# SECTION 9

### Override Overview - FY '19

### Fire/EMS - ALS & Misc.

It	tem				Value
	account 5100 - Personn	iel			\$200,000
<b>220</b> A	Account 5110 - Employ	ee Support			\$5,800
A	Account 5200 - Purchas	e of Service	*		\$43,290
A	Account 5400 - Supplie	S			\$17,150
A	Account 5700 - Other				\$0
Ins/Benis A 900	Ins/Benis Account 5700 - Other 900				\$111,890
	Account 5100 - Persons	nel			\$0
420	ž.		Lump S	um Disallow	-\$1,310
			TOTAL ALI	L BUDGETS	\$376,820
			Cost P	er Thousand	\$0.60
\$	1/Thousand Raises Override Amount  ¢ per Thousand	\$622,843 \$314,535 \$0.50	\$622,843 \$376,820 \$0.60	\$622,843 \$407,962 \$0.65	
Co	ost/\$250,000 Home	\$125	\$150	<b>\$163</b> .	

**DEPARTMENT:** 

Fire & EMS

FUND:

1000

ACCOUNT NUMBER: ACCOUNT NAME:

220 5100 Personnel

FY 2019 FY 2019 Expense Budget Request Administrator Recommended Class/Grade Salary Hours! # Weeks Wages Employee & Step or Hourly Week/Yr perYR & Position \$60,134 \$60,134 \$60,134 48 52.2 \$24.00 Firefighter/Paramedic Full H \$60,134 \$60,134 \$60,134 Firefighter/Paramedic Full \$24.00 H 48 52.2 \$60,134 \$60,134 \$60,134 Full \$24.00 Н 48 52.2 Firefighter/Paramedic \$60,134 \$60,134 \$24.00 Н 48 52.2 \$60,134 Firefighter/Paramedic Full \$0 \$0 \$0 \$0 \$0 \$0 Original Base Request \$496,407 \$0 \$0 \$0 -\$1,407 Original LSD \$0 Less New Base -\$295,000 \$0 \$0 \$200,000 Restoration \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 LUMP SUM DISALLOWED -\$40,538 Note: The hourly rate shown for any salaried individual is only for illustration and calculation purposes and does not purport to show a limitation on their obligation to perform their job in a specified number of hours only.

Totals

\$240,538

\$200,000

DEPARTMENT:

Fire & EMS

FUND:

1000

ACCOUNT NUMBER:

220

5110

ACCOUNT NAME:

Expense Budget

**Employee Support** 

FY 2019

FY 2019

Request

Administrator

uantity		Description  Sulfaire Francisco Clothing Allowance		\$2,400	\$2,400
4		Fulltime Employee Clothing Allowance		\$700	\$700
2		Employee Physicals (Fire Fighter)			
18	\$150.00	EMS license renewals		\$2,700	\$2,700
				\$0	\$0
				\$0	\$0
				\$0	\$0
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				70	<u>Y</u>
		LU	MP SUM D	ISÁLLOWED	\$
		Tree Tree	otals	\$5,800	\$5,80

DEPARTMENT:

Fire & EMS

FUND:

1000

ACCOUNT NUMBER:

220

5200

ACCOUNT NAME:

Purchase of Services

**Expense Budget** 

FY 2019

FY 2019

Request

Administrator

		Totals	\$43,290	\$43,290
		LUMP SUM I	DISALLOWED	\$0
1	\$12,000.00	ALS Mutual Aid Charges	\$12,000	\$12,000
1		Sryker cot/stair chair service contract	\$2,200	\$2,200
12		Coastal Medical Billing	\$11,800	\$11,800
2	\$2,500.00	Misc. Ambulance Repair	\$5,000	\$5,000
2	\$750.00	Ambulance Service/PM	\$1,500	\$1,500
1	\$4,150.00	Ambulance License Fees	\$4,150	\$4,150
3	\$480.00	Verizon (ambulance Hotspots)	\$1,440	\$1,440
1	\$5,200.00	ImageTrend Ambulance Reporting Software	\$5,200	\$5,200
Quantity	Cost	Description		

<sup>(1)</sup> Payment 5 out of 5 in FY 19: Need \$60K to replace ambulance

DEPARTMENT:

Fire & EMS

FUND:

1000

ACCOUNT NUMBER:

220

5400

ACCOUNT NAME:

Supplies

Expense Budget

FY 2019

FY 2019

Request

Administrator

Quantity	Cost	Description		
1	\$800.00	Cleaning & Decontamination Amblances	\$800	\$800
1	\$1,650.00	Medical Oxygen	\$1,650	\$1,650
1		Medical Supplies	\$11,000	\$11,000
1		Medications and Narcotics	\$2,350	\$1 <u>,</u> 850
1		Physio-control (AED Pads & Supplies)	\$2,900	\$1,400
1		Telefles Medical (Airway devices)	\$450	\$450
	Ţ.100.00		\$0	\$0
			\$0	\$0
			\$0	\$0
			\$0	\$0
			\$0	\$0
	<del></del>		\$0	\$0
			\$0	\$0
	ļ		\$0	\$0
			\$0	\$0
			\$0	\$0
		LUMP SU	M DISALLOWED	\$0
		Totals	\$19,150	\$17,150

DEPARTMENT:

Fire & EMS

FUND:

1000

ACCOUNT NUMBER:

220

5600

ACCOUNT NAME:

Intergovernmental

Expense Budget

FY 2019

FY 2019

Request

Administrator

Quantity		Description	·	ćo
	\$0.00	Water Bill	\$0	\$0
	\$0.00	Sewer Bill	\$0	\$0
	\$0.00	Electric	\$0	\$0
	\$0.00	Fire alarm system Station 2	\$0	\$0 \$0 \$0 \$0
	\$0.00	Fire alarm system Station 1	\$0	\$0
		Solid waste	\$0	\$0
			\$0	\$0
		All Items are Carried in Buildings and Grounds	\$0	\$0 \$0 \$0
			\$0	\$0
			\$0	\$0
			\$0	\$0
			\$0	\$0
			\$0	\$0
			\$0	\$0
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			\$0	\$0
			\$0	\$0
			\$0	\$0
			\$0	\$0 \$0
			\$0	\$0
			\$0	\$0
			1	
		LUMP SUM	DISALLOWED	\$0
		Totals	\$0	\$0

**DEPARTMENT:** 

Fire & EMS

**FUND:** 

1000

ACCOUNT NUMBER:

220

5700

ACCOUNT NAME:

Other

**Expense Budget** 

FY 2019

FY 2019

Request

Administrator

		\$0	\$0
		\$0	\$0
		\$0 \$0	\$0 \$0
			\$(
	 	\$0	\$
 		\$0	\$(
		\$0	\$(
 		\$0 \$0	\$( \$(
		\$0	\$1

Prpared 02/12/2

Insurance Benefit Details

FY '19

**General Fund - Override** 

Actives

**General Fund** 

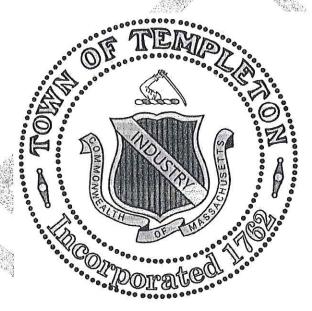
Department	Health Plan	Health Indiv/Family	Dental Indiv/Family	Moʻly	Mo'ly	Mo'ly	Mo'ly
Firefighter/EMT-P	\$86.69	\$4.85	\$35.50	\$780.72	\$40.11	\$4.85	\$35.50
Firefighter/EMT-P	\$86.69	\$4.85		\$2,054.28	\$84.33	\$4.85	\$35.50
Firefighter/EMT-P	\$86.69	\$4.85	\$35.50	\$2,054.28	\$84.43	\$4.85	\$35.50
Firefighter/EMT-P	\$86.69	\$4.85	\$35.50	\$2,054.28	\$84.43	\$4.85	\$35.50
			Per Month/Fu	\$6,943.56	\$293.30	\$19.40	\$142.00
		Assu	Assumed Increase of 6.25%	\$433.97			
	•		Total/Year	\$88,530.39	\$3,519.60	\$232.80	\$1,704.00
			Total of All	\$93,986.79			
			Town Share	\$70,490.09			
		-					

WRRS - Uptick @ 23% of salaries \$41,400.00

# TOWN OF TEMPLETON

### ANNUAL TOWN MEETING WARRANT

MAY 12, 2018



Narragansett Regional Middle School 460 Baldwinville Road, Baldwinville

All Subject to Final \$s, Proofreading and Legal Review

# SECTION 10

### TOWN OF TEMPLETON

### WARRANT FOR ANNUAL TOWN MEETING

### MAY 12, 2018

### WORCESTER, ss.

### To either of the Constables of the Town of Templeton in said County:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the precincts of the Town of Templeton, County of Worcester, qualified to vote in elections and Town affairs to meet in the Narragansett Regional Middle School, 460 Baldwinville Road, Baldwinville, in said Templeton on:

Saturday, May 12, 2018, at 9:00 a.m.

Then and there to act on the following articles:

### ARTICLE 1: FISCAL 2018 OPERATING BUDGET AMENDMENT(s)

To see if the Town will vote to appropriate the sum of Seventy Five Thousand Dollars and No Cents (\$75,000.00) for supplemental appropriations to the Fiscal Year 2018 Operating Budget as follows:

Department	Amount	Reason
Selectmen	\$17,250	Litigation
Treasurer/Collector	\$7,000	Tax Bill Template(s)s
Development Services	\$750	Right to Farm Signage
Snow & Ice	\$50,000	FY '18 Deficit
Other?????	??????	???????

