interest and interests of the member's immediate family in the particular matter under review. Nothing contained herein shall be construed to exempt members from paragraph (c) of said section seventeen of said chapter two hundred and sixty-eight A.

SECTION 2. Section 1 of chapter 665 of the acts of 1956, as most recently amended by section 1 of chapter 77 of the acts of 1958, is hereby further amended by adding the following paragraph:-

Zoning commission members, and members of the Boston civic design commission shall not be deemed in violation of paragraph (a) of section seventeen of chapter two hundred and sixty-eight A of the General Laws for receiving compensation regarding a particular matter which is pending before their respective commissions, or which is, or within one year has been, under their official responsibility provided that (1) the commission member does not participate either directly or indirectly in

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the commission's review or decision on the particular matter; and (2) as soon as the commission member becomes aware of the conflict, such member files with the city clerk a statement making full disclosure of the member's interest and interests of the member's immediate family in the particular matter under review. Nothing contained herein shall be construed to exempt members from paragraph (c) of said section seventeen of said chapter two hundred and sixty-eight A.

SECTION 3. Section 4 of chapter 625 of the acts of 1966, as most recently amended by section 7 of chapter 624 of the acts of 1982, is hereby further amended by adding the following paragraph:-

Members of the commission shall not be deemed in violation of paragraph (a) of section seventeen of chapter two hundred and sixty-eight A of the General Laws for receiving compensation regarding a particular matter which is pending before the commission, or which is, or within one year has been, under their official responsibility provided that (1) the commission member does not participate either directly or indirectly in the commission's review or decision on the particular matter; and (2) as soon as the conflict is known, the commission member files with the city clerk a statement making full disclosure of the member's interest and interests of the member's immediate family in the particular matter under review. Nothing contained herein shall be construed to exempt members from paragraph (c) of said section seventeen of said chapter two hundred and sixty-eight A.

SECTION 4. Section 3 of chapter 772 of the acts of 1975, as most recently amended by section 9 of chapter 624 of the acts of 1982, is hereby further amended by inserting after the third paragraph the following paragraph:-

Members of the commission shall not be deemed in violation of paragraph (a) of section seventeen of chapter two hundred and sixty-eight A of the General Laws for receiving compensation regarding a particular matter which is pending before the commission, or which is, or within one year has been, under their official responsibility provided that (1) the commission member does not participate either directly or indirectly in the commission's review or decision on the particular matter; and (2) as soon as the commission member becomes aware of the conflict, such member files with the city clerk a statement making full disclosure of the member's interest and interests of the member's immediate family in the particular matter under review. Nothing contained herein shall be construed to exempt members from paragraph (c) of said section seventeen of said chapter two hundred and sixty-eight A.

SECTION 5. This act shall take effect upon its passage.

Approved June 14, 1989.

Acts (2018)

Chapter 373

AN ACT FURTHER REGULATING THE FILLING OF VACANCIES ON CERTAIN BOARDS AND COMMISSIONS IN THE CITY OF BOSTON.

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. Section 1 of chapter 410 of the acts of 1898, as appearing in section 1 of chapter 362 of the acts of 2012, is hereby amended by inserting after the word “mayor”, in line 4, the following words:- , subject to confirmation by the city council.

SECTION 2. Said section 1 of said chapter 410, as so appearing, is hereby further amended by adding the following paragraph:-

Upon a vacancy on the commission resulting from the resignation, removal or expiration of a term of office of a commissioner, the mayor shall provide written notice to the nominating entities described in this section by certified or registered mail. If a nominating entity fails to recommend nominees to the mayor as described in this section within

90 days after being notified of a vacancy, the mayor may appoint a person to the commission at the mayor's discretion, notwithstanding any provision of this section to the contrary.

SECTION 3. The first paragraph of section 4 of chapter 616 of the acts of 1955, as appearing in section 1 of chapter 429 of acts of 1965, is hereby amended by striking out the words "city as" and inserting in place thereof the following words:- city, subject to confirmation by the city council, as.

SECTION 4. Said section 4 of said chapter 616 is hereby further amended by inserting after the first paragraph, as most recently amended by chapter 450 of the acts of 2008, the following paragraph:-

Upon a vacancy on the commission resulting from the resignation, removal or expiration of a term of office of a commissioner or an alternate, the mayor shall provide written notice to the nominating entities described in this section by certified or registered mail. If a nominating entity fails to recommend nominees to the mayor within 90 days after being notified of a vacancy, the mayor may appoint a person to the commission at the mayor's discretion, notwithstanding any provision of this section to the contrary. The members of the commission shall be residents of the city of Boston during their terms of office.

