

Templeton Select Board
Town Hall, 160 Patriots Road, East Templeton
(also streamed live on Youtube & TCTV)
Wednesday, August 10, 2022, 6:30 p.m.

Agenda

- 1. Call the Meeting to Order & Reading of Statutory Recording Notice**
- 2. Pledge of Allegiance**
- 3. Approval of Minutes of Prior Meetings:**
 - a) Meeting Minutes ~ 07.13.22**
 - b) Executive Session Minutes ~ None**
- 4. Citizen Input**
- 5. New Business:**
 - a) Introductions of New Employees: None**
 - b) Appointments ~ None**
 - c) Presentation RE: Quarterly Reports~Q4-FY'22 Development Services**
 - d) Presentation RE: Quarterly Reports~Q4-FY'22 Community Services**
 - e) Action RE: Temporary M.O.U. with City of Gardner**
 - f) Action RE: Assignment of Police Officers at Polling Stations**
 - g) Action RE: Warrant for the 2022 State Primary**
 - h) Action RE: Donations to the Senior Center**
 - i) Action RE: Regional/Local Emergency Planning Committee Establishment**
 - j) Action RE: Authorization to Award Contract Re: Senior Community Center Roof**
 - k) Action RE: Green Communities Weatherization/Town Buildings**
 - l) Action RE: No Loitering Signs at Town Hall**
 - m) Action RE: Inclusion of Employee Pay in the Annual Town Report (T. Toth)**
 - n) Action RE: Status of Disability Commission (T. Toth)**
 - o) Action RE: Status of Hiring an Emergency Medical Services Employee per Article 6, ATM May 16, 2015 (T. Toth)**
 - p) Action RE: Status of Outfitting Senior Center per Article 8, ATM May 16, 2015 (T. Toth)**
- 6. Action RE: Old Business:**
 - a) Action RE: Wage & Compensation Study**
 - b) Action RE: Proposal to CPC - Templeton Center Common plan to improve appearance, function and use. (J. Bennett)**
 - c) Action RE: Town Property Use Policy (T. Griffis)**
 - d) Action RE: Appoint Fence Viewers**
 - e) Action RE: Town Common Private Sign Ban/Town Property**
- 7. Board Member and Administrator Comments & Reports**
- 8. Adjournment**

The listing of Agenda items is those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent it is permitted by law.

THIS AGENDA IS SUBJECT TO CHANGE

Draft Motions – 8/10/22

3. **Approval of Minutes of Prior Meetings:**
 - a. **Meeting Minutes ~ 07.13.22** ~ I move to approve the minutes of 07.13.22 as presented.
 - b. **Executive Minutes** ~ none
4. **Citizen Input**
5. **New Business:**
 - a) **Introductions of New Employees:** None
 - b) **Appointments** ~ None
 - c) **Presentation RE: Quarterly Reports~Q4-FY'22 Development Services** ~ No motion.
 - d) **Presentation RE: Quarterly Reports~Q4-FY'22 Community Services** ~ No motion.
 - e) **Action RE: Temporary M.O.U with City of Gardner** ~ I move to approve the Temporary Municipal Agreement for Veteran Services in the amount of \$14,000 between the Town of Templeton and City of Gardner as presented, and for the Town Administrator to sign.
 - f) **Action RE: Assignment of Police Officers at Polling Stations** ~ I move to, pursuant to, to assign at least one Police Officer per Town polling location for all elections and primaries in 2022 and to designate the Police Chief the authority to assign specific police officers according to scheduling and availability.
 - g) **Action RE: Warrant for the 2022 State Primary** ~ I move to approve the Election Warrant for the 2022 State Primary as presented and for the Board to sign.
 - h) **Action RE: Donations to the Senior Center** ~ I move to accept the \$1,050.00 in donations to the Senior Center as presented.
 - i) **Action RE: Regional/Local Emergency Planning Committee Establishment** ~ No suggested motion.
 - j) **Action RE: Authorization to Award Contract Re: Senior Community Center Roof** ~ I move to authorize the Town Administrator to execute an award for a contract for the re-roofing and roof sheathing replacement project at the Senior Community Center to Larochelle Construction Inc. of South Hadley, Massachusetts, in the amount of \$172,000 and further to authorize the Town Administrator to executive such change orders as are deemed to be in the best interests of the Town not to exceed \$17,200.
 - k) **Action RE: Green Communities Weatherization/Town Buildings** ~ I move to award the Contract for Weatherization at Town Hall, Boynton Public Library, Baldwinville Fire Station, and Cemetery Garage to DCS, LLC of Amherst, Massachusetts, in the amount of \$45,510 and further to authorize the Town Administrator to execute such change orders as are deemed in the best interests of the Town not to exceed \$3,413.
 - l) **Action RE: No Loitering Signs at Town Hall** ~ I move to ratify the actions of the Town Administration to place “No Loitering” signs at Town Hall. I also move to approve of the placement of permanent “No Loitering” signs at Town Hall.
 - m) **Action RE: Inclusion of Employee Pay in the Annual Town Report (T. Toth)** ~ No suggested motion.
 - n) **Action RE: Status of Disability Commission (T. Toth)** ~ No suggested motion.
 - o) **Action RE: Status of Hiring an Emergency Medical Services Employee per Article 6, ATM May 16, 2015 (T. Toth)** ~ No suggested motion.
 - p) **Action RE: Status of Outfitting Senior Center per Article 8, ATM May 16, 2015 (T. Toth)** ~ No suggested motion.
6. **Action RE: Old Business:**
 - a) **Action RE: Wage & Compensation Study** ~ No motion suggested.
 - b) **Action RE: Proposal to CPC - Templeton Center Common plan to improve appearance, function and use. (J. Bennett)** ~ No motion suggested.
 - c) **Action RE: Town Property Use Policy (T. Griffis)** ~ No suggested motion.
 - d) **Action RE: Appoint Fence Viewers** ~ No motion suggested.
 - e) **Action RE: Town Common Private Sign Ban/Town Property** ~ No motion suggested.

Approved 8/10/22

Templeton Select Board

In-Person Meeting also Streamed Live through YouTube

Wednesday, July 13, 2022, 6:30 p.m.

Minutes of Meeting

Present: Select Board: Tim Toth, Mike Currie, Terry Griffis, Julie Richard (arrived at 6:38 p.m.), Jeff Bennett and Town Administrator, Adam Lamontagne. Absent: None.

1. Call the Meeting to Order & Reading of Statutory Recording Notice

Mr. Toth called the meeting to order at 6:30 p.m. The meeting was streamed on YouTube at: <https://youtu.be/6ALB6RKmah0> and was also available on local Channel 8.

2. Pledge of Allegiance

3. Approval of Minutes of Prior Meetings:

a) Meeting Minutes ~ 6.22.22 ~ Ms. Griffis moved to approve the minutes of 6.22.22 as presented as seconded by Mr. Bennett. Ms. Richard was absent for this vote. Motion carried 4-0.

b) Executive Session Minutes ~ None at this meeting.

4. Citizen Input ~ (See video ~00:03:00)

Theresa Griffis and Jeffrey Bennett gave citizen input.

5. New Business:

a) Introductions of New Employees: None at this meeting.

b) Appointments ~ Recreation Commission ~ Hunter Graves ~ Ms. Griffis moved to appoint Hunter Graves to the Recreation Commission for a 1-year term to expire on 06/30/2023 as seconded by Mr. Currie. Ms. Griffis engaged in discussion speaking about Hunter Graves. Motion carried 5-0.

c) Presentation RE: Quarterly Reports~Q4-FY'22 Public Safety ~ (See video ~ 00:12:00) Police Chief Mike Bennett, Fire Chief David Dickie, and Emergency Management Director Rich Curtis presented their reports to the Board. Mr. Toth, Mr. Currie, and Ms. Richard asked several questions of Chief Bennett during his presentation. Mr. Toth and Mr. Currie asked questions of Chief Dickie during his presentation. Mr. Toth, Mr. Currie, and Ms. Griffis engaged in conversation with Mr. Curtis regarding this presentation.

d) Presentation RE: Quarterly Reports~Q4-FY'22 Public Works ~ (See video ~00:32:00) Mr. Lamontagne presented his report to the Board on behalf of DPW Director, Bob Szocik. Mr. Currie asked what the status of the situation on Ross Road. Chief Dickie engaged in discussion on Ross Road. Mr. Lamontagne stated he would follow-up on Ross Road.

e) Action RE: Highway & Sewer Local 39 Union Contract ~ Mr. Lamontagne presented the agreement to the Board. Mr. Currie asked questions related to the section on smoking. Ms. Griffis asked for a correction on Page 8 to add the words "the Town" on a fragmented sentence. Mr. Currie moved to approve the agreement between the Town of Templeton and Templeton Highway and Sewer, Local 39, Laborers' International Union of North America, AFL-CIO for July 1, 2022, to June 30, 2025, as amended and for the Town Administrator to sign as seconded by Ms. Griffis. Motion carried 5-0.

- f) **Action RE: Budget Amendment 2023-1** ~ Mr. Lamontagne presented that this transfer is for the difference in the just approved in union contract for the FY'23 increases. Mr. Currie moved to approve the Budget Amendment 2023-1 as presented for the transfer of \$8,591 from Select Board Inter Governmental Account to the 1 department account listed and for the Chair to sign as seconded by Mr. Bennett. **Motion carried 5-0.**
- g) **Action RE: Ambulance Write Offs** ~ Chief Dickie explained and presented on this topic. Ms. Griffis and Mr. Bennett engaged in discussion with Chief Dickie. Mr. Currie moved to write off the accounts listed for ambulance receipts totaling \$299,617.13 as seconded by Ms. Richard. **Motion carried 5-0.** Mr. Currie explained further how this was a good thing financially for the Town and the community.
- h) **Action RE: Town Common Private Sign Ban/Town Property** ~ (See video ~00:57:00-02:34:00) Sue Larrabee and Richard Braks from the Templeton Lions Club handed a letter to the Board (on file) and discussed their concerns on the recent ban on private signs on the Town Common. Ms. Richard discussed that the recent vote was just to ban private signs on the Town Common and wanted to inform residents of that. Resident David Pease of Pease Orchard explained and presented on this letter to the Board. Resident Matt LeClerc of Valley View Farm was present and wanted it noted he support Mr. Pease's statements at the meeting. Mr. Bennett discussed how he asked the Board to have this topic for a vote on the June 22, 2022, meeting, about the Town's Master Plan, and various reasons why he brought this up for consideration by the Board. Mr. Lamontagne engaged in discussion; he expressed concerns if the Board were to rescind their ban. Mr. Currie discussed how he was not at the meeting on 06/22/2022 and discussed his opinion on the topic. Ms. Griffis discussed how she wanted to see the Board work with residents to find a solution. Ms. Richard discussed how she supports Mr. Currie's comments on this topic, her views on how The Common has been congested with signs in the past, also discussed her view on wanting residents to speak up and attend Board meetings when they have concerns. Mr. LeClerc spoke to how the chain and lock on his sign on The Common that was discussed at the meetings, and his reasoning for doing so, and discussed supporting local businesses; Mr. Pease engaged in discussion. Resident Richard Curtis discussed if State Law was important on this matter; Ms. Griffis engaged in discussion with Mr. Curtis. Mr. Lamontagne discussed the logistics of rescinding of the ban. Ms. Griffis and Mr. Currie engaged in discussion with Mr. Lamontagne. Assistant Town Administrator Holly Young discussed that if the Board did rescind its' vote, it should have permission for signs as a part of the Town Property Use Policy. Administrative Assistant Justice Graves discussed the legal opinion by Town Counsel and the recent Supreme Court decision against the City of Boston regarding private materials being on city property. Mr. Toth discussed his opinions on the topic. There was further general discussion on the topic. Resident Mary Polchlopek discussed how not every person is on the internet and how there should be other ways to notify residents on these matters. Mr. Toth indicated how this topic would again be on a future agenda of the Board. The Board took no action on this agenda item.
- i) **Action RE: Amendments to financial management policy to fund new infrastructure stabilization fund (J. Bennett)** ~ Mr. Bennett presented on this agenda item, and the reasoning to amend its Financial Management Policy is because

of the positive vote by Town Meeting to have an Infrastructure Stabilization Fund. Mr. Currie asked Mr. Lamontagne to explain his percentages; the reasoning for each percentage adjustment in the policy was explained. Mr. Currie, Ms. Griffis, Ms. Richard, and Mr. Bennett engaged in discussion. Ms. Griffis moved to approve Amendment #3 to the Updated Financial Management Policy as presented as seconded by Mr. Currie. Ms. Richard voted no. **Motion carried 4-1.**

- j) **Action RE: Donation of Services for Installation of Scoreboard at Gilman Waite from Woodford Electric** ~ Ms. Richard moved to accept the donation to the Town of all labor and materials, in the estimated amount of \$5,669.92, from Woodford Electric for their portion of the work to install the Scoreboard at Gilman Waite as seconded by Mr. Currie. **Motion carried 5-0.**

6. Action RE: Old Business:

- a) **Action RE: Proposal to CPC - Templeton Center Common plan to improve appearance, function and use. (J. Bennett)** ~ Mr. Bennett discussed the Master Plan and the Reconnaissance Report, and that the Town Administrator should prepare to present to the Board a plan for The Common that will be submitted to the Community Preservation Committee (CPC). Mr. Lamontagne asked Mr. Graves how many responses received from a recent survey of Town residents; he believed there to be about 18 or 19 responses.

- b) **Discussion RE: Heating buildings with oil (T. Griffis)** ~ Ms. Griffis thanked Mr. Lamontagne for his Administrative Order regarding the cost of gas and oil in the Town. Ms. Griffis read the entire Administrative Order to the Board. Mr. Lamontagne spoke to the Board about winterizing Scout Hall and how that was not a recommendation of the DPW Director to do in order to preserve the paint and other interior items of the building. There was general discussion on this topic.

7. **Board Member and Administrator Comments & Reports** ~ (See video ~02:28:00) Mr. Bennett spoke to a recent MRPC meeting he attended regarding certain actions happening with regards to MART; Mr. Bennett also spoke about several grants brought to his attention by being on that MJTC, and how he would forward information on that to the Town Administrator, and about a survey. Ms. Griffis gave information to the Board regarding the recent NRSB School Committee meeting she attended, and her recent experience at a meeting at the Barre Senior Center that was done by Congressman Jim McGovern. Mr. Currie spoke to how he needed to complete his Cyber Security Training for the Town. Ms. Richard gave no comment. Mr. Lamontagne, Ms. Young, and Mr. Graves gave no comment. Mr. Toth gave information that he would be the cook at the Cook-out at the Senior Community Center on July 19th at noon. Mr. Toth announced the next Board meeting would be on Wednesday, August 10, 2022.

8. **Adjournment** ~ Mr. Currie moved to adjourn the open meeting as seconded by Ms. Griffis. **Motion carried 5-0.**

9:08 p.m. meeting adjourned.

Respectfully Submitted,
Justice J.H. Graves
Recording Clerk

Terry Griffis, Clerk

List of documents & other exhibits used at this meeting: Exhibits from public agenda packet labeled 3.a., 5.b., 5.c., 5.d., 5.e., 5.f., 5.g., 5.h., 5.i., 5.j., 6.b. & Emergency Management Quarterly Report for Q4 FY'22, Letter from Templeton Lion's Club.

MEMORANDUM – OFFICE OF THE TOWN ADMINISTRATOR

TO: Select Board
FROM: Laurie Wiita
RE: FY 22 Fourth Quarter Development Services
DATE: July 27, 2022



DIRECTOR: Completed the second and third phase of the state cyber security training; reviewed and commented on the draft Comprehensive Emergency Management Plan; worked with Town Administrator (TA) and Town Counsel (TC) on 25 Central, drafted cease and desist for Zoning Enforcement Officer to sign and delivered; reached out to original engineer for Laurel View development and provided information to TA and TC; prepared 3rd quarter report and presented on May 25 Select Board meeting. Completed after action survey for Region 2 Emergency Management and participated in MDPH bi-weekly meetings and MPHn monthly meetings. Provided information for residents on the Avian Flu and Monkey Pox; attended town meeting representing Development Services, attended dedication of River's Edge conservation area, and directed planting of greenery; worked with TA on CPC/Open Space Administrative Asst. duties. Completed required courses to renew System Inspectors state license. Fulfilled public information requests for 18 Turner, 318 South and 51 Baptist Common and provided to Info Officer (TA). Met with Matthieu Zahler and Jason Korb of CC MPZ School Street, LLC and TA pertaining to the filing of the comprehensive permit hearing scheduled for July 27.