And to meet said appropriation by a transfer of said sum from certified free cash,

Or take any other action related thereto.

Submitted by the Board of Selectmen Majority Vote Required

### ARTICLE 2: CONSENT AGENDA

To see if the Town will vote to approve a consent agenda consisting of the following non-controversial actions or take any other action relative thereto. Such items may be voted as a

block, or singly, or in any combination but, however voted, will be treated for accounting and legislative purposes as if each item were voted as a separate article.

### A. REPORTS OF TOWN OFFICERS

Accept the reports of the Town Officers as printed in the 2017 Town Report:

### B. REPORTS OF TOWN COMMITTEES

Allow any of the Town Committees to present their reports;

### C. SET ANNUAL SPENDING LIMITS OF REVOLVING FUNDS

Set the annual spending limits of the Town's previously created revolving funds as follows:

Burial & Improvement Fund	\$10,000
Recycling Fund	\$10,000
Plumbing & Gas Inspector Fund	\$7,500
Electrical Inspector Fund	\$12,500

Or take any other action related thereto.

## Submitted by the Board of Selectmen Majority Vote Required

# ARTICLE 3: AMEND BY-LAWS RE: SELECTMEN MEMBERSHIP ON ADDITIONAL COMMITTEES

To see if the Town will vote to amend Article III of its General By-laws by the addition of a new paragraph (b) to section 1 as follows:

(b) Members of the Board of Selectmen shall, in accord with section 4 of Chapter 41 of the General Laws, section 21A of chapter 268A of the General Laws and any other applicable law, are authorized to serve upon any Committee, Board or Commission under its general control and supervision, when such membership is specifically provided for in these By-laws. In addition, members of the Board of Selectmen may serve upon temporary ad hoc committees convened for a single purpose, such as the screening of applications for employment or appointment and examination of policy issues and such bodies will be dissolved upon the completion of their work.

This paragraph (b) shall be subject to paragraph (a) above and shall not authorize members of the Board of Selectmen to serve in any elected capacity within the Town or Municipal Light Department other than as a member of the Board of Selectmen. No salary shall be paid to any members of the Board of Selectmen so appointed unless such salary is fixed by vote of the Town at any Annual or Special Town Meeting.

Or take any other action related thereto.

### Submitted by the Board of Selectmen Majority Vote Required

### ARTICLE 4: AMEND BY-LAWS RE: DEPARTMENTAL REVOLVING FUNDS

To see if the Town will vote to amend Article V of its General By-Laws, entitled Financial Affairs, Section 6, entitled Departmental Revolving Funds, by

- 1.) Making certain deletions (in strikethrough) or additions (in bold) to Section 2. A. as follows:
- A. Fringe benefits of full-time and part-time employees whose salaries or wages are paid from the fund shall also be paid from the fund, [except for those employed as school bus drivers].

### And

2) Making certain additions to Section 5, entitled Establishment of the Several Departmental Accounts, as follows:

Revolving Fund Name	Programs & Purposes of Fund	Departmental Receipts to be Credited to Fund	Officer Authorized to Expend from Fund	Fiscal Years
Community Services Fund	Wages of seasonal or part-time staffing, supplies, and general associated expenses.	Fees received for rentals of facilities, sports, instructional, day-camp, and program offerings	Director of Community Services	FY 2019 & subsequent fiscal years

And further to set the spending limits for FY 2019 for this newly created fund at \$20,000. or take any other action related thereto.

Submitted by the Board of Selectmen Majority Vote Required

### ARTICLE 5: AMENDING BY-LAWS RE: ADVISORY COMMITTEE

To see if the Town will vote to

1.) Amend Article(s) II, Section 6 of its General By-Laws by making certain deletions (in strikethrough) and additions (in bold) as follows:

All articles in any warrant for a town meeting shall be referred to the Advisory Committee for its consideration. The Selectmen after drawing any such warrant shall transmit immediately a copy thereof to the chairman of said committee. A public hearing shall be held, upon all such articles, unless a public hearing by some other tribunal is required by law, and a notice of such hearing shall be given by inserting in the local newspaper. Said committee shall, after due consideration of the subject matter of such articles, report thereon to the town meeting, in writing, such recommendations as it deems best for the interests of the town and its citizens.—Copies of the report of the Advisory Committee shall be made available to the voters at least two days before town meetings and at all town meetings.

### And further

- 2. To amend Article IV Sub-Section 6 of its General By-Laws, in its entirety, by making certain deletions (in strikethrough) and additions (in bold) as follows:
- Section 1. There shall be an Advisory Committee consisting of seven legal voters of the town who shall be appointed by the Moderator as hereinafter provided. No elective or appointive town officer or town employee shall be eligible to serve on said committee. Advisory Committee members shall be entitled to serve upon any Committee for which membership is specifically provided for in these By-laws. In addition, members of the Advisory Committee may serve upon temporary ad hoc committees convened for a single purpose, such as the screening of applications for employment or appointment and examination of policy issues, when such bodies will be dissolved upon the completion of their work.
- Section 2. The Moderator of the town meeting when this By-Law is adopted shall, within thirty days after such by-law becomes effective, appoint 2 members of said committee for terms of one year, 2 members for terms of two years, and 3 members for terms of three years. At each Annual Town Meeting thereafter the Moderator thereof shall appoint 3 members of said committee for terms of three years. The terms of office of said members shall commence immediately upon qualification and shall expire at the close of final adjournment of the Annual Town Meeting at which their successors are appointed provided however, that, in the event of a failure to appoint a successor, members shall serve until their successor is appointed and duly qualified. Said committee shall choose its own officers and shall serve without pay, except the chairman who shall receive such amount as voted upon at the Annual Town Meeting, and it shall cause to be kept a true record of its proceedings.

- Section 3. A vacancy shall occur in the membership of the Advisory Committee by reason of resignation, death, upon moving from town, removal from the list of registered voters, or The said committee shall fill any vacancy which may occur in its membership, by vote, attested copy of which shall be sent by the secretary to the Town Clerk. If any member is absent from five consecutive meetings of said committee, except in case of notification of illness, and the filing of a certificate of said vote with the Town Clerk. , his position shall be deemed to be vacant and shall be filled as herein provided. The term of office of any person so chosen to fill a vacancy shall expire at the final adjournment of the next succeeding Annual Town Meeting, and t—The Moderator thereof-shall appoint a person his successor to complete the unexpired term of the member in whose office such vacancy-originally occurred.
- Section 4a. The Warrant All articles, other than those deemed by the Board of Selectmen to constitute an emergency, sought to be inserted in the Town Warrant for the Annual Town Meeting shall be provided filed with the Board of Selectmen, and referred by them-to the Advisory Committee by the Board of Selectmen at least 30 days before the date set for the Annual Town Meeting and on or before April 10<sup>th</sup> and all articles sought to be inserted in the Warrant for a Special Town Meeting shall be referred by the Board of Selectmen to the Advisory Committee at least 14 days before the date set for any Special Town Meeting such meeting.
- Section 54. It shall be the duty of the Advisory Committee annually to consider the expenditures in previous years and the estimated requirements various warrant articles, for the ensuing year of the several boards, officers and committees of the town including any citizen petitions thereon, as prepared by them in such form and detail as may be prescribed by said committee. The said Advisory Committee shall add to such statement of expenditures and estimates another column, giving the amounts which in its opinion should be appropriated for the ensuing year, and shall further add thereto such explanations and suggestions relating to the proposed appropriations as it may deem expedient, and report thereon to the community at least seven days before the date set for the Annual Town Meeting and at least four days before the date set for a Special Town Meeting. as provided in section five of Article II.
- Section 65. In the discharge of its duty, said committee shall have free access to all books of record and accounts, bills and vouchers on which money has been or may be paid from the town treasury. Officers, boards, and committees of the town shall, upon request, furnish said committee with facts, figures, and any other information pertaining to their several activities.
- Section 76.It shall be the duty of the Advisory Committee to make an annual report of its doings, with recommendations relative to financial matters and the conduct of town business, to be contained in the annual town report.

Or take any other action related thereto.

### Submitted by the Board of Selectmen Majority Vote Required

### ARTICLE 6: AMENDING BY-LAWS RE: SITING OF CLASS II AUTO LICENSES

To see if the Town will vote to amend Article XXXI of its General By-Laws by making certain deletions (in strikethrough) and additions (in bold) as follows:

The number of Class II used car dealer licenses in effect in the Town at any one time is not to exceed 21, with said number to be apportioned among the 4 Town's several precincts.

Or take any other action related thereto.

Submitted by the Board of Selectmen Majority Vote Required

### ARTICLE 7 AMENDING BY-LAWS RE: VETERANS ADVISORY BOARD

To see if the Town will vote to amend Article LV of its General By-Laws by substituting the following in its entirety:

Article LV Veterans Advisory Board

Section 1. Establishment, Terms and Conflicting Service

There shall be a Veterans Advisory Board consisting of five residents of the Town who shall be registered voters. Veterans appointed as members shall have received an honorable discharge for their service. Members shall be appointed by the Board of Selectmen for a term which shall run from July 1 of a year through June 30 of an ending year. The terms shall be staggered such that no fewer than three (3) members shall have their terms expire on June 30 of the ending year. Members shall serve until their successor is appointed and duly qualified. There shall be no compensation for members.

Town Officers and Town employees, elected or appointed, are not eligible to be members. Any member of said Board who shall be elected or appointed to Town office, except as provided for herein, shall forthwith, upon his qualification in such office, and any other member who shall move from Town shall, upon moving, cease to be a member of said committee. Members absent from one-third of the called meetings in any fiscal year may, after notice of no less than 14 days, be removed by a two-thirds vote of the committee present and voting at the next regularly scheduled meeting after said notice has been sent. Members of the committee, except the secretary, shall serve without compensation.

