

**NOTICE:** While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **NOT** been proofread against the events of the session for this day. All information obtained from this source should be checked against a proofed copy of the Senate Journal.

## UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



### JOURNAL OF THE SENATE.

*Monday, September 21, 2015.*

Met at one minute past eleven o'clock A.M. (Ms. Jehlen in the Chair).

The Chair (Ms. Jehlen), members, guests and staff then recited the pledge of allegiance to the flag.

#### *Communication.*

Communication from the Office of the Comptroller (pursuant to Section 2E of Chapter 46 of the Acts of 2015) submitting a Fiscal Year 2016 revised transfer schedule for the following account: 1599-6152 State Retiree Benefits Trust Fund (received September 17, 2015),-- **was placed on file.**

#### *Petition.*

Mr. Keenan (by request) presented a petition (accompanied by resolve) (subject to Joint Rule 12) of Thomas Emswiler to make an investigation and study by a special commission relative to the impacts of changing the Massachusetts time zone,-- **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

#### *Reports of a Committee.*

By Mr. Keenan, for the committee on Bonding, Capital Expenditures and State Assets, that the Senate Bill designating certain lands in the town of Adams for conservation and public recreational purposes (Senate, No. 1631),-- **ought to pass and**

By the same Senator, for the same committee, that the Senate Bill authorizing the Commonwealth to grant an easement to the town of Barnstable and the town of Barnstable to grant or assign several conservation restrictions to the Commonwealth (Senate, No. 1990),-- **ought to pass**

**Severally, under Senate Rule 27, referred to the committee on Ways and Means.**

By Mr. Wolf, for the committee on Labor and Workforce Development, on petition, a Bill providing benefits for permanent functional loss and disfigurement under the Workers' Compensation Act (printed as House, No. 1707);

**Read and, under Senate Rule 27, referred to the committee on Ways and Means.**

By Mr. Downing, for the committee on Telecommunications, Utilities and Energy, on petition, a Bill authorizing the town of Mount Washington to establish, own, and operate broadband infrastructure and services and to issue bonds or notes therefor (Senate, No.1978) [Local approval received];

**Read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

#### PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 3763) of Daniel J. Hunt and others (with the approval of the mayor and city council) that the city of Boston be authorized to appoint Robert J. Butts, III a police officer in said city, notwithstanding the maximum age requirement,-- **was referred, in concurrence, to the committee on Public Service.**

A Bill validating the actions taken at the annual town and special state elections held in the town of Westborough (printed in House, No. 59,-- being a message from his Excellency the Governor),-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

*Resolutions.*

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:- Resolutions (filed by Mr. deMacedo) “congratulating the Plymouth Philharmonic Orchestra on the occasion of its one hundredth anniversary.”

*Matter Taken Out of the Orders of the Day.*

There being no objection, the following matter was taken out of the Orders of the Day and considered as follows: The House Bill relative to the department of public works in the Town of Tisbury (House, No. 3619),-- **was read a second time, ordered to a third reading, third time and passed to be engrossed, in concurrence.**

*Reports of Committees.*

By Mr. Montigny, for the committee on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Ryan C. Fattman and Joseph D. McKenna for legislation to designate a certain bridge in the town of Webster as the Webster/Dudley Public Safety Memorial Bridge. The rules were suspended, on motion of Mr. Fattman, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation. Sent to the House for concurrence.

**PAPER FROM THE HOUSE.**

The engrossed Bill relative to the charter of the city known as the town of Randolph (see Senate, No. 1942),-- **came from the House, with an amendment striking out all after the enacting clause and inserting in place thereof the following text:-** “SECTION 1. Section 2-4 of article 2 of the charter of the city known as the town of Randolph, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) Salary – Notwithstanding any general or special law to the contrary, commencing on January 1, 2016, each town council member shall be paid an annual salary of \$5,000; provided, however, that the town council members shall not be eligible to receive town benefits as the result of being a town council member, including, but not limited to, town health insurance, town life insurance, town dental insurance, town disability insurance, town sick time, town personal time or town vacation time. Nothing in this subsection shall affect the eligibility of town council members to participate in the Norfolk county retirement system or other retirement systems in the commonwealth, as provided for by law. Nothing in this subsection shall affect any local, state or federal tax withholding requirements or any other federal requirements applicable to paid local elected officials.