COVID-19 – Throughout the fourth quarter, Templeton had an average of 21 positive cases per week, numbers reported by the State of MA pertaining to positive cases in Templeton, can be found at [COVID-19 Response Reporting | Mass.gov](https://www.mass.gov/info-details/covid-19-response-reporting). MPHn created and staffed a COVID-19 response team that can be contacted at 978-602-2356 for reporting positive results and for support while ill. Through a grant with the state, we received 2,880 at home test kits to be available throughout town offices for the residents. On June 22nd, the COA hosted a vaccine clinic with the COVID-19 response team and provide all COVID vaccine types, shingles, and pneumonia vaccines; 65 persons received COVID vaccine, 28 received shingles vaccine and 4 received pneumonia vaccine, a great success.

The **Building Commissioner and Administrative Assistant** – During the fourth quarter of FY '22 this office issued eighty-eight building permits with fee income totaling \$29,076 and estimated construction value of \$3,763,529; forty-six electrical permits were issued with fee income totaling \$5,440; seventeen plumbing permits were issued with fee income totaling \$2,600; and twelve gas permits were issued with fee income totaling \$990.

The **Agricultural Commission** – Due to Avian Flu and possible spread, residents asked to discontinue feeding wild birds; 207 North Main, 191 Hubbardston, and 19 & 23 Pine Point continue to have a rooster and chicken issues; letter received from Pease Orchard requesting to appear before the Select Board at their July 13 meeting with the Agricultural Commission to take part in a discussion about the removal of signs on the common; provided a resident with MDAR information on keeping of cows.

ZBA – Variance request for the reduction of frontage from 150’ to 75’ heard for 569 Baldwinville, denied; processed request by CC MPZ School Street LLC for a comprehensive permit hearing, scheduled for July 27, 2022 @ 6:30 p.m. Received resignation from John Fletcher, accepting applications for the remaining term.

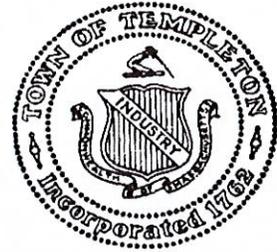
Planning – Meeting of April 12 and April 26 cancelled due to lack of agenda items; members heard requests from Richard Tolman of Royalston Rd and Ferncol Friends of (212 Freight Shed Rd) King Phillip Trail to change property zoning; site plan review for 2400 sf building and scales on Depot Rd. for W J Graves, approved; ANR for 473 Baldwinville approved, reorganization of board and new signature card to the Worcester Registry of Deeds; special permit request for 403 Baldwinville to operate a light manufacturing/research & development/sales business for firearms, approved. Charles Carroll II was elected as representative of the Montachusett Joint Transportation Committee.

Conservation – The Conservation Commission performed 14 site walks in April, 14 site walks in May and 15 site walks in June. Meetings were held on April 11th, May 16th, and June 27th. Three RDA were received, and negative determinations were issued to each of them. Two NOI’s (304-0368 and 304-0377) were approved and OOC’s issued. Four COC’s were issued. One Enforcement Order was issued, ratified, and lifted. The grand opening ceremony for River’s Edge Conservation Area in Baldwinville was held on May 9th. Templeton entered a Level 1 – Mild Drought. The Commission is a 5-member Board with only 3 members currently appointed; currently seeking 2 more members. If any resident would like to join, please go to <https://www.templetonma.gov/community/slides/volunteers-needed> fill out the form and email to hyoung@templetonma.gov

Board of Health – Agent witnessed five perc tests; issued five well permits; conducted eleven septic repair inspections and two new septic inspections; reviewed five as-built plans and issued five certificates of compliance; reviewed and approved thirteen Title 5 reports; conducted two housing inspections that resulted in violation notices being sent; completed four community septic loan disbursements; inspected and permitted pool at Peaceful Pines; processed semi-public beach permits to TF&G and Pinewood Shores, review weekly water testing and provide information for public; completed food inspections at Farm at Baptist Common (kitchen and two wagons), Maple Street concession stand, Peaceful Pines commissary, and Long Long Noodle, no violations noted; issued one installer permit to TMG Tractor; Abandoned Housing court date for 29 Sawyer moved from July 27 to August 10; responded to one trash complaint, resolved; one food complaint about walk in cooler, only alcoholic beverages stored – no violation; four nuisance complaints, Graves crusher, loose chickens, rooster noise, and smoke from an outdoor wood boiler; with the help of our partners at NRSD, we were able to use the fluorescent light crusher to recycle 48 8’ bulbs and 380 4’ bulbs, thank you Mark @ DPW for facilitating the work. Referred complaints of unregistered cars at Cottage Lane and Prospect Street to PD, both issues resolved. Assisted by Sgt. Flis, condemnation order and placards delivered to Patriots Rd. Map 3-08, Parcel 32. Worked with TA and Emergency Manager to place air sensors on town properties. Working with Community Services Director and COA Director, placed two additional Planet Aid boxes at the Senior Center to collect textiles for recycling. Leominster Tobacco Alliance completed compliance inspections, one violation reported – sale of flavored tobacco products – resulted in a \$1,000 fine and three-day suspension at Templeton Spirits.

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Community Services

FY 22 Fourth Quarter Reports

Library/ Community Services

This quarter saw a gradual increase in visitation/circulation back to pre-Covid summer levels. The library received the remainder of its State Aid to Public Libraries award, totaling just over \$17,300. We were unable to host class visits from Templeton Center School in the final weeks of the school year but will try again this Fall. We prepared some fun summer reading incentives. The Farmers' Market began in early May.

Senior Services

The COA board met twice this quarter. An Activities Coordinator was hired. A group of volunteers planted the raised beds- produce will benefit the Food Pantry and seniors in need. The staff attended the MCOA small and rural conference. A volunteer appreciation event was held, as well as a Cultural Council sponsored performance by Davis Bates. There was an affirmative vote at the Annual Town Meeting to replace the Center's roof. Shine volunteer, Gail Noel was named Citizen of the Year for her many years of dedication to the town's seniors. Thanks to loyal volunteers offering to supplement staff, the Center was able to open on Wednesdays each week. TMLD visited for their annual presentation, and a Memorial Day barbeque was held. A vaccine clinic was held and administered 89 shots.

Statistics this quarter:

Transportation: 261 rides provided

Social Service Interactions: 289

Attendance: 1234

Volunteer Hours: 234.5

Recreation

Softball – 8 Teams

- 2 T-Ball Teams, 3 8U teams, 2 10U teams, 1 12U team
- Templeton hosted the June 19th North Central Softball All Star Games

- 3 Games, League paid for umpires

Prep for Swim

- Hunter Marion interviewed and hired to be swim coordinator
- Brianna hired as assistant
- Both Red Cross Trained
- Templeton Fish and Game hosting program
- Insurance obtained and sent of to F&G by Holly Young
- 60 children enrolled into the program
- Program is for children 5-15 year old
- Town has a Red Cross Account

TCTV

Report for FY22, Quarter 4

April 1 to June 30, 2022

Hired Part-time Program Coordinator for Montachusett.TV and trained

-Website content | Facebook updates | Photo contests | Workflows, project management, SEO

Worked with web developer in Concert Web Solutions on finishing the initial website build

- Planned, tested and refined Calendar and Business Listings platform
- Business Spotlights on Link Local directory can be provided as a value-added service and monetized
- Upgrades to individual business listing pages can be monetized
- Set up and tested subscriber and business listing intake forms
- Set up cart for future electronic payments

Worked with Wachusett Business Incubator (WBi)

- Sponsorship of video shows
- Partnership in Digital Lab & Montachusett.TV
- Location at Heywood-Wakefield, Gardner
- Memorandum of Understanding

Free Toastmasters Memberships

Prepared memo for this program sponsoring up to 10 annual memberships for town employees in FY23 Cable Dept. budget

Productions

- 18 meetings live-streamed and cablecast
- Annual Town Meeting live cast
- Memorial Day Parade & Observation
- River's Edge Conservation Area Opening
- Farmers' Market
- Lions' Club Easter Egg Hunt
- Lions' Club Bandstand Repairs
- Archived Cabin Fever Collector Time, Motorpalooza for Cool Cars, Tales from the Revolution
- Graphics for TCTV, Montachusett.TV, Calendar slides, Trailers

Media Performance

- YouTube: 10,000+ YouTube video views in 4th Quarter
- Most popular: Tonka Toys, Songbirds of the Northeast, Collector Time: Wedgewood Ceramics, Luminous Lanterns, Cobalt Blue Glass
- TCTV Facebook page: 3,000+ post reach/month

-Most popular recently: Cooling Center, Gail Noel Cranberry Glass, wildlife

Cultural Council

The Templeton Cultural Council met several times this quarter, May 5, 2022, May 12 and June 1 to discuss coming events for 2022 and TCC participation. Also, the council discussed modifications and outstanding grants

TCC members granted modification to Winchendon Music Fest to develop a digital series with grant funds and discuss possible a further extension.

Narragansett Historical Society's Cabin Fever grant was modified to be postponed until February 2022 due to COVID 19 concerns, however they asked to move the date until June 2022.

May 1, 2022 – Tribute to Lives Lost during the Covid – a memorial celebration, sponsored by the TCC and other local cultural councils held at G.A.R Park Winchendon, Ma

May 17, 2022 - Templeton Senior Community Center hosted David Bates- storyteller, singer for an entertaining time and funded by the TCC.

June 5, 2022 - Templeton Cultural Council sponsored a concert on the Templeton Common at the Bandstand. The 60'S experience concert was a huge success with many locals coming for a beautiful day on the common and listen to great music.

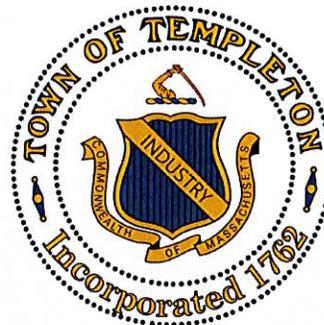
June 11, 2022 - the TCC council sponsored entertainment for a tea held in the garden at the Narragansett Historical Society, a jazz duo – TAKE JAZZ.

Veteran's Services

S.e

MEMORANDUM – OFFICE OF THE TOWN ADMINISTRATOR

TO: Adam Lamontagne, Town Administrator
FROM: Holly Young, Assistant Town Administrator
RE: Temporary Veterans Services Director Position
DATE: August 3, 2022



Interviews were held this morning by the Community Services Director, Jackie Prime, and myself for the position of Temporary Veterans Services Director.

We used the same questions for each candidate and took notes on their responses. We also used the standard score forms that we use for interviews.

After completing the interviews, Jackie and I discussed the qualifications and experience of the candidates and how they fit with this position. The candidates each had their own great qualities, however, Jackie and I both agreed that one would best fit this position.

Ms. Prime and I recommend Lynette Gabrilas for the position. We both feel that she will bring her experience, expertise and energy to the position and be an asset to our town's Veterans and our community.

**TOWN OF TEMPLETON AND CITY OF GARDNER
TEMPORARY MUNICIPAL AGREEMENT
VETERAN SERVICES**

This Memorandum of Understanding, made and entered into this ___ day of _____ 2022, pursuant to the provisions of Massachusetts General Laws, Chapter 40, Section 4A, by and between the Town of Templeton, a municipal corporation within the County of Worcester and the Commonwealth of Massachusetts, acting by and through its Select Board, hereinafter referred to as "Templeton," and the City of Gardner, a municipal corporation within the County of Worcester and the Commonwealth of Massachusetts, acting by and through its Mayor, hereinafter referred to as "Gardner" (collectively referred to as the "Municipalities").

WITNESSETH

WHEREAS, the Municipalities have determined that they share a need for veteran services; and

WHEREAS, the Municipalities have determined that the sharing of the benefits and costs of those services would be beneficial to each Municipality, and

WHEREAS, this Temporary Agreement shall provide for the terms, conditions and liabilities of the parties with respect to these services, including, but not limited to terms of cooperation and obligations of each Municipality relative to cost of shared human resources, training, facilities, and operating costs; and

WHEREAS, the Select Board authorizes the Town Administrator to enter into this agreement with the Mayor of Gardner.

NOW, THEREFORE, in consideration of the promises and mutual benefits to be derived by the parties hereto, the parties agree as follows:

1. The Templeton Town Administrator and the Gardner Mayor will be the Municipalities respective representatives to oversee the cooperative arrangement. The approval of the Templeton Select Board and Gardner Mayor will be required to amend this Agreement.

2. All the privileges and immunities from liability and exemptions from laws, by-laws, ordinances and regulations that veteran services officers employed by any of the parties hereto have in their own jurisdictions shall be effective in the jurisdiction in which they are giving assistance unless otherwise prohibited by law.

3. The shared veteran services officer shall have all of the authority under the applicable provisions of the Massachusetts General Laws as well as the by-laws of Templeton and the City of Gardner city ordinances in which veteran services are being provided.

4. Term. The term of this Temporary Agreement will be through Fiscal Year 2023 commencing on August 11, 2022 and ending on June 30, 2023 unless or until terminated by the parties hereto on written notice. Such notice shall be provided one hundred eighty (180) days prior to the end of the then current fiscal year and withdrawal from the agreement will be effective as of the last day of the succeeding fiscal year. In the event that Templeton fails to pay any invoice to Gardner in a timely manner, or in the event Templeton fails to approve a veteran services budget, as provided for herein and that is subject to appropriation by the Templeton Town Meetings, then Gardner may immediately suspend its services under this Agreement for non-performance. Upon receipt of the past due payments, together with adequate assurances of payment for future services, Gardner may commence performing its services again.

5. Cost sharing. During the term of this Agreement, Templeton will bear the costs of the Veteran's Service Officer according to the following fee schedule:

- a. Templeton:
 - i. Fiscal Year 2023: \$14,000.00

with said costs based upon an approved veteran service budget subject to appropriation by Town Meeting and appropriation by the Gardner City Council, which will provide for the complete cost of wages, maintenance of the Veterans Affairs Office, employee stipends, and supplies and training. Any modification(s) to this schedule must be agreed to in writing by each of the respective Town Select Board and Gardner City Council.

6. Services and Office Community Hours. Veteran services to be provided as part of the memorandum of understanding shall be provided in accordance with Massachusetts General Law Chapter 115, the by-laws of Templeton, Gardner ordinances, and the job description of a Veteran Services Officer, incorporated herein by reference.

Gardner, as the host municipality, shall provide office space and adequate support during designated office hours. Each municipality will allow the Veteran Services Officer to assist veterans and other eligible persons from each of the participating municipalities in this agreement during designated office hours to facilitate regional service delivery.

7. Dispute Resolution. In the event any disputes or questions arise between the parties as to the interpretation of the agreement or the satisfactory performance by any of the parties of the services and other responsibilities provided for in the contract, the parties first agree to try in good faith to settle the dispute through negotiation, then try resorting to other dispute resolution procedures, before proceeding to litigation.

8. Reports. In accordance with M.G.L. c. 40, § 4A, Gardner shall, upon request of Templeton, provide Templeton with reports on the services provided to the Town of Templeton residents, inclusive of reports of expenditures and revenues of all accounts related to the services provided in accordance herewith. In addition, Gardner shall annually provide

Templeton with financial statements of the department or departments providing services in accordance with this Agreement. Templeton may, at its sole cost and expense, perform an audit of such records as required by law.

9. Notice. Any and all notices, or other communications required or permitted under this Agreement, shall be in writing and delivered by hand or mailed postage prepaid, return receipt requested, by registered or certified mail or by other reputable delivery service, to the Town Administrator and the Gardner Mayor at the addresses set forth below or furnished from time to time in writing hereafter by one party to the other party. Any such notice or correspondence shall be deemed given when so delivery by hand, if so mailed, when deposited with the U.S. Postal Service or, if sent by private overnight or other delivery service, when deposited with such delivery service.

Town Administrator
Town of Templeton
160 Patriots Rd Rm.6
P.O. Box 620
East Templeton, MA 01438

Mayor
City of Gardner
95 Pleasant Street
Gardner, MA 01440

10. This Agreement constitutes the entire agreement of the parties and supersedes any prior agreements or understandings, whether oral or in writing, between them. This Agreement may not be changed or modified except by a written instrument in accordance with the provisions above.

11. This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts, the provisions of which shall not be deemed waived by any provision hereof, and the parties hereto submit to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Agreement.

