

**ASHFIELD BOARD OF HEALTH**

**SUMMARY OF REGULATION FOR THE EMPLOYMENT OF OUTSIDE CONSULTANTS**

Pursuant to a properly adopted regulation, the Ashfield Board of Health may impose reasonable fees for the employment of outside consultants, engaged by the Board of Health, for review of any application submitted to the Board of Health pursuant to regulations adopted under Chapter 111, Section 31 of the Massachusetts General Laws, the requirement of the Subdivision Control Law, the State Environmental Code, any of its regulations, or any other State or Town statute, by-law, or regulation, as they may be amended or enacted from time to time.

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. Expenditures from this special account may be made at the direction of the Board of Health without further appropriation as provided in Massachusetts General Laws Chapter 44, Section 53G. Expenditures from this special account shall be made only in connection with the review of a specific project or projects for which a review fee has been or will be collected from the applicant. Failure of an applicant to pay a review fee shall be grounds for denial of the permit application.

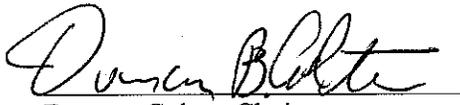
The Board of Health shall give written notice to the applicant of the selection of an outside consultant, which notice shall state the identity of the consultant and the amount of the fee to be charged to the applicant. Such notice shall be deemed to have been given on the date it is mailed or delivered.

The applicant may appeal the selection of the outside consultant to the Ashfield Board of Selectmen, who may disqualify the outside consultant selected only on the grounds that the consultant has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist 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. Such an appeal must be in writing and received by the Selectmen, and a copy received by the Board of Health, so as to be received within ten (10) days of the date of the notice of the selection of the consultant. The required time limits for action upon the application shall be extended by the duration of the administrative appeal.

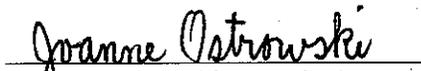
Hearing Notice Published: November 22, 2010 and November 29, 2010  
 Hearing Date: December 14, 2010 Regulation Adopted: December 14, 2010  
 Regulation Effective: December 14, 2010

The Recorder Monday, November 22, 2010 **D3**

Signed and Certified under the pains and penalties of perjury,

  
 Duncan Colter, Chairperson

  
 Cindy Scott, Board Member

  
 Joanne Ostrowski, Board Member

<p align="center"><b>Legals</b> 900</p> <p align="center"><b>NOTICE</b></p> <p>The Ashfield Board of Health will hold a public hearing on Tuesday, Dec. 14 at 7:15 pm in the Board of Health office in the Town Hall, 412 Main St, Ashfield, MA. The purpose of the hearing is to present and take comment on a proposed Regulation to provide for the Employment of Outside Consultants pursuant to MGL Chapter 44, section 53G. The draft regulation can be viewed at the Ashfield Town Hall. For a copy send an email to glenayers@rcog.org with 'draft reg' in the subject.</p> <p>Glen Ayers, Health Agent, for the Ashfield Board of Health 3155573</p> <p align="center"><b>TOWN OF COLRAIN</b> TOWN BOARD OF HEALTH</p>	<p align="center"><b>Legals</b> 900</p> <p align="center"><b>NOTICE</b></p> <p>The Ashfield Board of Health will hold a public hearing on Tuesday, Dec. 14 at 7:15 pm in the Board of Health office in the Town Hall, 412 Main St, Ashfield, MA. The purpose of the hearing is to present and take comment on a proposed Regulation to provide for the Employment of Outside Consultants pursuant to MGL Chapter 44, section 53G. The draft regulation can be viewed at the Ashfield Town Hall. For a copy send an email to glenayers@rcog.org with 'draft reg' in the subject.</p> <p>Glen Ayers, Health Agent, for the Ashfield Board of Health 3155573</p> <p align="center"><b>NOTICE</b></p>	<p align="center"><b>The Recorder Monday, November 29, 2010</b> <b>D3</b></p> <p>Montague assessors records as Map 02 Lot 6 and further as follows:</p> <p>Beginning at a point in a stone foundation wall in the eastern line of land now or formerly of Hammermill Paper Company (Book 1134 Page 281 FORD), which is the northwesterly corner of the parcel of land described herein;</p> <p>thence running the following twelve (12) courses along other land now or formerly of Western Massachusetts Electric Company (WMECO):</p> <p>78.16 feet, N 81° 02' 40" E to a point; thence</p> <p>109.92 feet, N 65° 19' 51" E to a point; thence</p> <p>193.17 feet, N 86° 31' 51" E to a point; thence</p> <p>272.95 feet, N 86° 28' 08" E feet to a point; thence</p>	<p align="center"><b>Clothing</b> 242</p> <p><b>LADIES GRAY CARDY UGGS</b>: Size 8, worn 1x, too big, like new \$70/B.O. (413)423-3398</p> <p><b>LEATHER JACKET</b> (Avant Garde) women's size 9/10 with liner. \$25 (413)772-0520</p> <p align="center"><b>Fitness/Recreation</b> 251</p> <p><b>8400C Reebok TREADMILL</b>: 2.25hp motor, 60" deck, workout programs + custom settings. Great cond \$450 (413)522-8624</p> <p><b>BICYCLE</b>: girls, Trek 800, 17.5" in. frame, hardly used \$100. (413)722-0520</p>
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Attached: Ashfield Regulations for the Employment of Outside Consultants