The Board shall have a Chairman and a Clerk who shall act in the absence of the Chairman. The Board shall choose its own officers.

Members may also serve upon any committee for which membership is specifically provided for in these By-laws. In addition, Members may serve upon temporary ad hoc committees convened for a single purpose, such as the screening of applications for employment or appointment and examination of policy issues, when such bodies will be dissolved upon the completion of their work.

Section 2. Vacancies

A vacancy in an appointed position shall be filled for the balance of the unexpired term of the vacant position.

Section 3. Purpose

The Board shall meet no less than quarterly to consider matters brought to its attention by the Town's Veterans Services Officer, other Town Officers or employees, the general populace and of its own initiative pertaining to the health and well-being of the Town's veteran's.

Section 4. Reports

The Committee shall annually file a report on its work, to include such recommendations as it deems worthy of consideration, with the Board of Selectmen in December of each year.

Or take any other action related thereto.

Submitted by the Board of Selectmen Majority Vote Required

### ARTICLE 8: AMENDING BY-LAWS RE: LICENSES & PERMITS

To see if the Town will vote to amend Article XXXII, with respect to Licenses and Permits of Delinquent Taxpayers by making certain deletions (in strikethrough) and additions (in bold) as follows:

Section A. The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Tax Collector, shall annually, and may periodically, furnish to each department, board, commission or division, hereinafter referred to as the Licensing Authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the Party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax boarSection B. The licensing authority may deny, revoke or suspend any license or permit, including

renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity,

event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie for evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

- Section C. Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.
- Section D. The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholder, if any, or members of his immediate family, as defined in Section 1, of Chapter 268A in the business or activity conducted in or on said property.

This section shall not apply to the following licenses and permits: open burning; 5 Section 13, thirteen of Chapter 48 forty-eight; bicycle permits; section eleven A of chapter eighty-five; sales of articles for charitable purposes, Section 33 thirty-three of, Chapter 101 one hundred and one; children work permits, Section 69, sixty-nine of Chapter 149 one hundred and forty-nine; clubs, associations dispensing food or beverage licenses, Section 21 twenty-one E, of Chapter 140 one hundred and forty; dog licenses, Section 137, one hundred and thirty-seven of Chapter 140 one hundred and forty; fishing, hunting, trapping license, Section 12, twelve of Chapter 131 one hundred and thirty-one; marriage licenses, Section 28, twenty-eight of Chapter 207; two hundred and seven and theatrical events, public exhibition permits, Section 181, one hundred and eighty-one of Chapter 140; one hundred and forty. bicycle permits, Section 11A, Chapter 85.

Or take any other action related thereto.

### Submitted by the Board of Selectmen Majority Vote

ARTICLE 9: ARTICLE LVI - TRENCH BY-LAW (See end of document; now undergoing review in keeping with Attorney General's letter of approval requiring certain changes)

ARTICLE 10: PLACEHOLDER AMENDING BY-LAWS RE: NON-CRIMINAL DISPOSITION (See end of document, arose late in process and needs review of entirety of By-Laws to insure it comports to all.)

# ARTICLE 11: ACQUISITION OF CERTAIN LANDS OF THE WALTER FERNALD CORPORATION FOR CONSERVATION AND PASSIVE RECREATION PURPOSES

To see if the Town will vote to:

(a) Acquire by gift or by purchase pursuant to Section 8C of Chapter 40 of the Massachusetts General Laws and any applicable law, all or any portions of and interests in approximately 102 acres of land supposedly owned by the Walter Fernald Corporation located off of Fernald School Road and Freight Shed Road and identified on the Town's assessing maps as Map 2-7, Parcel 40.6 (35.46+/- acres), Map 2-7, Parcel 40.3 (30.69+/- acres), Map 2-7, Parcel 40.4 (23.30 acres+/-) and Map 2-7, Parcel 40.5 (12.64+/- acres) with all such land to be under the custody, care and control of the Conservation Commission for public open space, conservation and

passive recreational purposes; and

(b) Appropriate the sum of Two Hundred Fifty Nine Thousand One Hundred Fifty Dollars and No Cents (\$259,150.00) for such acquisition and all costs incidental and related thereto, with said appropriation to be met by a transfer of One Hundred Eighty One Thousand Four Hundred Five Dollars and No Cents (\$181,405.00) from the Community Preservation Act account entitled "General Budgeted Reserve" and Seventy Seven Thousand Seven Hundred Forty Five Dollars and No Cents (\$77,745.00) from the Community Preservation account entitled "Open Space" with the expenditure of said sum to be contingent upon the award by the Massachusetts Division of Conservation Services, Executive Office of Energy and Environmental Affairs of a Local Acquisitions, to the Town of a Local Acquisition for Natural Diversity (LAND) Grant of at least One Hundred Fifty Five Thousand Four Hundred Ninety Dollars and No Cents (\$155,490.00) to reimburse the Town for the expenditure of such sum, with (i) seventy percent (70%) of such reimbursement amount to be deposited into the Community Preservation General Budgeted reserve account and (ii) thirty percent (30%) of such reimbursement amount to be deposited into the Community Preservation Open Space account and further that after June 30, 2019 any residual unexpended portion of such appropriated sum shall not be further expended and seventy percent (70%) of the unexpended portion of such sum shall be restored to the Community Preservation General Budgeted Reserve account and thirty percent (30%) of the unexpended portion shall be restored to the Community Preservation Open Space account; and

- (c) Authorize the Conservation Commission to apply for, and accept, such LAND Grant and such other grants or programs for which the Town may qualify for such purposes; and
- (d) Authorize the Board of Selectmen, with approval by the Conservation Commission, to grant to the Commonwealth of Massachusetts' Division of Fish and Wildlife or to any organization whose mission is to protect, preserve, promote, and enhance open space, a conservation restriction on all or any portions of said land preserving such land as public open space and public conservation and public passive recreational land in perpetuity in accordance with Sections 31 33 of Chapter 184 and Section 12 of Chapter 44B of the Massachusetts General Laws; and

(e) Authorize the Board of Selectmen to execute, deliver, grant and accept such deeds, restrictions instruments and agreements as it deems reasonable, appropriate and in the best interests of the town to be necessary to effectuate the purposes of this article,

Or take any other action related thereto.

Submitted by the Community Preservation Committee Majority Vote Required

### ARTICLE 12: ACCEPTANCE OF LAFAYETTE ROAD AS A PUBLIC WAY

To see if the Town will vote to accept a gift of land, or take by eminent domain pursuant to Chapter 79 of the Massachusetts General laws, the private roadway known as Lafayette Road, formerly known as French Quarters, owned by Kathy Van Dyke, and further to accept all easements related thereto or as necessary to effect the purposes of this article, as shown on a definitive subdivision plan approved by Templeton Planning Board as following the guidelines of the Town's Subdivision Control Regulations, and laid out on an as-built plan, as approved by the Board of Selectmen as shown on the acceptance plan dated September23, 2017 drawn by Edmond J. Boucher and further to authorize the Board of Selectmen to execute, deliver, grant and accept such deeds, restrictions, instruments and agreements as it deems reasonable, appropriate and in the best interests of the town to be necessary to effectuate the purposes of this article,

Or take any other action related thereto.

Submitted by Board of Selectmen for the Planning Board Majority Vote Required

### ARTICLE 13: TEMPLETON SCHOLARSHIP FUND

To see if the town will vote to raise and appropriate the sum of Four Thousand Dollars and No Cents (\$4,000.00) to the Templeton Scholarship Fund to be expended by the Templeton Scholarship Committee for the purpose of awarding scholarships to eligible applicants from the Town of Templeton.

Or take any other action related thereto.

# Submitted by the Board of Selectmen for the Templeton Scholarship Committee Majority Vote Required

### ARTICLE 14: PROPERTY VALUATION ACCOUNT

To see if the Town will vote to raise and appropriate the sum of Twenty Two Thousand Five Hundred Dollars and No Cents (\$22,500.00), to be expended by the Board of Assessors for Interim Work, Five-year Recertification and Cyclical Inspections, or take any other action relative thereto.

Or take any other action related thereto.

Submitted by the Board of Selectmen for the Board of Assessors Majority Vote Required

### ARTICLE 15: FUNDING OF COMMUNITY PRESERVATION ACOUNT(s)

To see if the Town will vote to appropriate the sum of Two Hundred Ten Thousand Dollars and No Cents (\$210,000) to the several accounts of the Community Preservation Committee, as recommended by the Community Preservation Committee, as follows:

	Amount	% of Total
Administrative Account	\$10,500	5%
Historic Resources Reserve	\$21,000	10%
Community Housing Reserve	\$21,000	10%
Open Space & Recreation	Part I	
Reserve	\$21,000	10%
General Reserve	\$136,500	65%
Total	\$210,000	100%

And to meet said appropriation by a transfer from the Community Preservation annual revenues, which include the amount to be collected as a surcharge on real property, and the October 2018 state match for CPC permissible expenses..

Or take any other action related thereto.

Submitted by the Board of Selectmen on behalf of the Community Preservation Committee Majority Vote Required

### ARTICLE 16: EXPENDING OF COMMUNITY PRESERVATION RESERVES

To see if the Town will vote to appropriate sums of money for a series of projects identified below or take any other action relative thereto. Such items may be voted as a block, or singly, or in any combination but, however voted, will be treated for accounting and legislative purposes as if each item were voted as a separate article.