12. If any provision of this Agreement is declared to be illegal, unenforceable, or void, then the parties shall be relieved of all obligations under that provision provided, however, that the remainder of the Agreement shall be enforced to the fullest extent permitted by law.

In witness thereof, the parties hereto have executed this Agreement as of the first date written above.

For the City of Gardner

For the Town of Templeton

Michael J. Nicholson, Mayor

Adam D. Lamontagne, Town Administrator

S.f.

TOWN OF TEMPLETON

TOWN CLERK

CAROL A. HARRIS

Telephone (978) 894-2758

Fax (978) 894-2790

MAILING ADDRESS

P.O. BOX 620

E. TEMPLETON, MA 01438

OFFICE ADDRESS

160 PATRIOTS ROAD

E. TEMPLETON, MA 01438



DATE: July 25, 2022

TO: Select board

FROM: Carol Harris/Town Clerk

RE: Assignment of Police Officers at Polling Locations

On June 22, 2022, an election reform law titled "The VOTES Act" was signed into law in Massachusetts. In this law there was a change in who is responsible for assigning police officers at polling places. It is now the responsibility of the Board of Selectmen to assign police officers to polling places. Previously it was the responsibility of the Chief of Police.

I recommend to the Select board, per the recently passed VOTES Act, Section 72, vote to assign a sufficient amount of Police Officers to our polling location for all elections and primaries in 2022. Furthermore, I recommend the Select board designate the Police Chief the authority to assign specific police officers according to scheduling and availability.

Sincerely,

Carol A. Harris
Templeton Town Clerk

S 2924

has opted to not use a check-out list, it shall be checked on the second voting list when the voter deposits the ballot. Where a check-out list is used, the officer in charge of the ballot box and the officer in charge of the voting list shall either: (i) be of different political parties; or (ii) not be of the same political party if the election officers have been appointed pursuant to section 14 without regard to political party membership. No person shall vote if the person's name is not on the voting list, nor until the local election officer shall check the person's name thereon, unless the person presents a certificate from the registrars of the city or town as provided by section 51 or section 59 of chapter 51 or unless the person is voting by provisional ballot under section 76C. A city or town may vote to use electronic poll books rather than paper voting lists in accordance with section 33I.

SECTION 13. Said chapter 54 is hereby further amended by striking out section 72, as so appearing, and inserting in place thereof the following section:-

Section 72. The select board, board of selectmen, town council or city council of each city and town, in consultation with its election officers and registrars, shall detail a sufficient number of police officers or constables for each building that contains the polling place for 1 or more precincts at every election therein to preserve order and to protect the election officers and supervisors from any interference with their duties and to aid in enforcing the laws relating to elections.

SECTION 14. Said chapter 54 is hereby further amended by striking out section 83, as so appearing, and inserting in place thereof the following section:-

Section 83. In a precinct at which a check-out table is used, a voter, after marking the voter's ballot, shall give the voter's name, and, if requested, residence, to an officer in charge of the ballot box, who shall distinctly announce the voter's name and, if requested, residence. If the name is found on the voting list by the local election officer, the local election officer shall distinctly repeat the name and check it on the voting list. The voter may then deposit the ballot in the ballot box. No ballot without the official endorsement, except as provided in section 61, shall be deposited in the ballot box. A city or town clerk may opt to eliminate the use of a voting list at the check-out table but shall maintain an officer in charge of the ballot box.

COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

5.g

WARRANT FOR 2022 STATE PRIMARY

WORCESTER, ss.

To the Constables of the Town of Templeton

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Templeton, who are qualified to vote in Primaries to vote at:

**Narragansett Regional Middle School
460 Baldwinville Road
Baldwinville, MA 01436**

On **TUESDAY, THE 6th DAY OF SEPTEMBER, 2022**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Primaries for the candidates of political parties for the following offices:

GOVERNOR FOR THIS COMMONWEALTH
LIEUTENANT GOVERNOR FOR THIS COMMONWEALTH
ATTORNEY GENERAL..... FOR THIS COMMONWEALTH
SECRETARY OF STATE..... FOR THIS COMMONWEALTH
TREASURER FOR THIS COMMONWEALTH
AUDITOR..... FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS SECOND DISTRICT
COUNCILLOR..... SEVENTH DISTRICT
SENATOR IN GENERAL COURT WORCESTER & HAMPSHIRE DISTRICT
REPRESENTATIVE IN GENERAL COURT..... SECOND WORCESTER DISTRICT
DISTRICT ATTORNEY MIDDLE DISTRICT
SHERIFF..... WORCESTER COUNTY

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this ____ day of _____, 2022.

BOARD OF SELECTMEN:

Tim Toth, Chairman

Michael Currie, Vice Chairman

Terry Griffis, Clerk

Julie Richard, Member

Jeff Bennett, Member

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 the Town Hall at 160 Patriots Road in East Templeton, and by delivering a copy to each of the Precinct Clerks 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 County in the City of Gardner.

Hereof, fail not and make do return of this warrant with your doings thereon seven (7) days at least before the time of holding said meeting.

Date

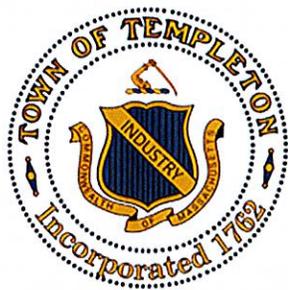
Signature of Constable - Town of Templeton

Printed Name of Constable Signing Above

A True Copy, ATTEST:

Carol A. Harris
Town Clerk of Templeton

S.i.



Town of Templeton
Office of Emergency Management
1 Elm Street
Baldwinville, MA 01436



Richard Curtis, EMD
Michael Dickson, Deputy EMD
Don Morin, Assistant Deputy EMD

24/7 Cell (978)580-6620
Office (978)939-5140

TO: Select Board Members, Town Administrator
RE: Local Emergency Planning Committee (LEPC)
Regional Emergency Planning Committee (REPC)
Date: August 2, 2022

When I first became Templeton's EMD, Templeton was a part of a Regional Emergency Planning Committee (REPC). I attended several meetings and a couple of tabletop exercises. This REPC came to an abrupt end for unknown reasons. All of the local communities, except Athol, that were a part of this REPC are now lacking an Emergency Planning Committee Certification. We have had a Local Emergency Planning Committee (LEPC) which is not certified and have only met every 5 years to update the Local Hazard Mitigation Plan.

This REPC (or LEPC) is governed by the Emergency Planning and Community Right-to-Know Act (EPCRA) and the Environmental Protection Agency (EPA) at the federal level, and by the Massachusetts State Emergency Response Commission (SERC) at the state level, which is MEMA.

A LEPC or REPC must:

- develop comprehensive emergency plans for responding to hazardous materials incidents within the jurisdiction;
- train first responders to levels indicated in the plan, (at a minimum, first responders must be trained to the HazMat Awareness Level);
- update the emergency response plan at least once a year; and,
- create a system to collect, store, and respond to public requests for Tier II data and Emergency Plan information.
- Meet twice a year at minimum and conduct 1 drill per year.

I have attended 1 meeting in Athol concerning starting an REPC coordinated by Athol Fire Chief/EMD. Our MEMA area coordinator was present to provide information and answer any questions. There is another meeting scheduled for the end of this month to try to move forward with this REPC. I would like to know if the Select Board and Town Administrator are in favor of an REPC or an LEPC. We have to be one or the other, it's a federal mandate. I have attached discussion material provided by MEMA and U.S.C. Title 42, Chapter 116 for your review.

CHAPTER 116—EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW
SUBCHAPTER I—EMERGENCY PLANNING AND NOTIFICATION

Sec.

- 11001. Establishment of State commissions, planning districts, and local committees.
- 11002. Substances and facilities covered and notification.
- 11003. Comprehensive emergency response plans.
- 11004. Emergency notification.
- 11005. Emergency training and review of emergency systems.

SUBCHAPTER II—REPORTING REQUIREMENTS

- 11021. Material safety data sheets.
- 11022. Emergency and hazardous chemical inventory forms.
- 11023. Toxic chemical release forms.

SUBCHAPTER III—GENERAL PROVISIONS

- 11041. Relationship to other law.
- 11042. Trade secrets.
- 11043. Provision of information to health professionals, doctors, and nurses.
- 11044. Public availability of plans, data sheets, forms, and follow-up notices.
- 11045. Enforcement.
- 11046. Civil actions.
- 11047. Exemption.
- 11048. Regulations.
- 11049. Definitions.
- 11050. Authorization of appropriations.

SUBCHAPTER I—EMERGENCY PLANNING AND NOTIFICATION

§11001. Establishment of State commissions, planning districts, and local committees

(a) Establishment of State emergency response commissions

Not later than six months after October 17, 1986, the Governor of each State shall appoint a State emergency response commission. The Governor may designate as the State emergency response commission one or more existing emergency response organizations that are State-sponsored or appointed. The Governor shall, to the extent practicable, appoint persons to the State emergency response commission who have technical expertise in the emergency response field. The State emergency response commission shall appoint local emergency planning committees under subsection (c) of this section and shall supervise and coordinate the activities of such committees. The State emergency response commission shall establish procedures for receiving and processing requests from the public for information under section 11044 of this title, including tier II information under section 11022 of this title. Such procedures shall include the designation of an official to serve as coordinator for information. If the Governor of any State does not designate a State emergency response commission within such period, the Governor shall operate as the State emergency response commission until the Governor makes such designation.

(b) Establishment of emergency planning districts

Not later than nine months after October 17, 1986, the State emergency response commission shall designate emergency planning districts in order to facilitate preparation and implementation of emergency plans. Where appropriate, the State emergency response commission may designate existing political subdivisions or multijurisdictional planning organizations as such districts. In emergency planning areas that involve more than one State, the State emergency response commissions of all potentially affected States may designate emergency planning districts and local emergency planning committees by agreement. In making such designation, the State emergency response commission shall indicate which facilities subject to the requirements of this subchapter are within such emergency planning district.

(c) Establishment of local emergency planning committees

Not later than 30 days after designation of emergency planning districts or 10 months after October 17, 1986, whichever is earlier, the State emergency response commission shall appoint members of a local emergency planning committee for each emergency planning district. Each committee shall include, at a minimum, representatives from each of the following groups or organizations: elected State and local officials; law enforcement, civil defense, firefighting, first aid, health, local environmental, hospital, and transportation personnel; broadcast and print media;

community groups; and owners and operators of facilities subject to the requirements of this subchapter. Such committee shall appoint a chairperson and shall establish rules by which the committee shall function. Such rules shall include provisions for public notification of committee activities, public meetings to discuss the emergency plan, public comments, response to such comments by the committee, and distribution of the emergency plan. The local emergency planning committee shall establish procedures for receiving and processing requests from the public for information under section 11044 of this title, including tier II information under section 11022 of this title. Such procedures shall include the designation of an official to serve as coordinator for information.

(d) Revisions

A State emergency response commission may revise its designations and appointments under subsections (b) and (c) of this section as it deems appropriate. Interested persons may petition the State emergency response commission to modify the membership of a local emergency planning committee.

§11002. Substances and facilities covered and notification

(a) Substances covered

(1) In general

A substance is subject to the requirements of this subchapter if the substance is on the list published under paragraph (2).

(2) List of extremely hazardous substances

Within 30 days after October 17, 1986, the Administrator shall publish a list of extremely hazardous substances. The list shall be the same as the list of substances published in November 1985 by the Administrator in Appendix A of the "Chemical Emergency Preparedness Program Interim Guidance".

(3) Thresholds

(A) At the time the list referred to in paragraph (2) is published the Administrator shall—

- (i) publish an interim final regulation establishing a threshold planning quantity for each substance on the list, taking into account the criteria described in paragraph (4), and
- (ii) initiate a rulemaking in order to publish final regulations establishing a threshold planning quantity for each substance on the list.

(B) The threshold planning quantities may, at the Administrator's discretion, be based on classes of chemicals or categories of facilities.

(C) If the Administrator fails to publish an interim final regulation establishing a threshold planning quantity for a substance within 30 days after October 17, 1986, the threshold planning quantity for the substance shall be 2 pounds until such time as the Administrator publishes regulations establishing a threshold for the substance.

(4) Revisions

The Administrator may revise the list and thresholds under paragraphs (2) and (3) from time to time. Any revisions to the list shall take into account the toxicity, reactivity, volatility, dispersability, combustability, or flammability of a substance. For purposes of the preceding sentence, the term "toxicity" shall include any short- or long-term health effect which may result from a short-term exposure to the substance.

(b) Facilities covered

(1) Except as provided in section 11004 of this title, a facility is subject to the requirements of this subchapter if a substance on the list referred to in subsection (a) of this section is present at the facility in an amount in excess of the threshold planning quantity established for such substance.

(2) For purposes of emergency planning, a Governor or a State emergency response commission may designate additional facilities which shall be subject to the requirements of this subchapter, if such designation is made after public notice and opportunity for comment. The Governor or State emergency response commission shall notify the facility concerned of any facility designation under this paragraph.

(c) Emergency planning notification

Not later than seven months after October 17, 1986, the owner or operator of each facility subject to the requirements of this subchapter by reason of subsection (b)(1) of this section shall notify the State emergency response commission for the State in which such facility is located that such facility is subject to the requirements of this subchapter. Thereafter, if a substance on the list of extremely hazardous substances referred to in subsection (a) of this section first becomes present at such facility in excess of the threshold planning quantity established for such substance, or if there is a revision of such list and the facility has present a substance on the revised list in excess of the threshold planning quantity established for such substance, the owner or operator of the facility shall notify the State emergency response

commission and the local emergency planning committee within 60 days after such acquisition or revision that such facility is subject to the requirements of this subchapter.

(d) Notification of Administrator

The State emergency response commission shall notify the Administrator of facilities subject to the requirements of this subchapter by notifying the Administrator of—

- (1) each notification received from a facility under subsection (c) of this section, and
- (2) each facility designated by the Governor or State emergency response commission under subsection (b)(2) of this section.

§11003. Comprehensive emergency response plans

(a) Plan required

Each local emergency planning committee shall complete preparation of an emergency plan in accordance with this section not later than two years after October 17, 1986. The committee shall review such plan once a year, or more frequently as changed circumstances in the community or at any facility may require.

(b) Resources

Each local emergency planning committee shall evaluate the need for resources necessary to develop, implement, and exercise the emergency plan, and shall make recommendations with respect to additional resources that may be required and the means for providing such additional resources.

(c) Plan provisions

Each emergency plan shall include (but is not limited to) each of the following:

- (1) Identification of facilities subject to the requirements of this subchapter that are within the emergency planning district, identification of routes likely to be used for the transportation of substances on the list of extremely hazardous substances referred to in section 11002(a) of this title, and identification of additional facilities contributing or subjected to additional risk due to their proximity to facilities subject to the requirements of this subchapter, such as hospitals or natural gas facilities.
- (2) Methods and procedures to be followed by facility owners and operators and local emergency and medical personnel to respond to any release of such substances.
- (3) Designation of a community emergency coordinator and facility emergency coordinators, who shall make determinations necessary to implement the plan.
- (4) Procedures providing reliable, effective, and timely notification by the facility emergency coordinators and the community emergency coordinator to persons designated in the emergency plan, and to the public, that a release has occurred (consistent with the emergency notification requirements of section 11004 of this title).
- (5) Methods for determining the occurrence of a release, and the area or population likely to be affected by such release.
- (6) A description of emergency equipment and facilities in the community and at each facility in the community subject to the requirements of this subchapter, and an identification of the persons responsible for such equipment and facilities.
- (7) Evacuation plans, including provisions for a precautionary evacuation and alternative traffic routes.
- (8) Training programs, including schedules for training of local emergency response and medical personnel.
- (9) Methods and schedules for exercising the emergency plan.

(d) Providing of information

For each facility subject to the requirements of this subchapter:

- (1) Within 30 days after establishment of a local emergency planning committee for the emergency planning district in which such facility is located, or within 11 months after October 17, 1986, whichever is earlier, the owner or operator of the facility shall notify the emergency planning committee (or the Governor if there is no committee) of a facility representative who will participate in the emergency planning process as a facility emergency coordinator.
- (2) The owner or operator of the facility shall promptly inform the emergency planning committee of any relevant changes occurring at such facility as such changes occur or are expected to occur.
- (3) Upon request from the emergency planning committee, the owner or operator of the facility shall promptly provide information to such committee necessary for developing and implementing the emergency plan.