# **Ashfield Board of Health**

## **Regulations for the Employment of Outside Consultants**

### **I. Legal Authority, Purpose, and Related Provisions**

(1) The purpose of this regulation is to provide for the protection of public health, safety, welfare and the environment by providing a mechanism that may be utilized at the discretion of the Board of Health when, in their opinion, it is necessary and appropriate for the Board to enlist the assistance of outside expertise when reviewing any proposal that comes before the Board of Health for a decision.

(2) This regulation is promulgated pursuant to the authority of M.G.L. c. 44, § 53G, and c. 111, § 31.

(3) The provisions of these regulations shall apply to M.G.L. c. 111, § 43, as well as other pertinent laws, regulations, and programs under the purview of the Board of Health.

(4) These regulations should be read together with M.G.L. c. 21A, § 13, M.G.L. c. 21 §§ 26 through 53, M.G.L. c. 111, §§ 17, 27, 27A, 27B, 27C, 30, 31, 31A, 31B, 31C, 31D, 31E, 122, 124, 125, 125A, 127, 127A, 127P, 127B and 129; M.G.L. c. 83, § 11; and M.G.L. c. 131, § 40.

### **II. Review by Outside Consultant:**

1. If, after receiving an application, a proposal, a request for assignment, or other request for review or sign-off, the Board of Health determines that in order to deliberate and decide any issue raised by an applicant it requires technical advice unavailable from municipal employees, it may employ outside consultants in accordance with the provisions of M.G.L. c. 44, § 53G. The Board of Health may require that the applicant pay a reasonable consultant fee for the employment of outside consultants chosen by the BOH.

2. All fees assessed pursuant to this section shall be reasonable in light of:

- (a) the complexity of the proposed project as a whole;
- (b) the complexity of particular technical issues;
- (c) the size and character of the site or proposal;
- (d) the projected construction costs, and
- (e) fees charged by similar consultants in the area.

3. If the applicant fails to pay the consultant fee within ten days of receiving written notification of the selection of consultant, the Board of Health may deny the permit, approval or other relief requested.

4. Prior to paying the consultant fee, the applicant may appeal the selection of the consultant to the Town's Board of Selectmen.

(a) The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications.

(b) The minimum qualifications shall consist either of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field.

(c) The required time limits for action upon the application by the Board of Health shall be extended by the duration of the appeal. In the event that no decision is made by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Board of Health shall stand.

(d) The appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in this regulation.

5. Each consultant fee shall be deposited in a special account established by the municipal treasurer pursuant to M.G.L. c. 44, § 53G.

(a) Funds from the special account may be expended only for the purposes described in Section II.

(b) Within 30 days of the completion of the project or of such time as the applicant formally withdraws the proposal, the applicant shall receive a final report of funds in the special account and shall be paid any unspent excess in the account, including accrued interest.

(c) The municipal accountant shall submit annually a report of the special account to the chief elected body and chief administrative official of the municipality for their review. This report shall be published in the town annual report. The municipal accountant shall submit annually a copy of said report to the director of the bureau of accounts.

### **III. Fees:**

1. The Board of Health may assess reasonable fees for permits, licenses, inspections, and oversight services issued or performed by the Board or its representatives in the execution of its responsibilities, pursuant to M.G.L. c. 40 § 22F.

2. A written schedule of fees shall be maintained by the Board of Health and may be amended from time to time, as needed, by simple vote of the Board of Health at any properly convened public meeting.

### **IV. Severability:**

1. If any section, paragraph, sentence, clause or phrase of these regulations shall be deemed invalid by a court of competent jurisdiction, such decision shall not affect the remaining provisions of these regulations, which shall remain in full force and effect and, to this end, the provisions of these regulations are hereby declared severable.

### **V. Effective Date:**

This regulation was adopted by vote of the Board of Health of the Town of Ashfield at a public meeting held on December 14, 2010, the effective date of these regulations.

A public hearing on these regulations was held on December 14, 2010. First publication of notice of public hearing was made on Monday November 22, 2010 in the Greenfield Recorder, and second notification was made on Monday November 29, 2010 in the Greenfield Recorder.