- Seventy Thousand Dollars and No Cents (\$70,000.00) for the Boynton Public Library to
  expend on CPA-eligible expenditures related to the preservation and/or rehabilitation of
  the historic Boynton Public Library, as part of a larger rehabilitation/ renovation project
  funded by non-CPA funding, and to meet said appropriation by a transfer of said sum
  from the Templeton Community Preservation Act's Budgeted Reserve Fund
- Fifteen Thousand Dollars and No Cents (\$15,000.00) for the Templeton Board of Selectmen to expend on CPA-allowed uses to evaluate the Baldwinville Elementary School for possible community housing and open space/recreation resources and to meet said appropriation by a transfer of said sum from the Templeton Community Preservation Act's Budgeted Reserve Fund.
- 3. Fifteen Thousand Dollars and No Cents (\$15,000.00) to be awarded to the Narragansett Historical Society for the completion of access and egress improvements including a ramp for the historic rehabilitation of the Templeton Grange Hall, subject to a grant of access to the building to residents of Templeton on specific dates annually without cost, and to meet said appropriation by a transfer of said sum from the Templeton Community Preservation Act's Historic Resources Reserve.
- 4. Eight Thousand Dollars and No Cents (\$8,000.00) to be awarded to the North County Land Trust for the materials and services required to establish bridges, access, and other improvements for public trails at the Dwelly Farm on Barre Road, Templeton, subject to a grant of access to the trails for the residents of Templeton without cost, and to meet said appropriation by a transfer of said sum from the Templeton Community Preservation Act's Open Space and Recreation Reserve Fund.

Or take any other action related thereto.

Submitted by the Board of Selectmen on behalf of the Community Preservation Committee Majority Vote Required

### ARTICLE 17. FY 2019 CABLE DEPARTMENT OPERATING BUDGET

To see if the Town will vote to appropriate the sum of Seventy Three Thousand One Hundred Seventy Seven Dollars and No Cents (\$73,177.00) to operate the Cable Department for Fiscal Year 2019 and to meet said appropriation from the receipts and revenues to be collected on behalf of the Cable Department for said fiscal year.

Or take any other action related thereto.

Submitted by the Board of Selectmen for the Cable Committee Majority Vote Required

### ARTICLE 18. FY 2019 SEWER DEPARTMENT OPERATING BUDGET

To see if the Town will vote to appropriate the sum of One Million Seventy Seven Thousand Three Hundred Fifty Dollars and No Cents (\$1,077,355.00) to operate the Sewer Department for Fiscal Year 2019 and to meet said appropriation by a transfer of Thirty Six Thousand Six Hundred Fifty Six Dollars and No Cents (\$36,656.00) from the certified retained earnings of the Sewer Fund and the balance from the receipts and revenues to be collected on behalf of the Sewer Department for said fiscal year.

Or take any other action related thereto.

Submitted by the Board of Selectmen for the Sewer Commission Majority Vote Required

### ARTICLE 19: DEFERRED MAINTENANCE SEWER FUND

To see if the Town will vote to appropriate the sum of Seventy Thousand Dollars and No Cents (\$70,000.00) to address a series of items upon which maintenance has been deferred to make and to meet said appropriation by a transfer of said sum from the certified retained earnings of the Sewer Fund.

Or take any other action related thereto.

Submitted by the Board of Selectmen for the Sewer Commission Majority Vote Required

### ARTICLE 20: DEPOSITS TO RESERVE ACCOUNTS OF THE SEWER FUND

To see if the Town will vote to appropriate the sum of One Hundred Twenty Five Thousand Dollars and No Cents (\$125,000) to make deposits into its Capital (CAPEX) stabilization account and the OPEB reserve accounts of the Sewer Fund as follows:

CAPEX \$100,000 OPEB \$25,000

And to meet said appropriation by a transfer of said sum from the certified retained earnings of the Sewer Fund.

Or take any other action related thereto.

### Submitted by the Board of Selectmen for the Sewer Commission Majority Vote Required

#### ARTICLE 21: SET THE SALARIES OF ELECTED TOWN OFFICIALS

To see if the Town will vote, in accord with MGL Ch. 41 §108, to fix or maintain the salaries of the elected officials for Fiscal Year 2018 as follows:

Town Clerk \$ 56,533.00 Yearly
Sewer Commissioner (Each) \$ 2,000.00 Yearly
Board of Selectmen & All Others \$ 0.00 Yearly

Or take any other action related thereto.

Submitted by the Board of Selectmen Majority Vote Required

### ARTICLE 22: FY 2019 GENERAL FUND OPERATING BUDGET

To see if the Town will vote to appropriate the sum of ???????????????????????and no cents (\$???????????) for the operations of General Government for Fiscal Year 2019, and to meet said appropriation with a transfer of Two Hundred and Fifty Thousand Dollars and no cents (\$250,000.00) from the Ambulance receipts reserved for appropriation, anticipated receipts, and the balance from taxation.

Or take any other action related thereto.

### Submitted by the Board of Selectmen

### ARTICLE 23: PLACEHOLDER POLICE CBA

### ARTICLE 24: SUPPLEMENTAL FY 2019 OPERATING BUDGET RE: FIRE/EMS

To see if the Town will vote to raise and appropriate the sum of Three Hundred Seventy Six Thousand Eight Hundred Twenty Dollars and no cents, (\$376,820), subject to the successful passage of a Proposition 2 ½ Over-Ride, so-called, for supplemental appropriations to the FY 2019 Operating Budget for the following departments:

Fire/EMS \$262,000

Insurance & Benefits \$111,820

Or take any other action related thereto.

### Submitted by the Board of Selectmen Majority Vote Required

### ARTICLE 25: SUPPLEMENTAL FY 2019 OPERATING BUDGET RE: EXTRAORDINARY INSPECTION WORK LOAD

To see if the Town will vote to appropriate the sum of Fifty Thousand Dollars and No Cents (\$50,000) for supplemental appropriations to the FY 2019 Operating Budget of the Office of Development Services for additional compensation for the building, plumbing/gas and electrical inspectors, above and beyond that to be paid from their regular annual salary and respective revolving funds, to account for the extraordinary inspection work load created by the construction of the new elementary school, and to meet said appropriation by a transfer of said sum from free cash.

Or take any other action related thereto.

### Submitted by the Board of Selectmen Majority Vote Required

### ARTICLE 26: ADOPTION OF MGL RE: LOCAL OPTION MEALS TAX

To see if the Town will vote to adopt Section 2 of Chapter 64L of the Massachusetts General Laws, providing for the imposition of a "...local sales tax upon the sale of restaurant meals originating within the city or town by a vendor at a rate of 75 per cent of the gross receipts of the vendor from the sale of restaurant meals." with an effective date of July 1, 2018,

Or take any other action related thereto.

### Submitted by the Board of Selectmen Majority Vote Required

### ARTICLE 27. AUTHORIZE LEASE OF CAPITAL ITEMS - POLICE & DPW

To see if the Town, contingent up the adoption of the Local Option Meals Tax, so called, will vote to (a) raise and appropriate the sum of Forty Two Thousand Dollars and No Cents (\$42,000.00) to pay for the first year of a three year lease for a fully equipped police cruiser and a one-ton pick-up with dump body, wing and plow with said lease not to exceed One Hundred and Twenty Six Thousand Dollars and No Cents (\$126,000.00) in total, and have a so called escape clause for lack of appropriation in addition to provisions for an early pay-off, without penalty, and a One Dollar (\$1.00) buy-out upon the conclusion of all regularly schedule lease payments and (b) appropriate the sum of Twelve Thousand Five Hundred Dollars (\$12,500.00) to write down the purchase price of said items such that they may be leased within the foregoing limits set in this article and to meet said appropriation by a transfer of said sum from certified free cash.

Or take any other action related thereto.

## Submitted by the Board of Selectmen 2/3 Vote Required

### ARTICLE 28. AUTHORIZE LEASE OF CAPITAL ITEMS - FIRE

To see if the Town, will vote to (a) raise and appropriate the sum of Ninety Two Thousand Five Hundred Dollars and No Cents (\$92,500.00) to pay for the first year of a six year lease for a fully equipped fire engine apparatus ?????????????????? with said lease not to exceed Five Hundred Fifty Five Thousand Dollars and No Cents (\$555,000.00) in total, and have a so called escape clause for lack of appropriation in addition to provisions for an early pay-off, without penalty, and a One Dollar (\$1.00) buy-out upon the conclusion of all regularly schedule lease payments and (b) appropriate the sum of Twenty Five Thousand Dollars and No Cents (\$25,000.00) to write down the purchase price of said item such that it may be leased within the foregoing limits set in this article and to meet said appropriation of by a transfer of said sum from certified free cash.

Or take any other action related thereto.

# Submitted by the Board of Selectmen 2/3 Vote Required

### ARTICLE 29. CAPITAL BUDGET - A

To see if the Town will vote to appropriate the sum of Fifty Eight Thousand Five Hundred Dollars and No Cents (\$58,500.00) toward a program of capital purchases and improvements, as generally illustrated below:

Infield Groomer	\$10,000
Cemetery Garage Roof - 39 Bridge St.	\$10,000
T.C. Fire Training Room AC	\$3,500
F150 Interceptor	\$35,000

and to meet said appropriation by a transfer of Forty Five ThousandDollars and No Cents (\$45,000) from certified free cash and a transfer of Thirteen Thousand Five Hundred Dollars and No Cents (\$13,500) from overlay surplus.

Or take any other action related thereto.

Submitted by Board of Selectmen Majority Vote Required

### ARTICLE 30: CAPITAL BUDGET - B

To see if the Town will vote to appropriate the sum of Ten Thousand Dollars and no cents (\$10,000) toward a program of capital purchases and improvements for the Gilman Waite Athletic Facility and to meet said appropriation by a transfer of Nine Thousand Two Hundred seventy???? and No Cents (\$9,27?.??) from the Pajari Stabilization Fund, together with such additional interest as may have accrued on the fund from the date of the publishing of the Town Meeting Warrant through to the actual date of transfer, and the balance through a transfer from overlay surplus.