(e) Review by State emergency response commission

After completion of an emergency plan under subsection (a) of this section for an emergency planning district, the local emergency planning committee shall submit a copy of the plan to the State emergency response commission of each

State in which such district is located. The commission shall review the plan and make recommendations to the committee on revisions of the plan that may be necessary to ensure coordination of such plan with emergency response plans of other emergency planning districts. To the maximum extent practicable, such review shall not delay implementation of such plan.

(f) Guidance documents

The national response team, as established pursuant to the National Contingency Plan as established under section 9605 of this title, shall publish guidance documents for preparation and implementation of emergency plans. Such documents shall be published not later than five months after October 17, 1986.

(g) Review of plans by regional response teams

The regional response teams, as established pursuant to the National Contingency Plan as established under section 9605 of this title, may review and comment upon an emergency plan or other issues related to preparation, implementation, or exercise of such a plan upon request of a local emergency planning committee. Such review shall not delay implementation of the plan.

§11004. Emergency notification

(a) Types of releases

(1) 11002(a) substance which requires CERCLA notice

If a release of an extremely hazardous substance referred to in section 11002(a) of this title occurs from a facility at which a hazardous chemical is produced, used, or stored, and such release requires a notification under section 103(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 [42 U.S.C. 9603(a)] (hereafter in this section referred to as "CERCLA") (42 U.S.C. 9601 et seq.), the owner or operator of the facility shall immediately provide notice as described in subsection (b) of this section.

(2) Other 11002(a) substance

If a release of an extremely hazardous substance referred to in section 11002(a) of this title occurs from a facility at which a hazardous chemical is produced, used, or stored, and such release is not subject to the notification requirements under section 103(a) of CERCLA [42 U.S.C. 9603(a)], the owner or operator of the facility shall immediately provide notice as described in subsection (b) of this section, but only if the release—

- (A) is not a federally permitted release as defined in section 101(10) of CERCLA [42 U.S.C. 9601(10)],
- (B) is in an amount in excess of a quantity which the Administrator has determined (by regulation) requires notice, and

- (C) occurs in a manner which would require notification under section 103(a) of CERCLA [42 U.S.C. 9603(a)].

Unless and until superseded by regulations establishing a quantity for an extremely hazardous substance described in this paragraph, a quantity of 1 pound shall be deemed that quantity the release of which requires notice as described in subsection (b) of this section.

(3) Non-11002(a) substance which requires CERCLA notice

If a release of a substance which is not on the list referred to in section 11002(a) of this title occurs at a facility at which a hazardous chemical is produced, used, or stored, and such release requires notification under section 103(a) of CERCLA [42 U.S.C. 9603(a)], the owner or operator shall provide notice as follows:

- (A) If the substance is one for which a reportable quantity has been established under section 102(a) of CERCLA [42 U.S.C. 9602(a)], the owner or operator shall provide notice as described in subsection (b) of this section.

- (B) If the substance is one for which a reportable quantity has not been established under section 102(a) of CERCLA [42 U.S.C. 9602(a)]—

- (i) Until April 30, 1988, the owner or operator shall provide, for releases of one pound or more of the substance, the same notice to the community emergency coordinator for the local emergency planning committee, at the same time and in the same form, as notice is provided to the National Response Center under section 103(a) of CERCLA [42 U.S.C. 9603(a)].

- (ii) On and after April 30, 1988, the owner or operator shall provide, for releases of one pound or more of the substance, the notice as described in subsection (b) of this section.

(4) Exempted releases

This section does not apply to any release which results in exposure to persons solely within the site or sites on which a facility is located.

(b) Notification

(1) Recipients of notice

Notice required under subsection (a) of this section shall be given immediately after the release by the owner or operator of a facility (by such means as telephone, radio, or in person) to the community emergency coordinator for the local emergency planning committees, if established pursuant to section 11001(c) of this title, for any area likely to be affected by the release and to the State emergency planning commission of any State likely to be affected by the release. With respect to transportation of a substance subject to the requirements of this section, or storage incident to such transportation, the notice requirements of this section with respect to a release shall be satisfied by dialing 911 or, in the absence of a 911 emergency telephone number, calling the operator.

(2) Contents

Notice required under subsection (a) of this section shall include each of the following (to the extent known at the time of the notice and so long as no delay in responding to the emergency results):

- (A) The chemical name or identity of any substance involved in the release.
- (B) An indication of whether the substance is on the list referred to in section 11002(a) of this title.
- (C) An estimate of the quantity of any such substance that was released into the environment.
- (D) The time and duration of the release.
- (E) The medium or media into which the release occurred.
- (F) Any known or anticipated acute or chronic health risks associated with the emergency and, where appropriate, advice regarding medical attention necessary for exposed individuals.
- (G) Proper precautions to take as a result of the release, including evacuation (unless such information is readily available to the community emergency coordinator pursuant to the emergency plan).
- (H) The name and telephone number of the person or persons to be contacted for further information.

(c) Follow-up emergency notice

As soon as practicable after a release which requires notice under subsection (a) of this section, such owner or operator shall provide a written follow-up emergency notice (or notices, as more information becomes available) setting forth and updating the information required under subsection (b) of this section, and including additional information with respect to—

- (1) actions taken to respond to and contain the release,
- (2) any known or anticipated acute or chronic health risks associated with the release, and
- (3) where appropriate, advice regarding medical attention necessary for exposed individuals.

(d) Transportation exemption not applicable

The exemption provided in section 11047 of this title (relating to transportation) does not apply to this section.

§11005. Emergency training and review of emergency systems

(a) Emergency training

(1) Programs

Officials of the United States Government carrying out existing Federal programs for emergency training are authorized to specifically provide training and education programs for Federal, State, and local personnel in hazard mitigation, emergency preparedness, fire prevention and control, disaster response, long-term disaster recovery, national security, technological and natural hazards, and emergency processes. Such programs shall provide special emphasis for such training and education with respect to hazardous chemicals.

(2) State and local program support

There is authorized to be appropriated to the Federal Emergency Management Agency for each of the fiscal years 1987, 1988, 1989, and 1990, \$5,000,000 for making grants to support programs of State and local governments, and to support university-sponsored programs, which are designed to improve emergency planning, preparedness, mitigation, response, and recovery capabilities. Such programs shall provide special emphasis with respect to emergencies associated with hazardous chemicals. Such grants may not exceed 80 percent of the cost of any such program. The remaining 20 percent of such costs shall be funded from non-Federal sources.

(3) Other programs

Nothing in this section shall affect the availability of appropriations to the Federal Emergency Management Agency for any programs carried out by such agency other than the programs referred to in paragraph (2).

(b) Review of emergency systems

(1) Review

The Administrator shall initiate, not later than 30 days after October 17, 1986, a review of emergency systems for monitoring, detecting, and preventing releases of extremely hazardous substances at representative domestic facilities that produce, use, or store extremely hazardous substances. The Administrator may select representative extremely hazardous substances from the substances on the list referred to in section 11002(a) of this title for the purposes of this review. The Administrator shall report interim findings to the Congress not later than seven months after October 17, 1986 and issue a final report of findings and recommendations to the Congress not later than 18 months after October 17, 1986. Such report shall be prepared in consultation with the States and appropriate Federal agencies.

(2) Report

The report required by this subsection shall include the Administrator's findings regarding each of the following:

- (A) The status of current technological capabilities to (i) monitor, detect, and prevent, in a timely manner, significant releases of extremely hazardous substances, (ii) determine the magnitude and direction of the hazard posed by each release, (iii) identify specific substances, (iv) provide data on the specific chemical composition of such releases, and (v) determine the relative concentrations of the constituent substances.
- (B) The status of public emergency alert devices or systems for providing timely and effective public warning of an accidental release of extremely hazardous substances into the environment, including releases into the atmosphere, surface water, or groundwater from facilities that produce, store, or use significant quantities of such extremely hazardous substances.
- (C) The technical and economic feasibility of establishing, maintaining, and operating perimeter alert systems for detecting releases of such extremely hazardous substances into the atmosphere, surface water, or groundwater, at facilities that manufacture, use, or store significant quantities of such substances.

(3) Recommendations

The report required by this subsection shall also include the Administrator's recommendations for—

- (A) initiatives to support the development of new or improved technologies or systems that would facilitate the timely monitoring, detection, and prevention of releases of extremely hazardous substances, and
- (B) improving devices or systems for effectively alerting the public in a timely manner, in the event of an accidental release of such extremely hazardous substances.

TRANSFER OF FUNCTIONS

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(1) and sections 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

SUBCHAPTER II—REPORTING REQUIREMENTS

§11021. Material safety data sheets

(a) Basic requirement

(1) Submission of MSDS or list

The owner or operator of any facility which is required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970 [29 U.S.C. 651 et seq.] and regulations promulgated under that Act shall submit a material safety data sheet for each such chemical, or a list of such chemicals as described in paragraph (2), to each of the following:

- (A) The appropriate local emergency planning committee.
- (B) The State emergency response commission.
- (C) The fire department with jurisdiction over the facility.

(2) Contents of list

(A) The list of chemicals referred to in paragraph (1) shall include each of the following:

- (i) A list of the hazardous chemicals for which a material safety data sheet is required under the Occupational Safety and Health Act of 1970 [29 U.S.C. 651 et seq.] and regulations promulgated under that Act, grouped in categories of health and physical hazards as set forth under such Act and regulations promulgated under such Act, or in such other categories as the Administrator may prescribe under subparagraph (B).
- (ii) The chemical name or the common name of each such chemical as provided on the material safety data sheet.
- (iii) Any hazardous component of each such chemical as provided on the material safety data sheet.

(B) For purposes of the list under this paragraph, the Administrator may modify the categories of health and physical hazards as set forth under the Occupational Safety and Health Act of 1970 [29 U.S.C. 651 et seq.] and regulations promulgated under that Act by requiring information to be reported in terms of groups of hazardous chemicals which present similar hazards in an emergency.

(3) Treatment of mixtures

An owner or operator may meet the requirements of this section with respect to a hazardous chemical which is a mixture by doing one of the following:

- (A) Submitting a material safety data sheet for, or identifying on a list, each element or compound in the mixture which is a hazardous chemical. If more than one mixture has the same element or compound, only one material safety data sheet, or one listing, of the element or compound is necessary.
- (B) Submitting a material safety data sheet for, or identifying on a list, the mixture itself.

(b) Thresholds

The Administrator may establish threshold quantities for hazardous chemicals below which no facility shall be subject to the provisions of this section. The threshold quantities may, in the Administrator's discretion, be based on classes of chemicals or categories of facilities.

(c) Availability of MSDS on request

(1) To local emergency planning committee

If an owner or operator of a facility submits a list of chemicals under subsection (a)(1) of this section, the owner or operator, upon request by the local emergency planning committee, shall submit the material safety data sheet for any chemical on the list to such committee.

(2) To public

A local emergency planning committee, upon request by any person, shall make available a material safety data sheet to the person in accordance with section 11044 of this title. If the local emergency planning committee does not have the requested material safety data sheet, the committee shall request the sheet from the facility owner or operator and then make the sheet available to the person in accordance with section 11044 of this title.

(d) Initial submission and updating

(1) The initial material safety data sheet or list required under this section with respect to a hazardous chemical shall be provided before the later of—

- (A) 12 months after October 17, 1986, or
- (B) 3 months after the owner or operator of a facility is required to prepare or have available a material safety data sheet for the chemical under the Occupational Safety and Health Act of 1970 [29 U.S.C. 651 et seq.] and regulations promulgated under that Act.

(2) Within 3 months following discovery by an owner or operator of significant new information concerning an aspect of a hazardous chemical for which a material safety data sheet was previously submitted to the local emergency planning committee under subsection (a) of this section, a revised sheet shall be provided to such person.

(e) "Hazardous chemical" defined

For purposes of this section, the term "hazardous chemical" has the meaning given such term by section 1910.1200(c) of title 29 of the Code of Federal Regulations, except that such term does not include the following:

- (1) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.
- (2) Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.

- (3) Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public.
- (4) Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual.
- (5) Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

§11022. Emergency and hazardous chemical inventory forms

(a) Basic requirement

(1) The owner or operator of any facility which is required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970 [29 U.S.C. 651 et seq.] and regulations promulgated under that Act shall prepare and submit an emergency and hazardous chemical inventory form (hereafter in this chapter referred to as an "inventory form") to each of the following:

- (A) The appropriate local emergency planning committee.
- (B) The State emergency response commission.
- (C) The fire department with jurisdiction over the facility.

(2) The inventory form containing tier I information (as described in subsection (d)(1) of this section) shall be submitted on or before March 1, 1988, and annually thereafter on March 1, and shall contain data with respect to the preceding calendar year. The preceding sentence does not apply if an owner or operator provides, by the same deadline and with respect to the same calendar year, tier II information (as described in subsection (d)(2) of this section) to the recipients described in paragraph (1).

(3) An owner or operator may meet the requirements of this section with respect to a hazardous chemical which is a mixture by doing one of the following:

- (A) Providing information on the inventory form on each element or compound in the mixture which is a hazardous chemical. If more than one mixture has the same element or compound, only one listing on the inventory form for the element or compound at the facility is necessary.
- (B) Providing information on the inventory form on the mixture itself.

(b) Thresholds

The Administrator may establish threshold quantities for hazardous chemicals covered by this section below which no facility shall be subject to the provisions of this section. The threshold quantities may, in the Administrator's discretion, be based on classes of chemicals or categories of facilities.

(c) Hazardous chemicals covered

A hazardous chemical subject to the requirements of this section is any hazardous chemical for which a material safety data sheet or a listing is required under section 11021 of this title.

(d) Contents of form

(1) Tier I information

(A) Aggregate information by category

An inventory form shall provide the information described in subparagraph (B) in aggregate terms for hazardous chemicals in categories of health and physical hazards as set forth under the Occupational Safety and Health Act of 1970 [29 U.S.C. 651 et seq.] and regulations promulgated under that Act.

(B) Required information

The information referred to in subparagraph (A) is the following:

- (i) An estimate (in ranges) of the maximum amount of hazardous chemicals in each category present at the facility at any time during the preceding calendar year.
- (ii) An estimate (in ranges) of the average daily amount of hazardous chemicals in each category present at the facility during the preceding calendar year.
- (iii) The general location of hazardous chemicals in each category.

(C) Modifications

For purposes of reporting information under this paragraph, the Administrator may—

- (i) modify the categories of health and physical hazards as set forth under the Occupational Safety and Health Act of 1970 [29 U.S.C. 651 et seq.] and regulations promulgated under that Act by requiring information to be reported in terms of groups of hazardous chemicals which present similar hazards in an emergency, or

(ii) require reporting on individual hazardous chemicals of special concern to emergency response personnel.

(2) Tier II information

An inventory form shall provide the following additional information for each hazardous chemical present at the facility, but only upon request and in accordance with subsection (e) of this section:

- (A) The chemical name or the common name of the chemical as provided on the material safety data sheet.
- (B) An estimate (in ranges) of the maximum amount of the hazardous chemical present at the facility at any time during the preceding calendar year.
- (C) An estimate (in ranges) of the average daily amount of the hazardous chemical present at the facility during the preceding calendar year.
- (D) A brief description of the manner of storage of the hazardous chemical.
- (E) The location at the facility of the hazardous chemical.
- (F) An indication of whether the owner elects to withhold location information of a specific hazardous chemical from disclosure to the public under section 11044 of this title.

(e) Availability of tier II information

(1) Availability to State commissions, local committees, and fire departments

Upon request by a State emergency planning commission, a local emergency planning committee, or a fire department with jurisdiction over the facility, the owner or operator of a facility shall provide tier II information, as described in subsection (d) of this section, to the person making the request. Any such request shall be with respect to a specific facility.

(2) Availability to other State and local officials

A State or local official acting in his or her official capacity may have access to tier II information by submitting a request to the State emergency response commission or the local emergency planning committee. Upon receipt of a request for tier II information, the State commission or local committee shall, pursuant to paragraph (1), request the facility owner or operator for the tier II information and make available such information to the official.

(3) Availability to public

(A) In general

Any person may request a State emergency response commission or local emergency planning committee for tier II information relating to the preceding calendar year with respect to a facility. Any such request shall be in writing and shall be with respect to a specific facility.

