

**Rules and Regulations for the Implementation of
Review Fees for Outside Consultants
Pursuant to M.G.L. c. 44, sec. 53G
For the Grant of Permits and Licenses Including Grants of Location,
By the Board of Selectmen
Town of Egremont
Adopted January 12, 2017**

(a) Pursuant to M.G.L. c. 44, sec. 53G, the Board of Selectmen (öBoardö), through this regulation, may impose reasonable fees for the employment of outside consultants for specific consultant services deemed necessary by the Board to review, issue a decision, permit and/or license and/or otherwise implement its authority, with respect to the issuance of permits and licenses, including grants of location pursuant to M.G.L. c. 166, sec. 22, (öpermit or licensesö), arising from the Board's authority to grant:

- (1) Grants of Location pursuant to M.G.L. c. 166, sec. 22 et seq.;
- (2) Alcoholic beverage licenses, including wine and malt, licenses or permits pursuant to M.G.L. c. 138, including Sections 12 (on-premises); Section 14 (special licenses, including one-day licenses); Section 15 (not on-premises), and Section 16A (renewal of Section 12 and/or Section 15 licenses).
- (3) Common victualler licenses pursuant to M.G.L. c. 140, sec. 2;
- (4) Entertainment/Automatic Amusement licenses pursuant to: (a) M.G.L. c. 140, 183A (holders of alcoholic licenses and/or common victualler licenses); (b) M.G.L. c. 140, sec. 181 (theatrical exhibits, public shows, public amusements and exhibitions) and (c) M.G.L. c. 140, sec. 177A (automatic amusement devices).
- (5) Motor Vehicle Dealers licenses - Class I (new vehicles); Class II (used vehicles) (M.G.L. c. 140, secs. 58 and 59) and Class III (junked vehicles). M.G.L. c. 140, sec. 58 and 59.
- (6) Vehicles For Hire license and permits, including taxis and liveries, pursuant to M.G.L. c. 40, sec. 22.
- (7) Lodging House licenses pursuant to M.G.L. c. 140, sec. 23;
- (8) Fortune Teller license ö M.G.L. c. 140, sec. Section 185I; and
- (9) Any other municipal permit or license for which authority to grant is conferred upon the Board under any applicable statute or bylaw, as provided in M.G.L. c. 44, sec. 53G

(b) The Board may determine that the assistance of an outside consultant(s) is warranted due to the size, scale or complexity of the petition or application (öapplicationö) for the permit or license, the proposal or because of its potential impact(s). The Board may require that the petitioner or applicant (öpetitioner/applicantö) pay a review fee consisting of the reasonable cost, as determined by the Board, for the employment of an outside

consultant(s) to be engaged by the Board to assist in the review of and/or determination regarding the application and/or proposal (application/proposal).

(c) In hiring outside consultants, the Board may engage engineers, designers, financial analysts, planners, traffic consultants, lawyers and/or other appropriate professionals who can assist the Board in reviewing and analyzing an application/proposal to ensure compliance with all relevant laws, bylaws and regulations, best practices within the consultant's field of expertise and/or the protection of the public, including health, welfare and safety. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three (3) or more years of practice in the field at issue or a related field.

(d) Any applicant may take an administrative appeal from the selection of an outside consultant(s) to the Board of Selectmen itself. The grounds for such an appeal shall be limited to claims that the consultant(s) selected has a conflict of interest or does not possess the minimum required qualifications. Such appeal must be made in writing and must be received by the Board within fourteen (14) days after the Board has mailed or hand-delivered notice to the applicant of the selection of the consultant(s). In the event that no decision regarding the appeal is made by the Board within one month following the filing of such appeal, then the selection of the Board shall stand. The time limit, if any, for the Board's action on the petition shall be extended by the duration of any such administrative appeal.

(e) Failure of the applicant to pay a review fee within fourteen (14) days after the provision of notice by the Board to the applicant as set out in Paragraph (c) above (or in the case of a timely appeal by the applicant pursuant to Paragraph (c) above, within fourteen (14) days of the applicable decision by the Board or the expiration of the time for such decision shall be grounds for the denial of the petition.

(f) If at a later time in the process regarding the subject application/proposal, the Board determines that additional funds are needed for outside consultant services, the Board may provide written notice of said further and/or additional need for such funds in the same manner, and subject to the same provisions and requirements, as set out in Paragraphs (a) through (d) above.

(g) Funds received by the Board pursuant to this regulation shall be deposited with the Town Treasurer who shall establish a special account for this purpose in accordance with the provisions of M.G.L. c. 44, sec. 53G. This account and funds therein shall be kept separate and apart from other monies. Expenditures from this special account, including interest, if any, shall be made at the direction of the Board in connection with application/proposal for which a review fee has been collected without further appropriation.

(h) Review fees may be spent only for consultant services rendered in connection with the application/proposal for which they were collected. At the completion of the Board's review of an application/proposal, as reasonably determined by the Board, any excess amount in the account, including interest, attributable to the specific project, shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or the applicant's successor in interest. Any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.

(i) Nothing in these regulations shall be deemed to create establish or otherwise implement a license or permit or a process therefore with respect to any type of permit or license referenced above as being subject to the implementation of review fees for outside consultants