Or take any other action related thereto.

Submitted by Board of Selectmen Majority Vote Required

### **ARTICLE 31: Supplemental Borrowing Re: Police Station**

To see if the Town will vote to appropriate the sum of One Million Five Hundred Thousand Dollars and No Cents (\$1,500,000.00), in addition to the Nine Hundred and Seventy Five Thousand Dollars and No Cents (\$975,000.00) previously appropriated, for designing and constructing an addition to the Police Station, and renovations thereof, including the payment of costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen, subject to the successful passage of a Proposition 2 ½ debt exclusion, so-called, is authorized to borrow such amount under G.L. c.44, §7(1) or any other enabling authority; and that the Board of Selectmen is authorized to take any other action necessary or convenient to carry out this project. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Or take any other action related thereto.

Submitted by the Board of Selectmen Two - Thirds Vote Required

### ARTICLE 32. NARRAGANSETT REGIONAL SCHOOL DISTRICT

To see if the Town will vote to raise and appropriate the sum of Six Million and Six Thousand Four Hundred Twenty Four Dollars and no cents (\$6,006,424.00) (Note: These are the FY '18 \$s) as the amount assessed upon the Town for the Fiscal Year 2018 assessment by the Narragansett Regional School District for the purposes of educating and transporting the Town's enrolled students and capital and debt expenses provided, however, that any stated amount shall

be reduced to any lesser amount which shall subsequently be certified by the school committee and certified to the Town

Or take any other action relating thereto.

Submitted by the Board of Selectman for the Narragansett Regional School District Majority Vote Required

### ARTICLE 33. MONTACHUSETT REGIONAL VOCATIONAL TECHNICAL SCHOOL

To see if the Town will vote to raise and appropriate the sum of Six Hundred Thirty Eight Thousand One Hundred Thirty One Dollars and No cents (\$638,131.00) (Note: These are the FY '18 \$s) as the amount assessed upon the Town for the Fiscal Year 2018 assessment by the Montachusett Regional Vocational Technical School District for the purposes of educating and transporting the Town's enrolled students and capital and debt expenses provided, however, that any stated amount shall be reduced to any lesser amount which shall subsequently be certified by the school committee and certified to the Town, for Fiscal Year 2018

Or take any other action relative thereto

### ARTICLE 34. CITIZEN'S PETITION: FLUORIDE WARNING ON WATER BILLS

Shall the Town vote to approve a warning concerning Templeton citizen's fluorosis risk the additive poses to infants, to be added to all water bills and consumer confidence reports (which must be mailed to all water consumers, be posted online, and available at the Selectmen's Office and the Light and Water Department). The warning is as follows:

"Your public water supply is fluoridated. According to the Centers for Disease Control Prevention, if your child under the age of 6 months is exclusively consuming infant formula reconstituted with fluoridated water, there may be an increased chance of dental fluorosis. Consult your child's health care provider for more information.".

Or take any other action related thereto.

A citizen's petition submitted by Peter Farrell and 19 others

# ARTICLE 35. CITIZEN'S PETITION: TO SEE IF THE TOWN OF TEMPLETON SHALL INSTITUTE A MORATORIUM ON WATER FLOURIDATION

To see if the Town of Templeton shall institute a moratorium on water fluoridation in Templeton until such time as the manufacturer of the fluoridating chemical provides information regarding the identification of any contaminants in the fluoridating chemical batch, and a toxicological report and verification of safety for the fluoridating chemical.

A citizen's petition submitted by Peter Farrell and 19 others

### ARTICLE 36. CITIZEN'S PETITION: FLUORIDE LEGISLATION

Move that the town will vote to authorize the Board of Selectmen to seek Special Legislation as set forth below: provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of the petition as follows:

An Act authorizing Annual Town Meeting as the responsible party on any and all decisions involving fluoridating or not fluoridating the public water supply.

Section 1. Notwithstanding Section 8C, Chapter 111, Title XVI, Part 1 of the general laws of or any general of special law to the contrary, the legislative body at Annual Town Meeting with a majority vote shall be authorized to make any and all decisions in regards to fluoridating or not fluoridating the public water supply however should town meeting vote to fluoridate the public water supply oversight on fluoride dose shall go to the town Board of Health. Annual town meeting shall also make decisions on health warning involving water fluoridation and any other decisions involving fluoride and the public water supply.

Section 2. Upon effective date of this act the Legislative body at Annual Town Meeting shall become the responsible party for all matters concerning fluoride and the public water supply.

Section 3. This act shall take effect upon passage.

A citizen's petition submitted by Peter Farrell and 19 others

And you are hereby directed to serve this warrant by posting attested copies thereof in each precinct; namely at the Post Office in Templeton, the Post Office in East Templeton, the Post Office in Baldwinville, and at the Town Hall at 160 Patriots Road, East Templeton, seven (7) days at least before the time of holding said meeting and by causing notice of the same to be published once in the Gardner News, a newspaper published in said Worcester County, in the City of Gardner.

Given under our hands this day of A	pril, 2018.
BOARD OF SELECTMEN	
John Caplis, Chairman	Cameron Fortes, Vice Chairman
Julie Richard, Clerk	Doug Morrison, Member
Diane Haley Brooks, Member	
True Copy: ATTEST  Signature of Constable – Town of Templeton	
7	
Printed Name of Constable Signing Above	

OFFICER'S RETURN	
WORCESTER, SS	

April	, 2018
Apm	, 2010

This is to certify that I have served the within warrant by posting attested copies thereof in each precinct; namely, at the Post Office in Templeton, the Post Office in East Templeton, the Post Office in Baldwinville, and at the Town Hall at 160 Patriots Road, East Templeton, fourteen (14) days at least before the time of holding said meeting and by causing notice of the same to be published once in the Gardner News, a newspaper published in said Worcester County, in the City of Gardner.

Signature of Constable - Town of Templeton

Printed Name of Constable Signing Above

A True Copy, ATTEST:

Carol A. Harris Town Clerk of Templeton



To see if the Town will vote to amend the non-criminal disposition by-law to include the following under the authority of M.G.L. Chapter 40, Section 21D:

Non-Criminal Disposition: Whoever violates any of these by-laws, the violation of which is subject to a specific penalty may be subject to a non-criminal proceeding as provided in General Laws, Chapter 40, Section 21D. The non-criminal method of disposition may also be used for violation of any rule or regulation of any municipal office, board or department which provides for a specific penalty.

Without intending to limit the generality of the foregoing, it is the intention of this provision that the following by-laws and sections of by-laws are to be included within the scope of their subsection, that the specific penalties are listed herein below shall apply in such cases and that in addition to Police Officers who shall in all cases be considered enforcing persons for the purposes of the provision, the municipal personnel listed for each section of the general by-law's as are set forth herein below, if any, shall also be the enforcing persons for such sections. Each day of which any such violation exists shall constitute a separate violation of any such section.

Enforcing Person: Whenever a by-law of the Town of Templeton is subject to non-criminal proceedings as provided in Chapter 40, Section 21D of the Massachusetts General Laws, the enforcing person shall be the Town Administrator or the Town Administrator's designee; in addition to the enforcing person, if any, specified in such by-law. The designation of an enforcing person by the Town Administrator may be made or changed at anytime, with each designation or change being effective upon the Town Administrator's filing with the Town Clerk of a written notice thereof.

Late: Failure to make payment of a non-criminal town by-law violation within 21 days of the date of delivery of the violation notice, or within 21 days of delivery of a notice they have been found responsible after an appeal hearing, shall result in a late charge of \$25.00.

Demand: Failure to make payment of a non-criminal town by-law violation within 21 days of the date of delivery of a late notice under this section shall result in a demand charge of \$25.00.

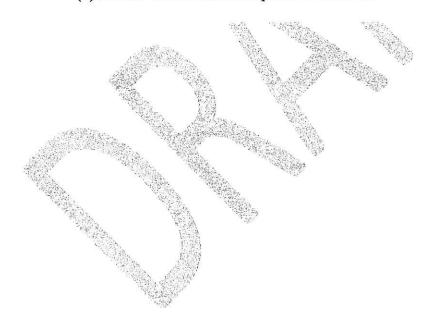
A. Zoning By-law (amended and reorganized 05-17-2010)

- (1) Enforcing officer: Building Commissioner/Inspector of Buildings.
- (2) Fine schedule:
  - (a) First offense: \$25.
  - (b) Second offense: \$50.
  - (c) Third offense: \$100.
  - (d) Fourth and each subsequent offense: \$300.