(B) Automatic provision of information to public

Any tier II information which a State emergency response commission or local emergency planning committee has in its possession shall be made available to a person making a request under this paragraph in accordance with section 11044 of this title. If the State emergency response commission or local emergency planning committee does not have the tier II information in its possession, upon a request for tier II information the State emergency response commission or local emergency planning committee shall, pursuant to paragraph (1), request the facility owner or operator for tier II information with respect to a hazardous chemical which a facility has stored in an amount in excess of 10,000 pounds present at the facility at any time during the preceding calendar year and make such information available in accordance with section 11044 of this title to the person making the request.

(C) Discretionary provision of information to public

In the case of tier II information which is not in the possession of a State emergency response commission or local emergency planning committee and which is with respect to a hazardous chemical which a facility has stored in an amount less than 10,000 pounds present at the facility at any time during the preceding calendar year, a request from a person must include the general need for the information. The State emergency response commission or local emergency planning committee may, pursuant to paragraph (1), request the facility owner or operator for the tier II information on behalf of the person making the request. Upon receipt of any information requested on behalf of such person, the State emergency response commission or local emergency planning committee shall make the information available in accordance with section 11044 of this title to the person.

(D) Response in 45 days

A State emergency response commission or local emergency planning committee shall respond to a request for tier II information under this paragraph no later than 45 days after the date of receipt of the request.

(f) Fire department access

Upon request to an owner or operator of a facility which files an inventory form under this section by the fire department with jurisdiction over the facility, the owner or operator of the facility shall allow the fire department to conduct an on-site inspection of the facility and shall provide to the fire department specific location information on hazardous chemicals at the facility.

(g) Format of forms

The Administrator shall publish a uniform format for inventory forms within three months after October 17, 1986. If the Administrator does not publish such forms, owners and operators of facilities subject to the requirements of this section shall provide the information required under this section by letter.

§11023. Toxic chemical release forms

(a) Basic requirement

The owner or operator of a facility subject to the requirements of this section shall complete a toxic chemical release form as published under subsection (g) of this section for each toxic chemical listed under subsection (c) of this section that was manufactured, processed, or otherwise used in quantities exceeding the toxic chemical threshold quantity established by subsection (f) of this section during the preceding calendar year at such facility. Such form shall be submitted to the Administrator and to an official or officials of the State designated by the Governor on or before July 1, 1988, and annually thereafter on July 1 and shall contain data reflecting releases during the preceding calendar year.

(b) Covered owners and operators of facilities

(1) In general

(A) The requirements of this section shall apply to owners and operators of facilities that have 10 or more full-time employees and that are in Standard Industrial Classification Codes 20 through 39 (as in effect on July 1, 1985) and that manufactured, processed, or otherwise used a toxic chemical listed under subsection (c) of this section in excess of the quantity of that toxic chemical established under subsection (f) of this section during the calendar year for which a release form is required under this section.

(B) The Administrator may add or delete Standard Industrial Classification Codes for purposes of subparagraph (A), but only to the extent necessary to provide that each Standard Industrial Code to which this section applies is relevant to the purposes of this section.

(C) For purposes of this section—

- (i) The term “manufacture” means to produce, prepare, import, or compound a toxic chemical.
- (ii) The term “process” means the preparation of a toxic chemical, after its manufacture, for distribution in commerce—
 - (I) in the same form or physical state as, or in a different form or physical state from, that in which it was received by the person so preparing such chemical, or
 - (II) as part of an article containing the toxic chemical.

(2) Discretionary application to additional facilities

The Administrator, on his own motion or at the request of a Governor of a State (with regard to facilities located in that State), may apply the requirements of this section to the owners and operators of any particular facility that manufactures, processes, or otherwise uses a toxic chemical listed under subsection (c) of this section if the Administrator determines that such action is warranted on the basis of toxicity of the toxic chemical, proximity to other facilities that release the toxic chemical or to population centers, the history of releases of such chemical at such facility, or such other factors as the Administrator deems appropriate.

(c) Toxic chemicals covered

The toxic chemicals subject to the requirements of this section are those chemicals on the list in Committee Print Number 99–169 of the Senate Committee on Environment and Public Works, titled “Toxic Chemicals Subject to Section 313 of the Emergency Planning and Community Right-To-Know Act of 1986” [42 U.S.C. 11023] (including any revised version of the list as may be made pursuant to subsection (d) or (e) of this section).

(d) Revisions by Administrator

(1) In general

The Administrator may by rule add or delete a chemical from the list described in subsection (c) of this section at any time.

(2) Additions

A chemical may be added if the Administrator determines, in his judgment, that there is sufficient evidence to establish any one of the following:

- (A) The chemical is known to cause or can reasonably be anticipated to cause significant adverse acute human health effects at concentration levels that are reasonably likely to exist beyond facility site boundaries as a result of continuous, or frequently recurring, releases.
- (B) The chemical is known to cause or can reasonably be anticipated to cause in humans—
 - (i) cancer or teratogenic effects, or
 - (ii) serious or irreversible—
 - (I) reproductive dysfunctions,
 - (II) neurological disorders,
 - (III) heritable genetic mutations, or
 - (IV) other chronic health effects.
- (C) The chemical is known to cause or can reasonably be anticipated to cause, because of—
 - (i) its toxicity,
 - (ii) its toxicity and persistence in the environment, or
 - (iii) its toxicity and tendency to bioaccumulate in the environment,

a significant adverse effect on the environment of sufficient seriousness, in the judgment of the Administrator, to warrant reporting under this section. The number of chemicals included on the list described in subsection (c) of this section on the basis of the preceding sentence may constitute in the aggregate no more than 25 percent of the total number of chemicals on the list.

A determination under this paragraph shall be based on generally accepted scientific principles or laboratory tests, or appropriately designed and conducted epidemiological or other population studies, available to the Administrator.

(3) Deletions

A chemical may be deleted if the Administrator determines there is not sufficient evidence to establish any of the criteria described in paragraph (2).

(4) Effective date

Any revision made on or after January 1 and before December 1 of any calendar year shall take effect beginning with the next calendar year. Any revision made on or after December 1 of any calendar year and before January 1 of the next calendar ¹ year shall take effect beginning with the calendar year following such next calendar year.

(e) Petitions

(1) In general

Any person may petition the Administrator to add or delete a chemical from the list described in subsection (c) of this section on the basis of the criteria in subparagraph (A) or (B) of subsection (d)(2) of this section. Within 180 days after receipt of a petition, the Administrator shall take one of the following actions:

- (A) Initiate a rulemaking to add or delete the chemical to the list, in accordance with subsection (d)(2) or (d)(3) of this section.
- (B) Publish an explanation of why the petition is denied.

(2) Governor petitions

A State Governor may petition the Administrator to add or delete a chemical from the list described in subsection (c) of this section on the basis of the criteria in subparagraph (A), (B), or (C) of subsection (d)(2) of this section. In the case of such a petition from a State Governor to delete a chemical, the petition shall be treated in the same manner as a petition received under paragraph (1) to delete a chemical. In the case of such a petition from a State Governor to add a chemical, the chemical will be added to the list within 180 days after receipt of the petition, unless the Administrator—

- (A) initiates a rulemaking to add the chemical to the list, in accordance with subsection (d)(2) of this section, or
- (B) publishes an explanation of why the Administrator believes the petition does not meet the requirements of subsection (d)(2) of this section for adding a chemical to the list.

(f) Threshold for reporting

(1) Toxic chemical threshold amount

The threshold amounts for purposes of reporting toxic chemicals under this section are as follows:

- (A) With respect to a toxic chemical used at a facility, 10,000 pounds of the toxic chemical per year.

(B) With respect to a toxic chemical manufactured or processed at a facility—

(i) For the toxic chemical release form required to be submitted under this section on or before July 1, 1988, 75,000 pounds of the toxic chemical per year.

(ii) For the form required to be submitted on or before July 1, 1989, 50,000 pounds of the toxic chemical per year.

(iii) For the form required to be submitted on or before July 1, 1990, and for each form thereafter, 25,000 pounds of the toxic chemical per year.

(2) Revisions

The Administrator may establish a threshold amount for a toxic chemical different from the amount established by paragraph (1). Such revised threshold shall obtain reporting on a substantial majority of total releases of the chemical at all facilities subject to the requirements of this section. The amounts established under this paragraph may, at the Administrator's discretion, be based on classes of chemicals or categories of facilities.

(g) Form

(1) Information required

Not later than June 1, 1987, the Administrator shall publish a uniform toxic chemical release form for facilities covered by this section. If the Administrator does not publish such a form, owners and operators of facilities subject to the requirements of this section shall provide the information required under this subsection by letter postmarked on or before the date on which the form is due. Such form shall—

(A) provide for the name and location of, and principal business activities at, the facility;

(B) include an appropriate certification, signed by a senior official with management responsibility for the person or persons completing the report, regarding the accuracy and completeness of the report; and

(C) provide for submission of each of the following items of information for each listed toxic chemical known to be present at the facility:

(i) Whether the toxic chemical at the facility is manufactured, processed, or otherwise used, and the general category or categories of use of the chemical.

(ii) An estimate of the maximum amounts (in ranges) of the toxic chemical present at the facility at any time during the preceding calendar year.

(iii) For each wastestream, the waste treatment or disposal methods employed, and an estimate of the treatment efficiency typically achieved by such methods for that wastestream.

(iv) The annual quantity of the toxic chemical entering each environmental medium.

(2) Use of available data

In order to provide the information required under this section, the owner or operator of a facility may use readily available data (including monitoring data) collected pursuant to other provisions of law, or, where such data are not readily available, reasonable estimates of the amounts involved. Nothing in this section requires the monitoring or measurement of the quantities, concentration, or frequency of any toxic chemical released into the environment beyond that monitoring and measurement required under other provisions of law or regulation. In order to assure consistency, the Administrator shall require that data be expressed in common units.

(h) Use of release form

The release forms required under this section are intended to provide information to the Federal, State, and local governments and the public, including citizens of communities surrounding covered facilities. The release form shall be available, consistent with section 11044(a) of this title, to inform persons about releases of toxic chemicals to the environment; to assist governmental agencies, researchers, and other persons in the conduct of research and data gathering; to aid in the development of appropriate regulations, guidelines, and standards; and for other similar purposes.

(i) Modifications in reporting frequency

(1) In general

The Administrator may modify the frequency of submitting a report under this section, but the Administrator may not modify the frequency to be any more often than annually. A modification may apply, either nationally or in a specific geographic area, to the following:

(A) All toxic chemical release forms required under this section.

(B) A class of toxic chemicals or a category of facilities.

(C) A specific toxic chemical.

(D) A specific facility.

(2) Requirements

A modification may be made under paragraph (1) only if the Administrator—

(A) makes a finding that the modification is consistent with the provisions of subsection (h) of this section, based on—

(i) experience from previously submitted toxic chemical release forms, and

(ii) determinations made under paragraph (3), and

(B) the finding is made by a rulemaking in accordance with section 553 of title 5.

(3) Determinations

The Administrator shall make the following determinations with respect to a proposed modification before making a modification under paragraph (1):

(A) The extent to which information relating to the proposed modification provided on the toxic chemical release forms has been used by the Administrator or other agencies of the Federal Government, States, local governments, health professionals, and the public.

(B) The extent to which the information is (i) readily available to potential users from other sources, such as State reporting programs, and (ii) provided to the Administrator under another Federal law or through a State program.

(C) The extent to which the modification would impose additional and unreasonable burdens on facilities subject to the reporting requirements under this section.

(4) 5-year review

Any modification made under this subsection shall be reviewed at least once every 5 years. Such review shall examine the modification and ensure that the requirements of paragraphs (2) and (3) still justify continuation of the modification. Any change to a modification reviewed under this paragraph shall be made in accordance with this subsection.

(5) Notification to Congress

The Administrator shall notify Congress of an intention to initiate a rulemaking for a modification under this subsection. After such notification, the Administrator shall delay initiation of the rulemaking for at least 12 months, but no more than 24 months, after the date of such notification.

(6) Judicial review

In any judicial review of a rulemaking which establishes a modification under this subsection, a court may hold unlawful and set aside agency action, findings, and conclusions found to be unsupported by substantial evidence.

(7) Applicability

A modification under this subsection may apply to a calendar year or other reporting period beginning no earlier than January 1, 1993.

(8) Effective date

Any modification made on or after January 1 and before December 1 of any calendar year shall take effect beginning with the next calendar year. Any modification made on or after December 1 of any calendar year and before January 1 of the next calendar year shall take effect beginning with the calendar year following such next calendar year.

(j) EPA management of data

The Administrator shall establish and maintain in a computer data base a national toxic chemical inventory based on data submitted to the Administrator under this section. The Administrator shall make these data accessible by computer telecommunication and other means to any person on a cost reimbursable basis.

(k) Report

Not later than June 30, 1991, the Comptroller General, in consultation with the Administrator and appropriate officials in the States, shall submit to the Congress a report including each of the following:

(1) A description of the steps taken by the Administrator and the States to implement the requirements of this section, including steps taken to make information collected under this section available to and accessible by the public.

(2) A description of the extent to which the information collected under this section has been used by the Environmental Protection Agency, other Federal agencies, the States, and the public, and the purposes for which the information has been used.

(3) An identification and evaluation of options for modifications to the requirements of this section for the purpose of making information collected under this section more useful.

(f) Mass balance study

(1) In general

The Administrator shall arrange for a mass balance study to be carried out by the National Academy of Sciences using mass balance information collected by the Administrator under paragraph (3). The Administrator shall submit to Congress a report on such study no later than 5 years after October 17, 1986.

(2) Purposes

The purposes of the study are as follows:

(A) To assess the value of mass balance analysis in determining the accuracy of information on toxic chemical releases.

(B) To assess the value of obtaining mass balance information, or portions thereof, to determine the waste reduction efficiency of different facilities, or categories of facilities, including the effectiveness of toxic chemical regulations promulgated under laws other than this chapter.

(C) To assess the utility of such information for evaluating toxic chemical management practices at facilities, or categories of facilities, covered by this section.

(D) To determine the implications of mass balance information collection on a national scale similar to the mass balance information collection carried out by the Administrator under paragraph (3), including implications of the use of such collection as part of a national annual quantity toxic chemical release program.

(3) Information collection

(A) The Administrator shall acquire available mass balance information from States which currently conduct (or during the 5 years after October 17, 1986 initiate) a mass balance-oriented annual quantity toxic chemical release program. If information from such States provides an inadequate representation of industry classes and categories to carry out the purposes of the study, the Administrator also may acquire mass balance information necessary for the study from a representative number of facilities in other States.

(B) Any information acquired under this section shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that the information (or a particular part thereof) to which the Administrator or any officer, employee, or representative has access under this section if made public would divulge information entitled to protection under section 1905 of title 18, such information or part shall be considered confidential in accordance with the purposes of that section, except that such information or part may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this section.

(C) The Administrator may promulgate regulations prescribing procedures for collecting mass balance information under this paragraph.

(D) For purposes of collecting mass balance information under subparagraph (A), the Administrator may require the submission of information by a State or facility.

(4) Mass balance definition

For purposes of this subsection, the term "mass balance" means an accumulation of the annual quantities of chemicals transported to a facility, produced at a facility, consumed at a facility, used at a facility, accumulated at a facility, released from a facility, and transported from a facility as a waste or as a commercial product or byproduct or component of a commercial product or byproduct.

EXPEDITING COMMUNITY RIGHT-TO-KNOW INITIATIVES

Memorandum of President of the United States, Aug. 8, 1995, 60 F.R. 41791, provided:

Memorandum for the Administrator of the Environmental Protection Agency and the Heads of Executive Departments and Agencies

The Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001–11050) ("EPCRA") and the Pollution Prevention Act of 1990 (42 U.S.C. 13101–13109) provide an innovative approach to protecting public health and the environment by ensuring that communities are informed about the toxic chemicals being released into the air, land, and water by manufacturing facilities. I am committed to the effective implementation of this law, because Community Right-to-Know protections provide a basic informational tool to encourage informed community-based environmental decision making and provide a strong incentive for businesses to find their own ways of preventing pollution.

The laws provide the Environmental Protection Agency with substantial authority to add to the Toxics Release Inventory under EPCRA: (1) new chemicals; (2) new classes of industrial facilities; and (3) additional types of information concerning toxic chemical use at facilities. Community Right-to-Know should be enhanced wherever possible as appropriate. EPA currently is engaged in an on-going process to address potential facility expansion and the collection of use information. I am committed to a full and open process on the policy issues posed by EPA's exercise of these authorities.

