

By Ms. Rogeness of Longmeadow, petition of Mary S. Rogeness and Valerie Barsom (by vote of the town) for legislation to authorize the imposition of fees for the employment of certain outside consultants by the town of East Longmeadow. Local Affairs. [Local Approval Received.]

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Ninety-Six.

AN ACT AUTHORIZING THE IMPOSITION OF FEES FOR THE EMPLOYMENT OF CERTAIN OUTSIDE CONSULTANTS BY THE TOWN OF EAST LONGMEADOW.

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

1 SECTION 1. Notwithstanding the provisions of section fifty-  
2 three of chapter forty-four of the General Laws or any other  
3 general or special law to the contrary, the planning board of the  
4 town of East Longmeadow may, upon the promulgation in accor-  
5 dance with the provisions of this act of rules or regulations, pro-  
6 vide for the imposition of reasonable fees for the employment of  
7 outside consultants. Such fees shall be deposited in a special  
8 account for the review of petitions or applications required by  
9 state or federal law or local by-laws including zoning by-laws  
10 filed with it for review or approval. Said rules or regulations shall  
11 provide for an administrative appeal from the selection of the out-  
12 side consultant to the board of selectmen. The grounds for such an  
13 appeal shall be limited to claims that the consultant selected has  
14 a conflict of interest or does not possess the minimum, required  
15 qualifications. The minimum qualifications shall consist either of  
16 an educational degree in or related to the field at issue or three or  
17 more years of practice in the field at issue or related field. The  
18 registered time limits for action upon an application or petition by  
19 municipal permit granting board shall be extended by the duration  
20 of the administrative appeal. In the event that no decision is made  
21 by the board of selectmen within one month following the filing  
22 of the appeal, the selection made by the planning board shall stand.

23 Such an administrative appeal shall not preclude further judicial  
24 review, if otherwise permitted by law, on the grounds provided for  
25 in this act. Any such account shall be established by the town trea-  
26 surer and shall be kept separate and apart from the other monies.  
27 The special account, including accrued interest, if any, shall be  
28 expended at the direction of the planning board without further  
29 appropriation; provided, however, that such funds are to be expended  
30 by it only in connection with carrying out its responsibilities under  
31 law. Any excess amount in the account attributable to a specific  
32 project, including any accrued interest, at the completion of said  
33 project shall be repaid to the applicant or to the applicant's suc-  
34 cessor in interest and a final report of said account shall be made  
35 available to the applicant or to the applicant's successor in  
36 interest. The town accountant shall submit annually a report of  
37 said special account to the board of selectmen to review. Said  
38 report shall be published in the town report. The town accountant  
39 shall submit annually a copy of said report to the director of the  
40 bureau of accounts.

1 SECTION 2. This act shall take effect upon its passage.