- B. Business certificate noncompliance.
  - (1) Enforcing officer: Building Commissioner/Inspector of Buildings.
  - (2) Fine schedule:
    - (a) First offense: \$25.
    - (b) Second offense: \$50.
    - (c) Third offense: \$100.
    - (d) Fourth and each subsequent offense: \$300.
- C. Regulation of the Templeton Board of Health Restricting the Sale of Tobacco Products (last updated 07-07-2016)
  - (1) Enforcing officers:
    - (a) Board of Health Agent
    - (b) Templeton Police
    - (c) Tobacco Alliance
  - (2) Fine schedule:
    - (a) First offense: \$100 and one day suspension of tobacco sales permit;
    - (b) Second offense (within 36 months): \$200 and three day permit suspension;
    - (c) Third offense (within 36 months): \$300 and thirty day permit suspension;
    - (d) In the case of four violations or repeated, egregious violations of these regulations within a 36 month period, a fine of \$300 and the Board of Health shall hold a hearing and may permanently revoke a Tobacco Product Sales Permit.
- **D.** Article XI Storing of Unused Motor Vehicles Section (Passed 5-8-1962, Amended 3-12-1966, Approved by AG 06-30-1966)
  - (1) First offense: written warning.
  - (2) Second offense: \$100 per day.
- E. Article XVIII Restraining of Dogs (Amended 05-11-1974)
  - (1) Enforcing officers:
    - (a) Templeton Police.
    - (b) Animal Control Officer.
  - (2) Fine schedule:
    - (a) First offense: \$25;
    - (b) Second offense: \$50;
    - (c) Third offense: \$100;
    - (d) Fourth and subsequent offenses: \$200.
- **F.** Article LIII NPDES Phase II Stormwater Management Bylaw (Passed 05-11-2010, Approved by AG 08-23-2010)

- (1) Enforcing officer: Stormwater Committee
- (2) Fine schedule:
  - (a) First offense: \$100.
  - (b) Second offense: \$200.
  - (c) Third and subsequent offense(s): \$300.
- G. Article XLIX Governing Illicit Connections & Discharges to the Storm Drain System (Passed 05-16-2007, Approved by AG 06-18-2007)
  - (1) Enforcing officer: Highway Superintendent.
  - (2) Fine schedule:
    - (a) First offense: \$100.
    - (b) Second offense: \$200.
    - (c) Third and subsequent offense(s): \$300.
- H. Article XXI Marijuana or Tetrahydrocannabinol on Town Property (Passed 05-10-2011, Approved by AG 05-27-2011)
  - (1) Enforcing officer: Templeton Police
  - (2) Fine schedule.
    - (a) Each offense: \$300.
- J. Templeton Wetlands Bylaw
  - (1) Enforcing officer:
    - (a) Conservation Agent.
    - (b) Templeton Police.
    - (c) Building Commissioner/Building Inspector.
  - (2) Fine schedule:
    - (a) Unauthorized activity either in absence of or beyond the scope of valid order of conditions or determination of applicability.
      - [1] In wetland resource area:
        - [a] First offense: \$100.
        - [b] Second offense: \$200.
        - [c] Third offense: \$300.
      - [2] In buffer zone:
        - [a] First offense: \$50.
        - [b] Second offense: \$100.
        - [c] Third and subsequent offenses: \$200.
    - (b) Activity in violation of or failure to comply with conditions of a valid order of conditions or determination of applicability.
      - [1] First offense: \$100.

- [2] Second offense: \$200.
- [3] Third and subsequent offenses: \$300.
- (c) Failure to comply with any measures mandated by an enforcement order.
  - [1] First and subsequent offenses: \$300.
- (d) Failure to comply with required procedures, such as, but not limited to, recording and order of conditions at the Registry of Deeds before commencement of permitted activity, posting DEP file number at the site, and notifying the Conservation Agent before commencement of work.
  - [1] First offense: \$25.
  - [2] Second offense: \$50.
  - [3] Third offense: \$100.
- K. Article XXXV Mandatory Recycling (Passed 06-23-1993, Approved by AG 11-02-1993)
  - (1) Enforcing officer: Health Agent
  - (2) Fine schedule:
    - (a) First offense: \$25
    - (b) Second offense and subsequent offenses: \$50



# ARTICLE 1 TRENCH BY-LAW

To see if the Town will vote to adopt Article LVI "Trench By-Law" of the Town By-Laws, to read as follows:

#### TRENCH BY-LAW

#### Section 1. GENERAL REQUIREMENTS

1.1.1 Work requiring permits – Any utility, private contractor or any person(s) who intends to break any street or sidewalk surface, or excavate any road or shoulder shall contact the Templeton Highway Department.

1.1.2 Granting of permit — This permit will be granted if the proposed work is in the best interests of the Town and its inhabitants, is appurtenant to a building permit duly issued by the Building Inspector, or is in conjunction with the construction of a road shown on an approved subdivision plan. The permit is conditional upon the permitee's willingness to abide by these Specifications.

1.1.3 Permit Fees – Application forms for a permit hereunder are available from the Templeton Highway Department, 381 Baldwinville Road, Templeton, MA. The permit fee is \$100.00. All fees are non-refundable.

1.1.3A Permits fees will be waived in some instances. Performance Deposits are NOT waived in any instance.

1.1.4 Plan Approval – Plans or sketches showing the proposed work, must be submitted with the application, and are subject to the approval of the Highway Superintendent or his designee.

1.1.5 Interpretation of Specifications – The Superintendent or his designee will be solely responsible for the interpretation of these Specifications, and all work hereunder must be done to his satisfaction.

1.1.6 Time Limits – The Superintendent or his designee, in his judgment, may extend any time limit in these Specifications if weather or other conditions beyond the control of the permittee have hindered the proper completion of the work.

1.1.7 Inspection Schedule – Routine inspections will normally be required at the following phases of construction, however, this schedule will be adjusted to fit the size and complexity of individual jobs. The Highway Department will generally provide only the minimum amount of inspection necessary to insure reasonable compliance with these Specifications. The contractor must notify the Highway Department at least 24 hours in advance whenever an inspection is indicated.

1.1.7.1 Prior to the issuance of a permit hereunder, a site inspection will features as road bounds, private property bound, stone walls, pavement, sidewalks, trees.

1.1.7.2 After the excavation and installation of the proposed utility and later during the compaction of backfill and installation of surface gravel.

1.1.7.3 After installation of the temporary patch.

1.1.7.4 After installation of the final patch.

1.1.7.5 Prior to release of the bond.

1.1.7.6 At other specific times deemed necessary by the Superintendent of his designee.

1.1.8 Emergency Utility Repair- Contractors may undertake emergency underground repair of their facilities without a permit when such repairs must be made at night or on weekends or holidays provided that a permit is applied for on the first

- regular business day following the repair, and the company takes all reasonable measures provided for in these Specifications for the care and safety of the public.
- 1.1.9 Public Safety As required by G.L. c. 82A, §1, and 520 CMR 14.04, an excavator shall not leave any open trench unattended without first making every reasonable effort to eliminate any recognized safety hazard that may exist as a result of leaving said open trench unattended.
- 1.2.1 General The permitee, from the time the work commences until the work has been approved in writing by the Superintendent or his designee, shall be responsible for the safety of the public. Depending upon the nature of the work, traffic control devices shall be applied.
- 1.2.2 Detours If the nature of the work requires the closing of all or a portion of a public way, the Police Chief must be contacted for proper traffic control.
- 1.2.3 Warning Devices When required by the nature of the work; signs, lights and barricades, erected at the expense of the permitee shall be utilized.
- 1.2.4 "Dig Safe" Massachusetts Law (Chapter 82, Section 40) requires that contractors notify public utility companies at least 72 hours before any excavation in a public way. A telephone call to the Underground Plant Damage Prevention System "Dig Safe" satisfies this requirement. The "Dig Safe" job number assigned by the Underground Plant Damage Prevention System must be included on the permit application. A permit cannot be issued until the applicant demonstrates compliance with MGL Ch. 82, Sec. 40.

## Section 2 EXCAVATIONS

- 2.1.1 Preservation of physical features All excavations and other work within the limits of a town way will be conducted in a manner which will minimize damage or disruption to such features as stonewalls, trees, fences, guard rails, etc.
- 2.1.2 Working around public shade trees—Any work within the drip line of a public shade tree must be approved by the Templeton Tree Warden.
- 2.1.3 New Roads The cutting of paved road surfaces less than five years old will not be permitted, unless approved by the Highway Superintendent or his designee.
- 2.1.4 Seasonal limit for construction No paved road surface may be cut between November 15 and March 15 except that in the interest of public safety and convenience the Highway Superintendent or his designee may issue a permit for an emergency repair to an existing facility.
- 2.2.1 Materials: Approval of materials All materials used on construction within public ways shall be subject to approval by the Superintendent or his designee. This will include but not be limited to, the size, type, and quality of pipe, the type of gravel backfill, the quality of the patching material, etc. Cold patch as a temporary or permanent patching material will not be allowed except that between November 15 and March 15 it may be used for temporary patches on emergency cuts allowed under Section 1.1.8.
- 2.2.2 Trenches For purposes of this chapter, a "trench" shall be defined as an excavation which is narrow in relation to its length, made below the surface ground in excess of 3 feet below grade and the depth of which is, in general, greater than the width, but the width of the trench, as measured at the bottom, is

