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CITY OF AMESBURY, MA

CITY OF AMESBURY
IN THE YEAR TWO THOUSAND TWENTY-THREE

SPONSORED BY: Kassandra Gove **BILL No. 2023-098**
Kassandra Gove, Mayor

Peter Frey
Peter Frey, District 5 Councilor

An Order for the Amesbury City Council to vote to accept provisions of Massachusetts General Laws Chapter 40, section 5B, and to dedicate Local Option Meals Tax receipts to the special stabilization fund created by Bill No. 2013-025.

Summary: This local acceptance is a follow up to the passage of Bill No. 2013-025, which provided for acceptance of Massachusetts General Laws Chapter 64L, Section 2(a) to impose a Local Option Meals Tax and to create a Special Purpose Stabilization Fund for Sidewalk and Road Repairs. At the time of passage of Bill No. 2013-025, it was not permissible to dedicate the Local Option Meals Tax funds in the manner prescribed by Bill No. 2013-025. Massachusetts General Laws Chapter 40, section 5B was amended in November 2016, introducing the local acceptance provision contained in the last paragraph allowing for the dedication of monies to a stabilization fund, stating as follows:

Notwithstanding section 53 of chapter 44 or any other general or special law to the contrary, a city, town or district that accepts this paragraph may dedicate, without further appropriation, all, or a percentage not less than 25 per cent, of a particular fee, charge or other receipt to any stabilization fund established pursuant to this section; provided, however, that the receipt is not reserved by law for expenditure for a particular purpose. For purposes of this paragraph, a receipt shall not include taxes or excises assessed pursuant to chapter 59, 60A, 60B, 61, 61A or 61B or surcharges assessed pursuant to section 39M or chapter 44B. A dedication shall be approved by a two-thirds vote of the legislative body of the city, town or district, subject to charter, and may be terminated in the same manner. A vote to dedicate or terminate a dedication shall be made before the fiscal year in which the dedication or termination is to commence and shall be effective at least for 3 fiscal years.

Be it Ordered by the City Council of the City of Amesbury assembled, and by the authority of the same as follows:

1. That the Amesbury City Council votes to accept the provisions of the last paragraph of Massachusetts General Laws, Chapter 40, section 5B, and further to dedicate without further appropriation, 100% of the Local Option Meals Tax receipts received by the City to the Special Purpose Stabilization Fund for Sidewalk and Road Repairs created by Bill No. 2013-025.
2. The dedication of monies into this special stabilization fund will commence on July 1, 2024.
3. Funds will be appropriated annually, beginning in FY26.
4. Sidewalk and Road Repair projects will be prioritized and selected by the City of Amesbury Public Works Director.



**CITY OF AMESBURY
IN THE YEAR TWO THOUSAND THIRTEEN**

**SPONSORED BY: Councilor Christian Scorzoni BILL No. 2013-025
Vice President Robert Gilday
Councilor Robert Lavoie**

At the meeting of the Amesbury City Council held on May 14, 2013 in the City Hall Auditorium the following action was taken:

A Request To Establish A Special Purpose Stabilization Fund for Sidewalk Construction and Repairs To Be Funded Through A Local Option Meals Tax

Summary: As part of the Fiscal Year 2010 state budget, the Commonwealth of Massachusetts established a local option excise of .75% on the sale of restaurant meals originating within a municipality in addition to the state levied 6.25% meals tax. The provision was included in the budget in order to offset local aid reductions for cities and towns.

The purpose of adopting the Local Option Meals Tax is to diversify the city's funding sources and to relieve pressure on the city's current tax rate. At the moment, free cash is being utilized to pay for \$200,000 annually as part of Mayor Kezer's five-year commitment to upgrade Amesbury's streets and sidewalks. Monies secured from these funds, some of which will be derived from out-of-town residents, would be placed into a reserve account to go toward the construction and maintenance of city sidewalks.

Be It Ordained by the City Council of the City of Amesbury assembled and by the authority of the same, as follows:

ORDERED: I. That the City of Amesbury accept M.G.L. Chapter 64L, Section 2(a) to impose a local meals excise.

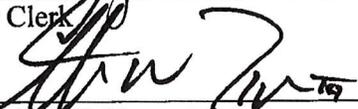
FURTHER ORDERED:II. That a Special Purpose Stabilization Fund for Sidewalk and Road Repairs be created under Section 5B of Chapter 40 of the General Laws.

Councilor Lavoie moved Ordered: I. That the City of Amesbury accept M.G.L. Chapter 64L, Section 2(a) to impose a local meals excise tax. And Further Ordered: II. That a Special Purpose Stabilization Fund for Sidewalk and Road Repairs be created under Section 5B of Chapter 40 of the General Laws. Councilor Scorzoni seconded. Roll Call Vote: 5-Yes, Gilday, Neale, Lavoie, Scorzoni, Ferguson; 4-No McMilleon, Kimball, Kelcourse, McClure

Witness my hand and seal for the City of Amesbury this 17th day of May, 2013



City Clerk



Thatcher W. Kezer III, Mayor

Date MAY 20, 2013