SECTION 5. Section 1 of chapter 665 of the acts of 1956 is hereby amended by inserting after the second paragraph, as most recently amended by section 1 of chapter 461 of the acts of 1993, the following paragraph:-

Upon a vacancy on the zoning commission resulting from the resignation, removal or expiration of a term of office of a commissioner, the mayor shall provide written notice to the nominating entities described in this section by certified or registered mail. If a nominating entity fails to recommend nominees to the mayor within 90 days after being notified of a vacancy, the mayor may appoint a person to the commission at the mayor's discretion, notwithstanding any provision of this section to the contrary.

SECTION 6. Section 8 of said chapter 665 is hereby amended by inserting after the second paragraph, as most recently amended by section 3 of said chapter 461 of the acts of 1993, the following paragraph:-

Upon a vacancy on the board resulting from the resignation, removal or expiration of a term of office of a member or an alternate, the mayor shall provide written notice to the nominating entities described in this section by certified or registered mail. If a nominating entity fails to recommend nominees to the mayor within 90 days after being notified of a vacancy, the mayor may appoint a person to the board at the mayor's discretion, notwithstanding any provision of this section to the contrary.

SECTION 7. Section 1 of chapter 625 of the acts of 1965 is hereby amended by inserting after the word "mayor", in line 3, the following words:- , subject to confirmation by the city council.

SECTION 8. Said section 1 of said chapter 625 is hereby further amended by adding the following paragraph:-

Upon a vacancy on the commission in a seat previously occupied by a member who was appointed after nomination by the Freedom Trail Foundation, Inc. pursuant to this section, resulting from the resignation, removal or expiration of a term of office of a member, the mayor shall provide written notice to the Freedom Trail Foundation, Inc. by certified or registered mail. If the Freedom Trail Foundation, Inc. fails to recommend nominees to the mayor within 90 days after being notified of a vacancy, the mayor may appoint a person to the commission at the mayor's discretion, notwithstanding any provision of this section to the contrary. The members of the commission shall be residents of the city of Boston during their terms of office.

SECTION 9. The first sentence of the first paragraph of section 4 of chapter 625 of the acts of 1966, as most recently amended by section 5 of chapter 624 of the acts of 1982, is hereby further amended by striking out the words "mayor as" and inserting in place thereof the following words:- mayor, subject to confirmation by the city council, as.

SECTION 10. Said section 4 of said chapter 625 is hereby further amended by inserting after the first paragraph, as so amended, the following paragraph:-

Upon a vacancy on the commission resulting from the resignation, removal or expiration of a term of office of a commissioner or an alternate, the mayor shall provide written notice to the nominating entities described in this section by certified or registered mail. If a nominating entity fails to recommend nominees to the mayor as described in this section within 90 days after being notified of a vacancy, the mayor may appoint a person to the commission at the

mayor's discretion, notwithstanding any provision of this section to the contrary. The members of the commission shall be residents of the city of Boston during their terms of office.

SECTION 11. Section 3 of chapter 772 of the acts of 1975, as most recently amended by section 4 of chapter 137 of the acts of 1989, is hereby further amended by inserting after the second paragraph the following paragraph:-

Upon a vacancy on the commission resulting from the resignation, removal or expiration of a term of office of a commissioner or an alternate, the mayor shall provide written notice to the nominating entities described in this section by certified or registered mail. If a nominating entity fails to recommend nominees to the mayor within 90 days after being notified of a vacancy, the mayor may appoint a person to the commission at the mayor's discretion, notwithstanding any provision of this section to the contrary.

SECTION 12. Section 2 of chapter 88 of the acts of 1989, as most recently amended by section 6 of chapter 139 of the acts of 2013, is hereby further amended by inserting after the word "mayor", in line 3, the following words:- and confirmed by the city council.

SECTION 13. Said section 2 of said chapter 88, as so amended, is hereby further amended by inserting after the first paragraph the following paragraph:-

Upon a vacancy on the monitoring committee in a seat reserved for a public housing tenant or a rental assistance tenant resulting from the resignation, removal or expiration of a term of office of such person, the mayor shall provide written notice by certified or registered mail, in the case of a public housing tenant vacancy, to the

citywide public housing tenant organizations and public housing development-based tenant organizations of the Boston Housing Authority responsible for nominating mayoral appointees or, in the case of a rental assistance tenant vacancy, to the rental assistance tenants who have served in a resident advisory capacity. If a nominating entity fails to recommend nominees to the mayor within 90 days after being notified of a vacancy, the mayor may appoint a person to the committee at the mayor's discretion, notwithstanding any provision of this section to the contrary.

SECTION 14. This act shall take effect upon its passage.

Approved, January 7, 2019.