- no greater than 15 feet and the words "excavator", "excavation" and "emergency" shall have the same meanings as defined in section 40 of chapter 82.
- 2.2.3 Pavement cut-backs After excavation is commenced, the bituminous or concrete street or sidewalk surface shall be cut vertically in a line parallel to the centerline of construction and approximately one foot wider on all sides than the excavation, using an approved power tool, to allow for trench excavation without further disturbing the road or sidewalk surface on either side of the trench.
- 2.2.4 Backfill The backfill shall consist of the excavated material if it is declared suitable by the Superintendent or his designee. Backfill will be placed in successive layers of not more than six (6) inches of compacted depth. If, in the opinion of the Superintendent or his designee, the excavated material is unsuitable, the applicant in an approved location shall dispose of the entire rejected material. In its place, the applicant shall bring in suitable fill material consisting of approved gravel or borrow, as directed. After thorough tamping around and beneath the utility, the six (6) inch layers of backfill will be thoroughly compacted as follows: if dry, it shall be moistened and then compacted by tamping with mechanical rammers, or by hand tampers having a tamping face not exceeding 25 square inches in area. The final 12 inches of backfill will, in all cases, consist of crushed gravel thoroughly tamped and made even with the surrounding surface.
- 2.2.5 Ready mixed flowable fill The use of ready mixed flowable fill (or controlled low strength material) as trench backfill for all pavement cuts in excess of 30 inches in depth is encouraged in all cases, especially for such cuts on numbered routes. The composition of the mix shall be approximately as follows:
- 2.2.6 Cement 50-75 lbs Sand 3160 lbs Water 500-560 lbs. Final cured material is to be excavatable and have a load bearing about the same as fully compacted gravel. When this material is used, the final patch can be placed not less than 12 hours after the backfill is placed. If the final patch is not placed within 36 hours, a temporary patch according to section 2.4.3.shall be applied not less than 12 hours after the flowable backfill is placed.
- 2.2.7 Patching requirements After backfill is in place and satisfactorily compacted, the applicant shall apply at once a 1 1/2 inch temporary patch course over the entire excavated area (bituminous-concrete type I-1 hot top) to be left in place for at least one month and not more than three months, until no further settling can be reasonably expected. At that time the applicant shall remove the temporary patch course. Any uneven edges of existing pavement will be cut vertically with an approved power tool and tack coated with asphalt emulsion (RC-2). For oil treated roads, the permanent patch must be three (3) inches of bituminous-concrete (type I-1) in layers of 1 1/2 inches each. For bituminous-concrete surfaced roads, the permanent patch must be four (4) inches of bituminous-concrete (type I-1) laid in two (2) courses, a 2-1/2 inch binder course and a 1-1/2 inch top course. If existing pavement is of a greater depth, the patch should be of the same depth. At no time should the bituminous-concrete be laid in layers

greater than 2 1/2 inches. When the patch has been completed, the joints should be painted with RC-2 and sealed with sand.

2.2.8 Nights, weekends and holidays – No trench shall be left open overnight or over weekends and holidays, and no unattended trench shall be left open at any time unless the applicant has implemented one of the safeguards described in 520 CMR 14.04.

2.2.9 Accessibility - All driveways to homes and places of business shall be bridged and open to travel overnight.

2.2.10 Shoulders: Restoration of road shoulders – All road shoulders must be carefully returned to their original condition.

2.2.11 Restoration of lawns – Lawns will be restored with a minimum of four (4) inches of loam, fertilized, rolled and seeded.

### Section 3 PERFORMANCE DEPOSITS AND INSURANCE

3.1 Performance Deposits

3.1.1 Deposit amount – All permits issued hereunder shall require a certified check in the amount of fifteen hundred dollars (\$1,500.00) to be deposited in an escrow account as a guarantee to abide by these specifications.

3.1.2 Special deposits – Street cuts over thirty (30) feet in length or significantly larger in scope than usual shall be secured by a larger amount, determined by the Highway Department Superintendent or his designee. However, the minimum deposit shall be fifteen hundred dollars (\$1,500.00). Letters of credit will be accepted only for amounts exceeding ten thousand dollars (\$10,000.00) and must be approved by the Superintendent.

3.1.3 Deposit release – When permanent patching, re-loaming and seeding, and all work required by the permit issued hereunder has been approved in writing by the Superintendent or his designee, the Town will refund to the applicant the amount of the deposit, less any amounts as noted below.

3.1.4 Deposit forfeiture – In the event that town personnel or equipment must be utilized to make emergency repairs or to complete unfinished work required by the permit issued hereunder, the cost of such repair or work will be deducted from the deposit. A standard multiplier of 2.5 will be applied to all labor and material costs to determine the amount to be deducted. If the repair or completion cost exceeds the amount of the deposit, the applicant must pay the difference to the Town of Templeton.

3.2.1 Insurance requirements – A certificate of insurance indemnifying the Highway Department against claims for injury, death or property damage during construction, and naming the Town as an additional insured, must be filed with the permit application. The limits shall conform with the following schedule:

3.2.2 General

Workmen's Compensation and Employer's Liability
Insurance in Compliance with Statutory Limits
Comprehensive General Liability Insurance- each occurrence and aggregate amount
Automobile Liability Insurance

Bodily Injury: each person each occurrence Property Damage: each occurrence

#### **Section 4 VIOLATIONS**

- 4.1.1 Expiration of permits If after three (3) months from the date of the permit the repair to the town way is not completed according to these Specifications and to the satisfaction of the Superintendent or his designee, the permitee will be notified in writing by the Superintendent or his designee that the permit has expired. If no action is taken by the applicant to complete the unfinished work within thirty (30) days of the date of the written notice, the Highway Department will then complete the necessary work in any manner deemed appropriate and deduct from the deposit all costs of completing the work in accordance with these specifications.
- 4.1.2 Emergency repairs If at any time during the life of the permit the permitee allows the construction to exist in a condition dangerous to users of the road, then the Superintendent or his designee may, without written notice to the permitee, make the necessary arrangements to correct the unsatisfactory condition. The cost of such work will then by deducted from the deposit in accordance with Section 3.1.4 of these specifications at the time the deposit is refunded.
- 4.1.3 The Highway Superintendent or his designee has the authority to refuse a permit if a contractor violated these Specifications on previous construction sites.

# Section 5 CONDITIONS AND REQUIREMENTS PURSUANT TO G.L.C.82A AND 520 CMR 7.00 et seq. (as amended)

- 5.1 By signing the application, the applicant understands and agrees to comply with the following:
- No trench may be excavated unless the requirements of sections 40 through 40D of chapter 82, and any accompanying regulations, have been met and this permit is invalid unless and until said requirements have been complied with by the excavator applying for the permit including, but not limited to, the establishment of a valid excavation number with the underground plant damage prevention system as said system is defined in section 76D of chapter 164 (DIG SAFE);
- 5.3 Trenches may pose a significant health and safety hazard. Pursuant to Section 1 of Chapter 82 of the General Laws, an excavator shall not leave any open trench unattended without first making every reasonable effort to eliminate any recognized safety hazard that may exist as a result of leaving said open trench unattended. Excavators should consult regulations promulgated by the Department of Public Safety in order to familiarize themselves with the recognized safety hazards associated with excavations and open trenches and the procedures required or recommended by said department in order to make every reasonable effort to eliminate said safety hazards which may include covering, barricading or otherwise protecting open trenches from accidental entry.

- Persons engaging in any in any trenching operation shall familiarize themselves with the federal safety standards promulgated by the Occupational Safety and Health Administration on excavations: 29 CFR 1926.650 et.seq. entitled Subpart P "Excavations".
- 5.5 Excavators engaging in any trenching operation who utilize hoisting or other mechanical equipment subject to chapter 146 shall only employ individuals licensed to operate said equipment by the Department of Public Safety pursuant to said chapter and this permit must be presented to said licensed operator before any excavation is commenced;
- 5.6 By applying for, accepting and signing this permit, the applicant hereby attests to the following: (1) that they have read and understands the regulations promulgated by the Department of Public Safety with regard to construction related excavations and trench safety; (2) that he has read and understands the federal safety standards promulgated by the Occupational Safety and Health Administration on excavations: 29 CMR 1926.650 et.seq., entitled Subpart P "Excavations" as well as any other excavation requirements established by this municipality; and (3) that he is aware of and has, with regard to the proposed trench excavation on private property or proposed excavation of a city or town public way that forms the basis of the permit application, complied with the requirements of sections 40-40D of chapter 82A.
- 5.7 This permit shall be posted in plain view on the site of the trench.

  For additional information please visit the Department of Public Safety's website at <a href="https://www.mass.gov/dps">www.mass.gov/dps</a>; or take any other action relative thereto.

  Submitted by the Board of Selectmen

An amended motion was duly made and seconded. Passed/by hand count yes-39, no-25/May 16<sup>th</sup> @ 1:23pm

On an amended motion duly made and seconded the Town voted to adopt Article LVI "Trench By-Law" of the Town By-Laws, to read as follows:

#### TRENCH BY-LAW

### Section 1. GENERAL REQUIREMENTS

- 1.1.1 Work requiring permits Any private contractor who <u>intends to break any street</u> or <u>sidewalk surface</u>, or <u>excavate any road or shoulder</u> shall contact the Templeton Highway Department.
- 1.1.2 Granting of permit This permit will be granted if the proposed work is in the best interests of the Town and its inhabitants, is appurtenant to a building permit duly issued by the Building Inspector, or is in conjunction with the construction of a road shown on an approved subdivision plan. The permit is conditional upon the permitee's willingness to abide by these Specifications.
- 1.1.3 Permit Fees Application forms for a permit hereunder are available from the Templeton Highway Department, 381 Baldwinville Road, Templeton, MA. The permit fee is \$100.00. All fees are non-refundable.
- 1.1.3A Permits fees will be waived in some instances. Performance Deposits are NOT waived in any instance.