SECTION 2. Article 2 of said charter is hereby amended by striking out section 2-5 and inserting in place thereof the following section:-

Section 2-5 General Powers

(a) General Powers – Except as otherwise provided by general or special law or this charter, all powers of the town shall be vested in the town council which shall provide for the exercise thereof and for the performance of all duties and obligations imposed upon the town by such law or charter provision. The town may enter into contracts for the exercise of its corporate powers on the terms and conditions authorized by the town council by ordinance.

(b) License Board – There shall be a license board and it shall be the licensing authority of the town of Randolph and shall, as authorized by the laws of the commonwealth, have all power to issue all licenses, to make all necessary rules and regulations regarding the issuance of the licenses, to attach conditions and restrictions to the licenses as it considers to be in the public interest and to enforce all laws relating to the licenses.

The license board shall consist of 7 full-time members, 3 of whom shall be residents of the town of Randolph. The license board shall have 3 alternates, all of whom shall be residents of the town of Randolph recommended by the council president and confirmed by the town council.

The full-time license board members shall consist of the following: the Randolph police chief; the Randolph fire chief; the Randolph building inspector; the Randolph health inspector; and 3 town residents, 1 of whom shall be recommended by the council president and confirmed by the town council. Each member shall serve a 2-year term. All license board meetings shall be held at 7:00 P.M. on any weekday except Monday.

No elected official within the commonwealth shall be eligible to serve as a license board member. A license board member shall not be compensated by the town in the member’s role as a license board member.

The license board shall have authority and jurisdiction over licenses issued under town by-laws or the General Laws, including licenses issued pursuant to chapter 138 or 140 of the General Laws.

The license board shall have licensing authority and jurisdiction regarding licenses granted under this authority consistent with the board’s legal authority to regulate conduct which is in the best interests of the public and is intended to protect the public

welfare and safety of the inhabitants of Randolph.

The license board shall regulate common victuallers licenses and entertainment licenses granted under chapter 140 of the General Laws. Nothing in this section shall limit the authority of the license board under the General Laws over which the license board has authority under powers conferred to it by applicable law or the town charter or an applicable town by-law.

SECTION 3. Said article 2 of said charter is hereby amended by striking out section 2-5 and inserting in place thereof the following section:-

Section 2-5 General Powers

(a) General Powers – Except as otherwise provided by general or special law or this charter, all powers of the town shall be vested in the town council which shall provide for the exercise thereof and for the performance of all duties and obligations imposed upon the town by such law or charter provision. The town may enter into contracts for the exercise of its corporate powers on the terms and conditions authorized by the town council by ordinance.

(b) Licensing Board – There shall be a licensing board in the town of Randolph. The town council shall be the licensing board and licensing authority of the town of Randolph. The licensing board shall, as authorized by the laws of the commonwealth, have all power to issue all licenses, to make all necessary rules and regulations regarding the issuance of the licenses, to attach conditions and restrictions to the licenses as it considers to be in the public interest and to enforce all laws relating to the licenses. The licensing board shall have authority and jurisdiction over licenses issued under town by-laws or the General Laws, including licenses issued pursuant to chapter 138 or 140 of the General Laws.

The licensing board shall have licensing authority and jurisdiction regarding licenses granted under this authority consistent with the board's legal authority to regulate conduct which is in the best interests of the public and is intended to protect the public welfare and safety of the inhabitants of the town of Randolph.

The licensing board shall regulate common victuallers licenses and entertainment licenses granted under chapter 140 of the General Laws. Nothing in this section shall limit the authority of the licensing board under the General Laws over which the licensing board has authority under powers conferred to it by applicable law or the town charter or an applicable town by-law.

SECTION 4. The town attorney shall cause the following question to be placed on the official ballot to be used in the city known as the town of Randolph at the next town election that is more than 35 days after the effective date of this act:

'Question 1: Shall the town amend the town charter to provide that, notwithstanding any general or special law to the contrary, commencing on January 1, 2016, each town council member shall be paid an annual salary of \$5,000; provided, however, that town council members shall not be eligible to receive any town benefits as the result of being a town council member; and provided further, that nothing herein shall affect the eligibility of council members to participate in the Norfolk county retirement system or other retirement systems in the commonwealth as provided for by law?