So that consideration of these issues can be fully accomplished during this Administration, I am directing the Administrator of the Environmental Protection Agency, in consultation with the Office of Management and Budget and appropriate Federal agencies with applicable technical and functional expertise, as necessary, to take the following actions:

(a) Continuation on an expedited basis of the public notice and comment rulemaking proceedings to consider whether, as appropriate and consistent with section 313(b) of EPCRA, 42 U.S.C. 11023(b), to add to the list of Standard Industrial Classification ("SIC") Code designations of 20 through 39 (as in effect on July 1, 1985). For SIC Code designations, see "Standard Industrial Classification Manual" published by the Office of Management and Budget. EPA shall complete the rulemaking process on an accelerated schedule.

(b) Development and implementation of an expedited, open, and transparent process for consideration of reporting under EPCRA on information on the use of toxic chemicals at facilities, including information on mass balance, materials accounting, or other chemical use data [data], pursuant to section 313(b)(1)(A) of EPCRA, 42 U.S.C. 11023(b)(1)(A). EPA shall report on the progress of this effort by October 1, 1995, with a goal of obtaining sufficient information to be able to make informed judgments concerning implementation of any appropriate program.

These actions should continue unless specifically prohibited by law. The head of each executive department or agency shall assist the Environmental Protection Agency in implementing this directive as quickly as possible. This directive is for the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any person.

The Director of the Office of Management and Budget is authorized and directed to publish this Memorandum in the Federal Register.

SUBCHAPTER III—GENERAL PROVISIONS

§11041. Relationship to other law

(a) In general

Nothing in this chapter shall—

- (1) preempt any State or local law,
- (2) except as provided in subsection (b) of this section, otherwise affect any State or local law or the authority of any State or local government to adopt or enforce any State or local law, or
- (3) affect or modify in any way the obligations or liabilities of any person under other Federal law.

(b) Effect on MSDS requirements

Any State or local law enacted after August 1, 1985, which requires the submission of a material safety data sheet from facility owners or operators shall require that the data sheet be identical in content and format to the data sheet required under subsection (a) of section 11021 of this title. In addition, a State or locality may require the submission of information which is supplemental to the information required on the data sheet (including information on the location and quantity of hazardous chemicals present at the facility), through additional sheets attached to the data sheet or such other means as the State or locality considers appropriate.

§11042. Trade secrets

(a) Authority to withhold information

(1) General authority

(A) With regard to a hazardous chemical, an extremely hazardous substance, or a toxic chemical, any person required under section 11003(d)(2), 11003(d)(3), 11021, 11022, or 11023 of this title to submit information to any other person may withhold from such submittal the specific chemical identity (including the chemical name and other specific identification), as defined in regulations prescribed by the Administrator under subsection (c) of this section, if the person complies with paragraph (2).

(B) Any person withholding the specific chemical identity shall, in the place on the submittal where the chemical identity would normally be included, include the generic class or category of the hazardous chemical, extremely hazardous substance, or toxic chemical (as the case may be).

(2) Requirements

- (A) A person is entitled to withhold information under paragraph (1) if such person—
- (i) claims that such information is a trade secret, on the basis of the factors enumerated in subsection (b) of this section,
 - (ii) includes in the submittal referred to in paragraph (1) an explanation of the reasons why such information is claimed to be a trade secret, based on the factors enumerated in subsection (b) of this section, including a specific description of why such factors apply, and
 - (iii) submits to the Administrator a copy of such submittal, and the information withheld from such submittal.
- (B) In submitting to the Administrator the information required by subparagraph (A)(iii), a person withholding information under this subsection may—
- (i) designate, in writing and in such manner as the Administrator may prescribe by regulation, the information which such person believes is entitled to be withheld under paragraph (1), and
 - (ii) submit such designated information separately from other information submitted under this subsection.

(3) Limitation

The authority under this subsection to withhold information shall not apply to information which the Administrator has determined, in accordance with subsection (c) of this section, is not a trade secret.

(b) Trade secret factors

No person required to provide information under this chapter may claim that the information is entitled to protection as a trade secret under subsection (a) of this section unless such person shows each of the following:

- (1) Such person has not disclosed the information to any other person, other than a member of a local emergency planning committee, an officer or employee of the United States or a State or local government, an employee of such person, or a person who is bound by a confidentiality agreement, and such person has taken reasonable measures to protect the confidentiality of such information and intends to continue to take such measures.
- (2) The information is not required to be disclosed, or otherwise made available, to the public under any other Federal or State law.
- (3) Disclosure of the information is likely to cause substantial harm to the competitive position of such person.
- (4) The chemical identity is not readily discoverable through reverse engineering.

(c) Trade secret regulations

As soon as practicable after October 17, 1986, the Administrator shall prescribe regulations to implement this section. With respect to subsection (b)(4) of this section, such regulations shall be equivalent to comparable provisions in the Occupational Safety and Health Administration Hazard Communication Standard (29 C.F.R. 1910.1200) and any revisions of such standard prescribed by the Secretary of Labor in accordance with the final ruling of the courts of the United States in *United Steelworkers of America, AFL-CIO-CLC v. Thorne G. Aucther*.

(d) Petition for review

(1) In general

Any person may petition the Administrator for the disclosure of the specific chemical identity of a hazardous chemical, an extremely hazardous substance, or a toxic chemical which is claimed as a trade secret under this section. The Administrator may, in the absence of a petition under this paragraph, initiate a determination, to be carried out in accordance with this subsection, as to whether information withheld constitutes a trade secret.

(2) Initial review

Within 30 days after the date of receipt of a petition under paragraph (1) (or upon the Administrator's initiative), the Administrator shall review the explanation filed by a trade secret claimant under subsection (a)(2) of this section and determine whether the explanation presents assertions which, if true, are sufficient to support a finding that the specific chemical identity is a trade secret.

(3) Finding of sufficient assertions

- (A) If the Administrator determines pursuant to paragraph (2) that the explanation presents sufficient assertions to support a finding that the specific chemical identity is a trade secret, the Administrator shall

notify the trade secret claimant that he has 30 days to supplement the explanation with detailed information to support the assertions.

(B) If the Administrator determines, after receipt of any supplemental supporting detailed information under subparagraph (A), that the assertions in the explanation are true and that the specific chemical identity is a trade secret, the Administrator shall so notify the petitioner and the petitioner may seek judicial review of the determination.

(C) If the Administrator determines, after receipt of any supplemental supporting detailed information under subparagraph (A), that the assertions in the explanation are not true and that the specific chemical identity is not a trade secret, the Administrator shall notify the trade secret claimant that the Administrator intends to release the specific chemical identity. The trade secret claimant has 30 days in which he may appeal the Administrator's determination under this subparagraph to the Administrator. If the Administrator does not reverse his determination under this subparagraph in such an appeal by the trade secret claimant, the trade secret claimant¹ may seek judicial review of the determination.

(4) Finding of insufficient assertions

(A) If the Administrator determines pursuant to paragraph (2) that the explanation presents insufficient assertions to support a finding that the specific chemical identity is a trade secret, the Administrator shall notify the trade secret claimant that he has 30 days to appeal the determination to the Administrator, or, upon a showing of good cause, amend the original explanation by providing supplementary assertions to support the trade secret claim.

(B) If the Administrator does not reverse his determination under subparagraph (A) after an appeal or an examination of any supplementary assertions under subparagraph (A), the Administrator shall so notify the trade secret claimant and the trade secret claimant may seek judicial review of the determination.

(C) If the Administrator reverses his determination under subparagraph (A) after an appeal or an examination of any supplementary assertions under subparagraph (A), the procedures under paragraph (3) of this subsection apply.

(e) Exception for information provided to health professionals

Nothing in this section, or regulations adopted pursuant to this section, shall authorize any person to withhold information which is required to be provided to a health professional, a doctor, or a nurse in accordance with section 11043 of this title.

(f) Providing information to Administrator; availability to public

Any information submitted to the Administrator under subsection (a)(2) of this section or subsection (d)(3) of this section (except a specific chemical identity) shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that the information (or a particular part thereof) to which the Administrator has access under this section if made public would divulge information entitled to protection under section 1905 of title 18, such information or part shall be considered confidential in accordance with the purposes of that section, except that such information or part may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this chapter.

(g) Information provided to State

Upon request by a State, acting through the Governor of the State, the Administrator shall provide to the State any information obtained under subsection (a)(2) of this section and subsection (d)(3) of this section.

(h) Information on adverse effects

(1) In any case in which the identity of a hazardous chemical or an extremely hazardous substance is claimed as a trade secret, the Governor or State emergency response commission established under section 11001 of this title shall identify the adverse health effects associated with the hazardous chemical or extremely hazardous substance and shall assure that such information is provided to any person requesting information about such hazardous chemical or extremely hazardous substance.

(2) In any case in which the identity of a toxic chemical is claimed as a trade secret, the Administrator shall identify the adverse health and environmental effects associated with the toxic chemical and shall assure that such information is included in the computer database required by section 11023(j) of this title and is provided to any person requesting information about such toxic chemical.

(i) Information provided to Congress

Notwithstanding any limitation² contained in this section or any other provision of law, all information reported to or otherwise obtained by the Administrator (or any representative of the Administrator) under this chapter shall be made available to a duly authorized committee of the Congress upon written request by such a committee.

§11043. Provision of information to health professionals, doctors, and nurses

(a) Diagnosis or treatment by health professional

An owner or operator of a facility which is subject to the requirements of section 11021, 11022, or 11023 of this title shall provide the specific chemical identity, if known, of a hazardous chemical, extremely hazardous substance, or a toxic chemical to any health professional who requests such information in writing if the health professional provides a written statement of need under this subsection and a written confidentiality agreement under subsection (d) of this section. The written statement of need shall be a statement that the health professional has a reasonable basis to suspect that—

- (1) the information is needed for purposes of diagnosis or treatment of an individual,
- (2) the individual or individuals being diagnosed or treated have been exposed to the chemical concerned, and
- (3) knowledge of the specific chemical identity of such chemical will assist in diagnosis or treatment.

Following such a written request, the owner or operator to whom such request is made shall promptly provide the requested information to the health professional. The authority to withhold the specific chemical identity of a chemical under section 11042 of this title when such information is a trade secret shall not apply to information required to be provided under this subsection, subject to the provisions of subsection (d) of this section.

(b) Medical emergency

An owner or operator of a facility which is subject to the requirements of section 11021, 11022, or 11023 of this title shall provide a copy of a material safety data sheet, an inventory form, or a toxic chemical release form, including the specific chemical identity, if known, of a hazardous chemical, extremely hazardous substance, or a toxic chemical, to any treating physician or nurse who requests such information if such physician or nurse determines that—

- (1) a medical emergency exists,
- (2) the specific chemical identity of the chemical concerned is necessary for or will assist in emergency or first-aid diagnosis or treatment, and
- (3) the individual or individuals being diagnosed or treated have been exposed to the chemical concerned.

Immediately following such a request, the owner or operator to whom such request is made shall provide the requested information to the physician or nurse. The authority to withhold the specific chemical identity of a chemical from a material safety data sheet, an inventory form, or a toxic chemical release form under section 11042 of this title when such information is a trade secret shall not apply to information required to be provided to a treating physician or nurse under this subsection. No written confidentiality agreement or statement of need shall be required as a precondition of such disclosure, but the owner or operator disclosing such information may require a written confidentiality agreement in accordance with subsection (d) of this section and a statement setting forth the items listed in paragraphs (1) through (3) as soon as circumstances permit.

(c) Preventive measures by local health professionals

(1) Provision of information

An owner or operator of a facility subject to the requirements of section 11021, 11022, or 11023 of this title shall provide the specific chemical identity, if known, of a hazardous chemical, an extremely hazardous substance, or a toxic chemical to any health professional (such as a physician, toxicologist, or epidemiologist)—

- (A) who is a local government employee or a person under contract with the local government, and
- (B) who requests such information in writing and provides a written statement of need under paragraph (2) and a written confidentiality agreement under subsection (d) of this section.

Following such a written request, the owner or operator to whom such request is made shall promptly provide the requested information to the local health professional. The authority to withhold the specific chemical identity of a chemical under section 11042 of this title when such information is a trade secret shall not apply to information required to be provided under this subsection, subject to the provisions of subsection (d) of this section.

(2) Written statement of need

The written statement of need shall be a statement that describes with reasonable detail one or more of the following health needs for the information:

- (A) To assess exposure of persons living in a local community to the hazards of the chemical concerned.

- (B) To conduct or assess sampling to determine exposure levels of various population groups.
- (C) To conduct periodic medical surveillance of exposed population groups.
- (D) To provide medical treatment to exposed individuals or population groups.
- (E) To conduct studies to determine the health effects of exposure.
- (F) To conduct studies to aid in the identification of a chemical that may reasonably be anticipated to cause an observed health effect.

(d) Confidentiality agreement

Any person obtaining information under subsection (a) or (c) of this section shall, in accordance with such subsection (a) or (c) of this section, be required to agree in a written confidentiality agreement that he will not use the information for any purpose other than the health needs asserted in the statement of need, except as may otherwise be authorized by the terms of the agreement or by the person providing such information. Nothing in this subsection shall preclude the parties to a confidentiality agreement from pursuing any remedies to the extent permitted by law.

(e) Regulations

As soon as practicable after October 17, 1986, the Administrator shall promulgate regulations describing criteria and parameters for the statement of need under subsection ¹ (a) and (c) of this section and the confidentiality agreement under subsection (d) of this section.

§11044. Public availability of plans, data sheets, forms, and followup notices

(a) Availability to public

Each emergency response plan, material safety data sheet, list described in section 11021(a)(2) of this title, inventory form, toxic chemical release form, and followup emergency notice shall be made available to the general public, consistent with section 11042 of this title, during normal working hours at the location or locations designated by the Administrator, Governor, State emergency response commission, or local emergency planning committee, as appropriate. Upon request by an owner or operator of a facility subject to the requirements of section 11022 of this title, the State emergency response commission and the appropriate local emergency planning committee shall withhold from disclosure under this section the location of any specific chemical required by section 11022(d)(2) of this title to be contained in an inventory form as tier II information.

(b) Notice of public availability

Each local emergency planning committee shall annually publish a notice in local newspapers that the emergency response plan, material safety data sheets, and inventory forms have been submitted under this section. The notice shall state that followup emergency notices may subsequently be issued. Such notice shall announce that members of the public who wish to review any such plan, sheet, form, or followup notice may do so at the location designated under subsection (a) of this section.

§11045. Enforcement

(a) Civil penalties for emergency planning

The Administrator may order a facility owner or operator (except an owner or operator of a facility designated under section 11002(b)(2) of this title) to comply with section 11002(c) of this title and section 11003(d) of this title. The United States district court for the district in which the facility is located shall have jurisdiction to enforce the order, and any person who violates or fails to obey such an order shall be liable to the United States for a civil penalty of not more than \$25,000 for each day in which such violation occurs or such failure to comply continues.

(b) Civil, administrative, and criminal penalties for emergency notification

(1) Class I administrative penalty

(A) A civil penalty of not more than \$25,000 per violation may be assessed by the Administrator in the case of a violation of the requirements of section 11004 of this title.

(B) No civil penalty may be assessed under this subsection unless the person accused of the violation is given notice and opportunity for a hearing with respect to the violation.

(C) In determining the amount of any penalty assessed pursuant to this subsection, the Administrator shall take into account the nature, circumstances, extent and gravity of the violation or violations and, with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability, economic benefit or savings (if any) resulting from the violation, and such other matters as justice may require.

(2) Class II administrative penalty

A civil penalty of not more than \$25,000 per day for each day during which the violation continues may be assessed by the Administrator in the case of a violation of the requirements of section 11004 of this title. In the case of a second or subsequent violation the amount of such penalty may be not more than \$75,000 for each day during which the violation continues. Any civil penalty under this subsection shall be assessed and collected in the same manner, and subject to the same provisions, as in the case of civil penalties assessed and collected under section 2615 of title 15. In any proceeding for the assessment of a civil penalty under this subsection the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents and may promulgate rules for discovery procedures.

(3) Judicial assessment

The Administrator may bring an action in the United States District ¹ court for the appropriate district to assess and collect a penalty of not more than \$25,000 per day for each day during which the violation continues in the case of a violation of the requirements of section 11004 of this title. In the case of a second or subsequent violation, the amount of such penalty may be not more than \$75,000 for each day during which the violation continues.

(4) Criminal penalties

Any person who knowingly and willfully fails to provide notice in accordance with section 11004 of this title shall, upon conviction, be fined not more than \$25,000 or imprisoned for not more than two years, or both (or in the case of a second or subsequent conviction, shall be fined not more than \$50,000 or imprisoned for not more than five years, or both).