- 1.1.4 Plan Approval Plans or sketches showing the proposed work, must be submitted with the application, and are subject to the approval of the Highway Superintendent or his designee.
- 1.1.5 Interpretation of Specifications The Superintendent or his designee will be solely responsible for the interpretation of these Specifications, and all work hereunder must be done to his satisfaction.
- 1.1.6 Time Limits The Superintendent or his designee, in his judgment, may extend any time limit in these Specifications if weather or other conditions beyond the control of the permitee have hindered the proper completion of the work.
- 1.1.7 Inspection Schedule Routine inspections will normally be required at the following phases of construction, however, this schedule will be adjusted to fit the size and complexity of individual jobs. The Highway Department will generally provide only the minimum amount of inspection necessary to insure reasonable compliance with these Specifications. The contractor must notify the Highway Department at least 24 hours in advance whenever an inspection is indicated.
- 1.1.7.1 Prior to the issuance of a permit hereunder, a site inspection will features as road bounds, private property bound, stone walls, pavement, sidewalks, trees.
- 1.1.7.2 After the excavation and installation of the proposed utility and later during the compaction of backfill and installation of surface gravel.
- 1.1.7.3 After installation of the temporary patch.
- 1.1.7.4 After installation of the final patch.
- 1.1.7.5 Prior to release of the bond.
- 1.1.7.6 At other specific times deemed necessary by the Superintendent of his designee.
- 1.1.8 Emergency Utility Repair- Contractors may undertake emergency underground repair of their facilities without a permit when such repairs must be made at night or on weekends or holidays provided that a permit is applied for on the first regular business day following the repair, and the company takes all reasonable measures provided for in these Specifications for the care and safety of the public.
- 1.1.9 Public Safety As required by G.L. c. 82A, §1, and 520 CMR 14.04, an excavator shall not leave any open trench unattended without first making every reasonable effort to eliminate any recognized safety hazard that may exist as a result of leaving said open trench unattended.
- 1.2.1 General The permitee, from the time the work commences until the work has been approved in writing by the Superintendent or his designee, shall be responsible for the safety of the public. Depending upon the nature of the work, traffic control devices shall be applied.
- 1.2.2 Detours If the nature of the work requires the closing of all or a portion of a public way, the Police Chief must be contacted for proper traffic control.
- 1.2.3 Warning Devices When required by the nature of the work; signs, lights and barricades, erected at the expense of the permitee shall be utilized.
- 1.2.4 "Dig Safe" Massachusetts Law (Chapter 82, Section 40) requires that contractors notify public utility companies at least 72 hours before any excavation in a public way. A telephone call to the Underground Plant Damage Prevention System "Dig Safe" satisfies this requirement. The "Dig Safe" job number assigned by the Underground Plant Damage Prevention System must be included

on the permit application. A permit cannot be issued until the applicant demonstrates compliance with MGL Ch. 82, Sec. 40.

# **Section 2 EXCAVATIONS**

- 2.1.1 Preservation of physical features All excavations and other work within the limits of a town way will be conducted in a manner which will minimize damage or disruption to such features as stonewalls, trees, fences, guard rails, etc.
- 2.1.2 Working around public shade trees Any work within the drip line of a public shade tree must be approved by the Templeton Tree Warden.
- 2.1.3 New Roads The cutting of paved road surfaces less than five years old will not be permitted, unless approved by the Highway Superintendent or his designee.
- 2.1.4 Seasonal limit for construction No paved road surface may be cut between November 15 and March 15 except that in the interest of public safety and convenience the Highway Superintendent or his designee may issue a permit for an emergency repair to an existing facility.
- 2.2.1 Materials: Approval of materials All materials used on construction within public ways shall be subject to approval by the Superintendent or his designee. This will include but not be limited to, the size, type, and quality of pipe, the type of gravel backfill, the quality of the patching material, etc. Cold patch as a temporary or permanent patching material will not be allowed except that between November 15 and March 15 it may be used for temporary patches on emergency cuts allowed under Section 1.1.8.
- 2.2.2 Trenches For purposes of this chapter, a "trench" shall be defined as an excavation which is narrow in relation to its length, made below the surface ground in excess of 3 feet below grade and the depth of which is, in general, greater than the width, but the width of the trench, as measured at the bottom, is no greater than 15 feet and the words "excavator", "excavation" and "emergency" shall have the same meanings as defined in section 40 of chapter 82.
- 2.2.3 Pavement cut-backs After excavation is commenced, the bituminous or concrete street or sidewalk surface shall be cut vertically in a line parallel to the centerline of construction and approximately one foot wider on all sides than the excavation, using an approved power tool, to allow for trench excavation without further disturbing the road or sidewalk surface on either side of the trench.
- 2.2.4 Backfill The backfill shall consist of the excavated material if it is declared suitable by the Superintendent or his designee. Backfill will be placed in successive layers of not more than six (6) inches of compacted depth. If, in the opinion of the Superintendent or his designee, the excavated material is unsuitable, the applicant in an approved location shall dispose of the entire rejected material. In its place, the applicant shall bring in suitable fill material consisting of approved gravel or borrow, as directed. After thorough tamping around and beneath the utility, the six (6) inch layers of backfill will be thoroughly compacted as follows: if dry, it shall be moistened and then compacted by tamping with mechanical rammers, or by hand tampers having a tamping face not exceeding 25 square inches in area. The final 12 inches of

- backfill will, in all cases, consist of crushed gravel thoroughly tamped and made even with the surrounding surface.
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- 2.2.7 Cement 50-75 lbs Sand 3160 lbs Water 500-560 lbs. Final cured material is to be excavatable and have a load bearing about the same as fully compacted gravel. When this material is used, the final patch can be placed not less than 12 hours after the backfill is placed. If the final patch is not placed within 36 hours, a temporary patch according to section 2.4.3.shall be applied not less than 12 hours after the flowable backfill is placed.
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# **Section 3 PERFORMANCE DEPOSITS AND INSURANCE**

- 3.1 Performance Deposits
- 3.1.1 Deposit amount All permits issued hereunder shall require a certified check in the amount of fifteen hundred dollars (\$1,500.00) to be deposited in an escrow account as a guarantee to abide by these specifications.

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- 3.1.3 Deposit release When permanent patching, re-loaming and seeding, and all work required by the permit issued hereunder has been approved in writing by the Superintendent or his designee, the Town will refund to the applicant the amount of the deposit, less any amounts as noted below.
- 3.1.4 Deposit forfeiture In the event that town personnel or equipment must be utilized to make emergency repairs or to complete unfinished work required by the permit issued hereunder, the cost of such repair or work will be deducted from the deposit. A standard multiplier of 2.5 will be applied to all labor and material costs to determine the amount to be deducted. If the repair or completion cost exceeds the amount of the deposit, the applicant must pay the difference to the Town of Templeton.
- 3.2.1 Insurance requirements A certificate of insurance indemnifying the Highway Department against claims for injury, death or property damage during construction, and naming the Town as an additional insured, must be filed with the permit application. The limits shall conform with the following schedule:
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Comprehensive General Liability Insurance- each occurrence and aggregate amount

Automobile Liability Insurance

Bodily Injury: each person each occurrence

Property Damage: each occurrence

# Section 4 VIOLATIONS

- 4.1.1 Expiration of permits If after three (3) months from the date of the permit the repair to the town way is not completed according to these Specifications and to the satisfaction of the Superintendent or his designee, the permitee will be notified in writing by the Superintendent or his designee that the permit has expired. If no action is taken by the applicant to complete the unfinished work within thirty (30) days of the date of the written notice, the Highway Department will then complete the necessary work in any manner deemed appropriate and deduct from the deposit all costs of completing the work in accordance with these specifications.
- 4.1.2 Emergency repairs If at any time during the life of the permit the permitee allows the construction to exist in a condition dangerous to users of the road, then the Superintendent or his designee may, without written notice to the permitee, make the necessary arrangements to correct the unsatisfactory condition. The cost of such work will then by deducted from the deposit in

- accordance with Section 3.1.4 of these specifications at the time the deposit is refunded.
- 4.1.3 The Highway Superintendent or his designee has the authority to refuse a permit if a contractor violated these Specifications on previous construction sites.

# Section 5 CONDITIONS AND REQUIREMENTS PURSUANT TO G.L.C.82A AND 520 CMR 7.00 et seq. (as amended)

- 5.1 By signing the application, the applicant understands and agrees to comply with the following:
- 5.2 No trench may be excavated unless the requirements of sections 40 through 40D of chapter 82, and any accompanying regulations, have been met and this permit is invalid unless and until said requirements have been complied with by the excavator applying for the permit including, but not limited to, the establishment of a valid excavation number with the underground plant damage prevention system as said system is defined in section 76D of chapter 164 (DIG SAFE);
- 5.3 Trenches may pose a significant health and safety hazard. Pursuant to Section 1 of Chapter 82 of the General Laws, an excavator shall not leave any open trench unattended without first making every reasonable effort to eliminate any recognized safety hazard that may exist as a result of leaving said open trench unattended. Excavators should consult regulations promulgated by the Department of Public Safety in order to familiarize themselves with the recognized safety hazards associated with excavations and open trenches and the procedures required or recommended by said department in order to make every reasonable effort to eliminate said safety hazards which may include covering, barricading or otherwise protecting open trenches from accidental entry.
- 5.4 Persons engaging in any in any trenching operation shall familiarize themselves with the federal safety standards promulgated by the Occupational Safety and Health Administration on excavations: 29 CFR 1926.650 et.seq. entitled Subpart P "Excavations".
- 5.5 Excavators engaging in any trenching operation who utilize hoisting or other mechanical equipment subject to chapter 146 shall only employ individuals licensed to operate said equipment by the Department of Public Safety pursuant to said chapter and this permit must be presented to said licensed operator before any excavation is commenced;
- 5.6 By applying for, accepting and signing this permit, the applicant hereby attests to the following: (1) that they have read and understands the regulations promulgated by the Department of Public Safety with regard to construction related excavations and trench safety; (2) that he has read and understands the federal safety standards promulgated by the Occupational Safety and Health Administration on excavations: 29 CMR 1926.650 et.seq., entitled Subpart P "Excavations" as well as any other excavation requirements established by this municipality; and (3) that he is aware of and has, with regard to the proposed trench excavation on private property or proposed excavation of a city or town public way that forms the basis of the permit application, complied with the requirements of sections 40-40D of chapter 82A.

5.7 This permit shall be posted in plain view on the site of the trench.

For additional information please visit the Department of Public Safety's website at <a href="https://www.mass.gov/dps">www.mass.gov/dps</a>

Passed/May 16<sup>th</sup> @ 1:24pm