Yes \_\_\_\_\_ No \_\_\_\_\_'.

The town attorney for the city known as the town of Randolph shall prepare a summary of the ballot question which shall appear on the ballot along with the question provided in this section.

SECTION 5. The town attorney shall cause the following questions to be placed on the official ballot to be used in the city known as the town of Randolph at the next town election that is more than 35 days after the effective date of this act:

'Question 2: Shall the town amend the town charter to designate a 7-member licensing board consisting of the police chief, the fire chief, the building inspector, the health inspector and 3 town residents as the town licensing authority for all licenses?

Yes \_\_\_\_\_ No \_\_\_\_\_'.

Question 3: Shall the town amend the town charter to designate the town council as the town licensing authority for all licenses?

Yes \_\_\_\_\_ No \_\_\_\_\_'.

The town attorney for the city known as the town of Randolph shall prepare a summary of the ballot questions which shall appear on the ballot along with the questions provided in this section. Instructions to voters regarding the effect of their vote shall also be included on the ballot.

SECTION 6. If the voters in the city known as the town of Randolph approve question 1 in section 4, then section 1 shall take effect.

SECTION 7. (a) If the voters in the city known as the town of Randolph approve question 2 in section 5, then section 2 shall take effect.

(b) If the voters in the city known as the town of Randolph approve question 3 in section 5, then section 3 shall take effect.

(c) If the voters in the city known as the town of Randolph approve both questions 2 and 3 in section 5, then the question that obtained the highest number of affirmative votes shall be approved and the corresponding section shall take effect in accordance with subsection (a) or (b).

(d) If neither question in section 5 is approved by the voters in the city known as the town of Randolph, then neither section 2 or 3 shall take effect.

SECTION 8. This act shall take effect upon its passage.'.

**The rules were suspended, on motion of Mr. Fattman, and the House amendment was considered forthwith and adopted, in concurrence (as corrected BTR).**

*Order Adopted.*

On motion of Mr. Fattman,--

*Ordered*, That when the Senate adjourns today, it adjourn to meet again on Thursday next at eleven o'clock A.M., in a full formal session with a calendar.

*Adjourn In Memory of David Mountain*

The Senator from Essex and Middlesex, Mr. Tarr, moved that when the Senate adjourns today, it adjourn in memory of Newbury Selectman David Mountain.

Newbury Selectman David Mountain passed away in November of 2014 at the age of 68 after a long illness. David had a soft-spoken voice and a feisty dedication the town of Newbury.

Raised in Milwaukee, Wisconsin, David lived in the greater Newbury area since 1979. He first served on the Merrimac Valley Planning Commission and the Newbury Planning Board from 2000 to 2011. David was first elected to the Board of Selectmen in 2011, where he received more votes than any candidate in the history of the town. He was re-elected in May of 2014 for a second term. David was known as being a wise and thoughtful leader and a teacher at heart. He would often educate his colleagues on a wide range of scientific topics - from the long-term effects of rising sea levels and dune erosion on Plum Island to the anticipated ambient noise levels of large-scale solar arrays proposed for lots on Middle and Main streets.

David earned a bachelor's degree in electrical engineering from the Massachusetts Institute of Technology, and master's degree and Ph.D. in electrical engineering from the University of Wisconsin. He was a professor at Boston University, lecturing on biology and engineering. David was also an internationally recognized scientist and the founder of Biomimetic Systems, Inc., a high-tech startup in Cambridge, and David was inducted into the American Institute for Medical and Biological Engineering. David was also the founder and long-time director of the Parker River Clean Water Association, an association created with neighbors in 1994 that prevented a proposed development along the Parker River.

David is survived by his wife, Barbara Bereman, daughters Carrie and Rebecca Mountain, sisters Jeanne Kay Guelke and Nancy Mountain; and several nieces and nephews.

Accordingly, as a mark of respect in memory of David Mountain, at eight minutes past eleven o'clock A.M., on motion of Mr. Fattman, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M., in a full formal session.