(c) Civil and administrative penalties for reporting requirements

(1) Any person (other than a governmental entity) who violates any requirement of section 11022 or 11023 of this title shall be liable to the United States for a civil penalty in an amount not to exceed \$25,000 for each such violation.

(2) Any person (other than a governmental entity) who violates any requirement of section 11021 or 11043(b) of this title, and any person who fails to furnish to the Administrator information required under section 11042(a)(2) of this title shall be liable to the United States for a civil penalty in an amount not to exceed \$10,000 for each such violation.

(3) Each day a violation described in paragraph (1) or (2) continues shall, for purposes of this subsection, constitute a separate violation.

(4) The Administrator may assess any civil penalty for which a person is liable under this subsection by administrative order or may bring an action to assess and collect the penalty in the United States district court for the district in which the person from whom the penalty is sought resides or in which such person's principal place of business is located.

(d) Civil, administrative, and criminal penalties with respect to trade secrets

(1) Civil and administrative penalty for frivolous claims

If the Administrator determines—

(A)(i) under section 11042(d)(4) of this title that an explanation submitted by a trade secret claimant presents insufficient assertions to support a finding that a specific chemical identity is a trade secret, or (ii) after receiving supplemental supporting detailed information under section 11042(d)(3)(A) of this title, that the specific chemical identity is not a trade secret; and

(B) that the trade secret claim is frivolous,

the trade secret claimant is liable for a penalty of \$25,000 per claim. The Administrator may assess the penalty by administrative order or may bring an action in the appropriate district court of the United States to assess and collect the penalty.

(2) Criminal penalty for disclosure of trade secret information

Any person who knowingly and willfully divulges or discloses any information entitled to protection under section 11042 of this title shall, upon conviction, be subject to a fine of not more than \$20,000 or to imprisonment not to exceed one year, or both.

(e) Special enforcement provisions for section 11043

Whenever any facility owner or operator required to provide information under section 11043 of this title to a health professional who has requested such information fails or refuses to provide such information in accordance with such section, such health professional may bring an action in the appropriate United States district court to require such

facility owner or operator to provide the information. Such court shall have jurisdiction to issue such orders and take such other action as may be necessary to enforce the requirements of section 11043 of this title.

(f) Procedures for administrative penalties

(1) Any person against whom a civil penalty is assessed under this section may obtain review thereof in the appropriate district court of the United States by filing a notice of appeal in such court within 30 days after the date of such order and by simultaneously sending a copy of such notice by certified mail to the Administrator. The Administrator shall promptly file in such court a certified copy of the record upon which such violation was found or such penalty imposed. If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order or after the appropriate court has entered final judgment in favor of the United States, the Administrator may request the Attorney General of the United States to institute a civil action in an appropriate district court of the United States to collect the penalty, and such court shall have jurisdiction to hear and decide any such action. In hearing such action, the court shall have authority to review the violation and the assessment of the civil penalty on the record.

(2) The Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, or documents in connection with hearings under this section. In case of contumacy or refusal to obey a subpoena issued pursuant to this paragraph and served upon any person, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the administrative law judge or to appear and produce documents before the administrative law judge, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

§11046. Civil actions

(a) Authority to bring civil actions

(1) Citizen suits

Except as provided in subsection (e) of this section, any person may commence a civil action on his own behalf against the following:

- (A) An owner or operator of a facility for failure to do any of the following:
 - (i) Submit a followup emergency notice under section 11004(c) of this title.
 - (ii) Submit a material safety data sheet or a list under section 11021(a) of this title.
 - (iii) Complete and submit an inventory form under section 11022(a) of this title containing tier I information as described in section 11022(d)(1) of this title unless such requirement does not apply by reason of the second sentence of section 11022(a)(2) of this title.
 - (iv) Complete and submit a toxic chemical release form under section 11023(a) of this title.
- (B) The Administrator for failure to do any of the following:
 - (i) Publish inventory forms under section 11022(g) of this title.
 - (ii) Respond to a petition to add or delete a chemical under section 11023(e)(1) of this title within 180 days after receipt of the petition.
 - (iii) Publish a toxic chemical release form under 11023(g) ¹ of this title.
 - (iv) Establish a computer database in accordance with section 11023(j) of this title.
 - (v) Promulgate trade secret regulations under section 11042(c) of this title.
 - (vi) Render a decision in response to a petition under section 11042(d) of this title within 9 months after receipt of the petition.
- (C) The Administrator, a State Governor, or a State emergency response commission, for failure to provide a mechanism for public availability of information in accordance with section 11044(a) of this title.
- (D) A State Governor or a State emergency response commission for failure to respond to a request for tier II information under section 11022(e)(3) of this title within 120 days after the date of receipt of the request.

(2) State or local suits

- (A) Any State or local government may commence a civil action against an owner or operator of a facility for failure to do any of the following:
 - (i) Provide notification to the emergency response commission in the State under section 11002(c) of this title.
 - (ii) Submit a material safety data sheet or a list under section 11021(a) of this title.

(iii) Make available information requested under section 11021(c) of this title.

(iv) Complete and submit an inventory form under section 11022(a) of this title containing tier I information unless such requirement does not apply by reason of the second sentence of section 11022(a)(2) of this title.

(B) Any State emergency response commission or local emergency planning committee may commence a civil action against an owner or operator of a facility for failure to provide information under section 11003(d) of this title or for failure to submit tier II information under section 11022(e)(1) of this title.

(C) Any State may commence a civil action against the Administrator for failure to provide information to the State under section 11042(g) of this title.

(b) Venue

(1) Any action under subsection (a) of this section against an owner or operator of a facility shall be brought in the district court for the district in which the alleged violation occurred.

(2) Any action under subsection (a) of this section against the Administrator may be brought in the United States District Court for the District of Columbia.

(c) Relief

The district court shall have jurisdiction in actions brought under subsection (a) of this section against an owner or operator of a facility to enforce the requirement concerned and to impose any civil penalty provided for violation of that requirement. The district court shall have jurisdiction in actions brought under subsection (a) of this section against the Administrator to order the Administrator to perform the act or duty concerned.

(d) Notice

(1) No action may be commenced under subsection (a)(1)(A) of this section prior to 60 days after the plaintiff has given notice of the alleged violation to the Administrator, the State in which the alleged violation occurs, and the alleged violator. Notice under this paragraph shall be given in such manner as the Administrator shall prescribe by regulation.

(2) No action may be commenced under subsection (a)(1)(B) or (a)(1)(C) of this section prior to 60 days after the date on which the plaintiff gives notice to the Administrator, State Governor, or State emergency response commission (as the case may be) that the plaintiff will commence the action. Notice under this paragraph shall be given in such manner as the Administrator shall prescribe by regulation.

(e) Limitation

No action may be commenced under subsection (a) of this section against an owner or operator of a facility if the Administrator has commenced and is diligently pursuing an administrative order or civil action to enforce the requirement concerned or to impose a civil penalty under this Act with respect to the violation of the requirement.

(f) Costs

The court, in issuing any final order in any action brought pursuant to this section, may award costs of litigation (including reasonable attorney and expert witness fees) to the prevailing or the substantially prevailing party whenever the court determines such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

(g) Other rights

Nothing in this section shall restrict or expand any right which any person (or class of persons) may have under any Federal or State statute or common law to seek enforcement of any requirement or to seek any other relief (including relief against the Administrator or a State agency).

(h) Intervention

(1) By the United States

In any action under this section the United States or the State, or both, if not a party, may intervene as a matter of right.

(2) By persons

In any action under this section, any person may intervene as a matter of right when such person has a direct interest which is or may be adversely affected by the action and the disposition of the action may, as a practical matter, impair or impede the person's ability to protect that interest unless the Administrator or the State shows that the person's interest is adequately represented by existing parties in the action.

§11047. Exemption

Except as provided in section 11004 of this title, this chapter does not apply to the transportation, including the storage incident to such transportation, of any substance or chemical subject to the requirements of this chapter, including the transportation and distribution of natural gas.

§11048. Regulations

The Administrator may prescribe such regulations as may be necessary to carry out this chapter.

§11049. Definitions

For purposes of this chapter—

(1) Administrator

The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) Environment

The term “environment” includes water, air, and land and the interrelationship which exists among and between water, air, and land and all living things.

(3) Extremely hazardous substance

The term “extremely hazardous substance” means a substance on the list described in section 11002(a)(2) of this title.

(4) Facility

The term “facility” means all buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled by, or under common control with, such person). For purposes of section 11004 of this title, the term includes motor vehicles, rolling stock, and aircraft.

(5) Hazardous chemical

The term “hazardous chemical” has the meaning given such term by section 11021(e) of this title.

(6) Material safety data sheet

The term “material safety data sheet” means the sheet required to be developed under section 1910.1200(g) of title 29 of the Code of Federal Regulations, as that section may be amended from time to time.

(7) Person

The term “person” means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or interstate body.

(8) Release

The term “release” means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles) of any hazardous chemical, extremely hazardous substance, or toxic chemical.

(9) State

The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession over which the United States has jurisdiction.

(10) Toxic chemical

The term “toxic chemical” means a substance on the list described in section 11023(c) of this title.

§11050. Authorization of appropriations

There are authorized to be appropriated for fiscal years beginning after September 30, 1986, such sums as may be necessary to carry out this chapter.

Emergency Planning Committee (EPC) Value:

All EPCs are governed under the **Emergency Planning and Community Right-to-Know Act or EPCRA**, which is managed by the Environmental Protection Agency (EPA) at the Federal Level and by the Massachusetts State Emergency Response Commission (SERC) at the State level. SERC is the entity that certifies EPC are compliant under EPCRA. In terms of membership and duties, the EPA defines an EPC as follow: an “[...EPC’s] membership must include, at a minimum, local officials including police, fire, civil defense, public health, transportation, and environmental professionals, as well as representatives of facilities subject to the emergency planning requirements, community groups, and the media. The [EPCs] must develop an emergency response plan, review it at least annually, and provide information about chemicals in the community to citizens.”¹

There are two types of EPCs:

- **Local Emergency Planning Committee (LEPC)** – Comprised of one community
- **Regional Emergency Planning Committee (REPC)** – Comprised of more than one community

A community can be in either or both to be compliant under EPCRA.

Below are some *general* reasons why starting or joining an Emergency Planning Committee (EPC) is valuable to a community. *Please note the points below are meant for general, informational purposes only and are not meant to be comprehensive.*

- Allows a community to become compliant with EPCRA. For more details please go to: www.epa.gov/epcra/epcra-fact-sheet.
- Increases collaboration, coordination and communication between (but is not limited to) the following groups:
 - o (If Regional EPC) Other Communities
 - o CERT Units
 - o Communities and the media
 - o Community and Tier II facilities²
 - o Local municipal departments
 - o Public, Nonprofit and Private sectors
- Provides communities with access to Department of Transportation grant funds under the annual Hazardous Materials Emergency Preparedness (HMEP) Grant.
- EPCs can be used to discuss other emergency preparedness topics including but not limited to:
 - o Community Emergency Management Plans (CEMP)
 - o Continuity of Operations Plans (COOP)
 - o Hazard Mitigation
 - o Mass Gathering Events
 - o School Safety/Security
 - o Pandemic Response

To learn more about the value of EPC’s in the Commonwealth, please go to the link below:

www.mass.gov/service-details/massachusetts-state-emergency-response-commission-serc

¹ EPCRA Fact Sheet. EPA. 2017. www.epa.gov/epcra/epcra-fact-sheet.

² A Tier II facility is a site that has a reportable quantity of a chemical or chemicals as defined under EPCRA.

Application Process

Each EPC shall submit – to Region ¾ - a completed application for EPC certification. The EPC shall submit one electronic copy.

There are four potential certifications an EPC can seek:

- 1) Start-Up EPC Certification – valid for two years
- 2) Provisional EPC Certification – valid for three years
- 3) Full EPC Certification – valid for five years
- 4) Re-Certification – valid for five years

EPC certification periods shall begin on the day their EPC certification application has been approved by the SERC. EPC certification periods shall end a complete year(s) – per the certification level – after the start date.

Requirements for a Start-Up Certification

To become a certified Start-Up EPC, the following must be submitted in an initial application.

- 1) Completed Cover page detailing...
 - a. Name of committee
 - b. Level of certification the EPC is applying for
 - c. Name and contact information for Chair of Committee
- 2) EPC Membership List (*i.e. which towns are a part of the EPC, who is designated as a representative for each discipline like Police and Fire*)
- 3) Meeting Schedule and Open Meeting Law Certification (*i.e. list any meetings held by the EPC since last application and certify that the EPC has/will adhere to the Commonwealth's Open Meeting Law*)
- 4) EPCRA Information Management Description (*i.e. where/how are Tier II reports stored and how accessible are they to the public*)
- 5) Designation of Emergency Response Coordinators, Legal Notice and EPC's Emergency Response Plan (*i.e. for a Start-Up, only requirement is to have a letter from the CEO of each community designating an Emergency Response Coordinator, usually the EMD*)
- 6) Training Assessment and Plan (*i.e. Assess each department's capabilities regarding hazardous materials incidents; must include training schedules and counts of first responders who are Hazardous Materials Awareness Level, Operations Level and Technician Level*)



Regional Emergency Planning Committees (REPC)

A discussion to restart an REPC in eastern Worcester County

Kevin Filchak, M.P.A. – MEMA West Local Coordinator

1



Agenda



- EPCRA
- Tier II
- EPCs Mission
- Certification Process
- Questions? Comments?

2



EPCRA



- All EPCs are governed under the **Emergency Planning and Community Right-to-Know Act or EPCRA**, which is managed by the Environmental Protection Agency (EPA) at the Federal Level and by the Massachusetts State Emergency Response Commission (SERC) at the State level
- In brief, following several disasters in the 1980s the Federal Govt. enacted EPCRA so that communities would be aware of and be prepared to respond to any incident involving a **Tier II Facility** that handles dangerous/volatile chemicals

3



What is Tier II?



- A Tier II facility is a site that has a **reportable quantity of a chemical or chemicals** as defined under EPCRA.
- Tier II facilities must report to...
 - State Emergency Response Commission (SERC) - Online
 - Local Fire Department
 - **Local / Regional Emergency Response Committee**

4



What are EPCs?



- Emergency Planning Committee (EPC)
 - Local – LEPC
 - Regional – REPC
- All EPCs work to ensure that the Community Right to Know Act is enforced and that communities are prepared for **hazardous material incidents****
- **It is a federal mandate under EPCRA that EVERY community have, or be associated with, an EPC**

5



Mission of EPCs



- “[Emergency Planning Committees] must develop an emergency response plan, review it at least annually, and provide information about chemicals in the community to citizens.”
- “[...EPC’s] membership must include, at a minimum, local officials including **police, fire, civil defense, public health, transportation, and environmental professionals, as well as representatives of facilities subject to the emergency planning requirements, community groups, and the media.**”

6



All Hazards**



- Many EPCs go beyond focusing only on hazardous materials and have expanded their focus to **all hazards**
- This has allowed EPCs to focus on other emergency preparedness areas such as:
 - Regional Trainings / Exercises (hazmat, school security, cyber security, etc.)
 - Regional Community Emergency Response Teams (CERT)
 - Regional planning (response plans, threat analysis, after action)
 - Multi-agency coordination for events (community fireworks, fairs, 5ks)
 - Any task that the EPC wishes to undertake that will support the readiness of its members

7



Certification



- All EPCs need to be certified by the SERC
- Benefit of certification:
 - Ensures federal compliance
 - Allows access to annual grant funding from DOT
 - Increased collaboration and readiness

8



Application Process**



- There are four potential certifications that EPCs can seek:
 1. Start Up Certification – valid for two years
 2. Provisional Certification – valid for three years
 3. Full Certification – valid for five years
 4. Re-Certification – valid for five years

NOTE: This may be changing in near term

9



Requirements for Start Up**



1. Complete Cover Page detailing...
 1. Name of Committee
 2. Level of Certification the EPC is applying for (Start Up in this case)
 3. Name and contact information for Chair of EPC
2. EPC membership list (e.g., towns and their representatives)
3. Meeting schedule and Open Meeting Law certification

10



Requirements for Start Up**



4. EPCRA information management description (Tier II reports)
5. Designation of Emergency Response Coordinators, legal notice of EPCs Emergency Response Plan
6. Training assessment and plan

11



Questions? Comments?

Kevin Filchak, M.P.A.

MEMA West - Local Coordinator

508-988-0995 (cell) | 413-750-1400 (office) | 508-820-2000 (MEMA dispatch 24/7)

kevin.filchak@mass.gov

12

Bid Results of 8/03/22 @ 2.00PM for 2022 Senior Center Roof Project

Adam Lamontagne Town Administrator

Part	Item Description	Capeway Roofing Systems	Cape Cod Builders	Larochelle Constructions	WPI Construction, Inc.
1	Base Bid	\$ 221,000.00	\$ 184,000.00	\$ 151,000.00	\$ 183,000.00
2	Alternate 1	\$ 230,000.00	n/a	\$ 172,000.00	\$ 187,000.00
	Scaled Bid	Y	Y	Y	Y
	Bid Form	Y	Y	Y	Y
	DCAMM Certified	Y	Y	Y	Y
	Acknowledge Addenda #1/FINAL	Y	Y	Y	Y
	Total Quote Price - Base Bid	\$ 221,000.00	\$ 184,000.00	\$ 151,000.00	\$ 183,000.00
	Total Quote Price - Alternative 1	\$ 230,000.00	n/a	\$ 172,000.00	\$ 187,000.00

In the conference room
 Witnessed by: Holly Young,
 Terry Griffis, and
 Chase Pappas (Cape Cod Builders)

S.j

S.K

**Bid Results of 8/04/22 @ 2.00PM for Weatherization Work
for Town Hall, Boynton Public Library, Baldwinville Fire
Station, and Cemetery Garage**

Adam Lamontagne Town Administrator

Part	Item	Energy Conservation, Inc.	DCS, LLC
1	Total Bid	\$ 54,304.00	\$ 45,510.00
	Scaled Bid	Y	Y
	Acknowledge Addendum	Y	Y

At the bulletin board outside of Town Hall

Witnessed by: Chris Collins

Terry Griffis, Shawn Gibbs, and

Justice Graves

Chapter 71. Records and Reports

[HISTORY: Adopted by the Town Meeting of the Town of Templeton 3-5-1951 (Art. VIII of the Bylaw Compilation). Amendments noted where applicable.]

§ 71-1. Records retention.

All officers, boards, and committees of the Town shall cause records of their doings and accounts to be kept in suitable books. Said books shall be kept in their respective places in the Town offices, and shall not be removed therefrom. Said books shall, unless otherwise provided by law, be open to public inspection at any reasonable time, but shall remain during such inspection under supervision of the officer, board, or committee having custody thereof.

§ 71-2. Financial reports.

[Amended 6-17-2020 ATM by Art. 9]

All officers, boards, standing committees, and special committees of the Town having charge of the expenditure of Town money shall annually report thereon in writing in such manner as to give the citizens a fair and full understanding of the objects and methods of such expenditures, referring, however, to the report of the Town Accountant for statements in detail of receipts and payments, and may make therein such recommendations as they deem proper. Such reports shall be submitted to the Select Board (Board) for inclusion in the Annual Town Report on or before the 31st day of January of each year.

§ 71-3. Annual Report.

[Amended 8-31-1978; 5-16-2013; 5-14-2016]

- A. **Publication.** It shall be the duty of the Board to publish the Annual Report, to be made available to the residents on the official Town website on the last Tuesday of April of each year and for distribution at the polling places and also at Town Hall in the Board's office.
- B. **Contents.** The Annual Town Report shall contain, in addition to the reports of officers, boards, and committees as hereinbefore provided, a detailed report of all moneys received into and paid out of the Town treasury in the previous financial year, showing separately payments made from the proceeds of loans as capital outlays for permanent improvements; the report of the Collector of Taxes, of receipts, payments and abatements; statements of all funds belonging to the Town or held for the benefit of its inhabitants; a statement of the liabilities of the Town on bonds, notes, certificates of indebtedness, or otherwise, and of indebtedness authorized but not incurred, and the purpose thereof; a statement of transfers made to or from any appropriation; abstracts of the records of the meetings of the Town held since publication of the last Annual Report; a complete list of Town officers and appointees for the municipal year; and such other matters as the report is required by law to contain, or as may be inserted by the Board under the discretion granted it by law.

§ 71-4. Publication of valuation list, Town votes and rules and regulations.

The Board or the Town may direct that the Assessors' valuation list, standing votes of the Town, and the rules or regulations adopted by any officer, board or committee be printed either separately or as part of the Annual Town Report.

Excerpt from: Annual Town Meeting
Wednesday, May 12th, 2021

5.n

The Council may appoint such clerks and other employees as it may require.

§ 9-25 Report.

The Council shall submit an annual report to the Town and shall send a copy thereof to the state department of elder affairs.

§ 9-26 Quorum; voting.

At all meetings of the members of the Council, the presence of three board members shall be necessary and sufficient to constitute a quorum for the transaction of business. The vote of at least a majority of the Council board members present shall be necessary and sufficient to decide such question or matter. The Council may adopt procedures and policies governing the conduct of its business, consistent with any applicable state or local laws.

Passed Unanimously/May 12th @ 7:59 pm

ARTICLE 15: DISABILITY COMMISSION

To see if the Town will vote to adopt the provisions of Massachusetts General Laws Chapter 40, Section 8J relative to the establishment of a commission on disability, Said commission shall consist of 5 members which shall be appointed by the Select Board. A majority of said commission members shall consist of people with disabilities, one member shall be a member of the immediate family of a person with a disability and one member of said commission shall be a current Select Board member. The terms of the first members of said commission shall be for one, two or three years, and so arranged that the term of one-third of the members expires each year, and their successor shall be appointed for terms of three years each. Any member of said commission may, after a public hearing, if so requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment. The chairperson and other officers shall be chosen by a majority vote of said commission members.

Said commission shall keep records of its meetings and actions and shall file an annual report which shall be printed in the city or town annual report and shall have at least ten meetings annually.

Said commission may receive gifts of property, both real and personal, in the name of the town, subject to the approval of the Select Board, such gifts to be managed and controlled by said commission for the purposes of this section.

Or take any other action related thereto.

Submitted by the Select Board

Majority Vote Required

A motion was duly made and seconded to amend the article.

Passed/May 12th @ 8:08 pm

An amended motion was duly made and seconded that the town vote to adopt the provisions of Massachusetts General Laws Chapter 40, Section 8J relative to the establishment of a commission on disability, Said commission shall consist of 5 members which shall be appointed by the Select Board. A majority of said commission members shall consist of people with disabilities, one member shall be a member of the immediate family of a person with a disability and one member of said commission shall be *an appointed official*. The terms of the first members of said commission shall be for one, two or three years, and so arranged that the term of one-third of the members expires each year, and their successor shall be appointed for terms of three years each. Any member of said commission may, after a public hearing, if so requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment. The chairperson and other officers shall be chosen by a majority vote of said commission members.

Said commission shall keep records of its meetings and actions and shall file an annual report which shall be printed in the city or town annual report and shall have at least ten meetings annually.

Said commission may receive gifts of property, both real and personal, in the name of the town, subject to the approval of the Select Board, such gifts to be managed and controlled by said commission for the purposes of this section.

Passed/May 12th @ 8:11 pm

ARTICLE 16: FY 2022 GENERAL FUND OPERATING (OPEX) BUDGET

To see if the Town will vote to appropriate the sum of Nine Million Nine Hundred Three Thousand Four Hundred Ninety Five Dollars and No Cents (\$9,903,495.00) for the operations of General Government for Fiscal Year 2022, and to meet said appropriation with a transfer of Two Hundred Seventy Thousand Dollars and No Cents (\$270,000.00) from the Ambulance receipts reserved for appropriation, anticipated receipts, and the balance from taxation.

Or take any other action related thereto.

Submitted by the Select Board

Majority Vote Required

A motion was duly made and seconded to vote the budget line by line.

Defeated/May 12th @ 8:17 pm

A motion was duly made and seconded to move the article.

Passed/May 12th @ 8:49 pm

On a motion duly made and seconded the town voted to appropriate the sum of Nine Million Nine Hundred Three Thousand Four Hundred Ninety Five Dollars and No Cents **(\$9,903,495.00)** for the operations of General Government for Fiscal Year 2022, and to meet said appropriation with a transfer of Two Hundred Seventy Thousand Dollars and No Cents **(\$270,000.00)** from the Ambulance receipts reserved for appropriation, anticipated receipts, and the balance from taxation.

Town of Templeton Board & Committee Vacancy List		
APPOINTED BOARDS & COMMITTEES	Name	Details/Term
Agricultural Commission	Vacant	To fill Unexpired term through 6/30/2023
	Vacant	3 year term
Cable TV Advisory Committee	Vacant	1 year term
	Vacant	1 year term
	Vacant	1 year term
	Vacant	1 year term
Conservation Commission	Vacant	To fill Unexpired term through 6/30/2023
	Vacant	3 year term
Council on Aging-Board	Vacant	3 year term
	Vacant	3 year term
Cultural Council	Note: Openings if interested. There are currently 6 members, however, up to 22 members are allowed.	
Disability Commission	Vacant	An Appointed Official of the Town; 3 year term
	Vacant	Immediate Family Member of a Disabled Person; 3 year term
	Vacant	Disabled Person; 2 year term
	Vacant	Disabled Person; 2 year term
	Vacant	Disabled Person; 1 year term
Economic Development Industrial Corporation (EDIC)	Vacant	W/Financial Matters Experience-1 year term
	Vacant	W/Real Estate Matters Experience-1 year term
	Vacant	At Large member - 1 year term
	Vacant	At Large member - 1 year term
Historical Commission	Vacant	3 year term
Housing Authority	Vacant	Governor's Appointment
Library Trustees (Boynnton)	Vacant	1 year term
Open Space Committee	Vacant	1 year term
	Vacant	1 year term
	Vacant	1 year term
	Vacant	1 year term
	Vacant	1 year term
	Vacant	1 year term
	Vacant	1 year term
Recreation Commission	Vacant	1 year term
Zoning Board of Appeals	Vacant	To fill Unexpired term through 6/30/2025

Posted 07/13/2022

Source URL: <https://www.templetonma.gov/community-new-resident-information/pages/current-board-committee-openings>

Except from: Annual Town Meeting
May 16th, 2018

5.0

GRAND TOTAL GENERAL FUND	13,458,369
---------------------------------	-------------------

Passed/May 16th @ 10:36am

ARTICLE 6 FUNDING FOR AMBULANCE DEPARTMENT OPERATIONS

To see if the Town will vote to transfer a sum of money from the Fire Department/Ambulance -- Receipts Reserved for Appropriation Account or to otherwise raise and appropriate a sum of money to fund Ambulance Department operations, with any unexpended monies in the Ambulance budget being returned to the Receipts Reserved for Appropriation Account and with any unexpended balances in the Receipts Reserved for Appropriation Account being carried forward to the subsequent fiscal year; or to take any other action relative thereto.

Submitted by the Board of Selectmen

On a motion duly made and seconded the Town voted that Two Hundred Forty Four Thousand, Four Hundred Six Dollars (**\$244,406**) be hereby appropriated from the Fire Department/Ambulance -- Receipts Reserved for Appropriation Account, to be spent by the Fire Chief to pay for the operation of the Ambulance Service within the Fire Department during Fiscal 2016, with any unexpended monies in the Ambulance budget being returned to the Receipts Reserved for Appropriation Account and with any unexpended balances in the Receipts Reserved for Appropriation account being carried forward to the subsequent fiscal year.

Passed Unanimously/May 16th @ 10:39am

ARTICLE 7 FIRE DEPARTMENT AMBULANCE LEASE

To see if the Town will vote to transfer a sum of money from the Fire Department/Ambulance -- Receipts Reserved for Appropriation Account (22-300-3560-3283) to fund the second year of a lease/purchase agreement for an ambulance for the Fire/Ambulance Department; or take any other action relative thereto.

Submitted by the Board of Selectmen

On a motion duly made and seconded the Town voted that Fifty Seven Thousand Dollars (**\$57,000**) be hereby appropriated for the Town Administrator to expend to pay for the second year of the ambulance lease/purchase agreement, and to meet this appropriation \$57,000 be hereby transferred from the Fire/Ambulance Department - Receipts Reserved for Appropriation Account, (22-300-3560-3283)

Passed Unanimously/May 16th @ 10:41am

ARTICLE 8 TRANSFER FOR SENIOR CENTER CONSTRUCTION

To see if the Town will vote to transfer \$48,000 from the Trout Brook Condo Project Account to the Council on Aging -- Senior Center Construction Account (30-300-3502-

ARTICLE 8 TRANSFER FOR SENIOR CENTER CONSTRUCTION

S.p

To see if the Town will vote to transfer \$48,000 from the Trout Brook Condo Project Account to the Council on Aging -- Senior Center Construction Account (30-300-3502-

1000) to provide for a portion of the costs for constructing and equipping the new Senior Community Center located on the southerly side of Bridge Street; or take any other action relative thereto.

Submitted by the Board of Selectmen for the Senior Center Oversight Committee

On a motion duly made and seconded the Town voted to transfer **\$48,000** from the Trout Brook Condo Project Account to the Council on Aging -- Senior Center Construction Account (30-300-3502-1000) to provide for a portion of the costs for constructing and equipping the new Senior Community Center.

Passed/May 16th @ 10:42am

Except from:

Annual Town Meeting
Saturday, May 16th, 2015

Performance Management

The following was taken from an Interview with Jack Welch, former CEO of General Electric Company and a graduate of the University of Massachusetts:

He spoke of the notion of “**false kindness**” that pervades organizations that don’t embrace a performance-based culture, and in which poor or perhaps just misguided performers are allowed to coast, delivering little and achieving less, wasting their own opportunities to learn and grow. The “false kindness” is often a cover-up for a lack of courage and honesty that lies at the heart of having brutally frank but constructive evaluations with employees at every level so that each has the informed and directed opportunity to change and to grow.

If you do this right, said Welch, you don’t have to fire anybody because the bottom 10% will get out all on their own – what person wants to be last? What person doesn’t want to improve?

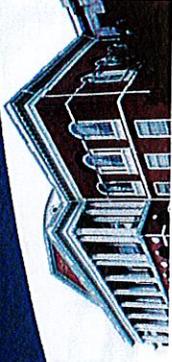
**Town of Templeton, Massachusetts
D.I. Jacobs Consulting Company**

Proposed Employee Compensation Plan

August, 2022



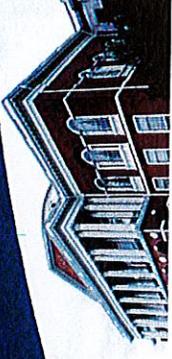
Classification and Compensation Plan



The goal of the Classification and Compensation Plan that the Town of Templeton recently approved was to establish a process in accordance with the Massachusetts Pay Equity Law to pay both positions and employees in a **fair** (consistent) and **equitable** (competitive) manner based on the “**comparable worth**” of positions (i.e., the minimum required knowledge, skill, effort and responsibility performed under similar working conditions).



Classification and Compensation Plan

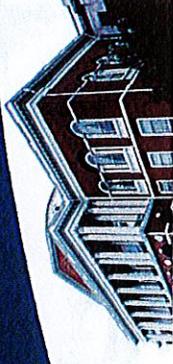


Objectives of the Classification and Compensation Plan

- 1. Establish Internal Competitiveness:** based on what an employee is required to do (“essential functions) and the “minimum qualifications (i.e. the knowledge, ability and skill) that is required under comparable working conditions)
- 2. Establish External Competitiveness:** comparison to the market place on a position by position basis; comparison to comparable communities is based on both demographic and operational criteria.



Components of Employee Compensation Plan



Employees are eligible for additional compensation based on the following criteria:

1. **Competitiveness:** based on the benchmark: average survey mean) of each grade level.
2. **Years of Service in Current Position:** employees to be paid competitively (with in market range) within three (3) years.
3. **Performance (Accomplishment):** based on job duties, objectives, skills, and development plan.
4. **Market Rate Adjustment:** applicable to employees paid competitively and is based on average salary adjustments in market area (not cost of living).



Components of Performance Management?



The performance management plan is based on the following components:

1. **Essential Functions (on-going job duties)**
2. **Objectives (accomplishments)**
3. **Skills (Competencies)**
4. **Development Plan (Where you go from here)**

All components listed above need to be **Specific, Measurable, Agreeable, Realistic and Time bound (SMART)**.

See the Exempt Performance Appraisal form and Performance Management Guide for details including performance rating standards that are based on meeting expectations.



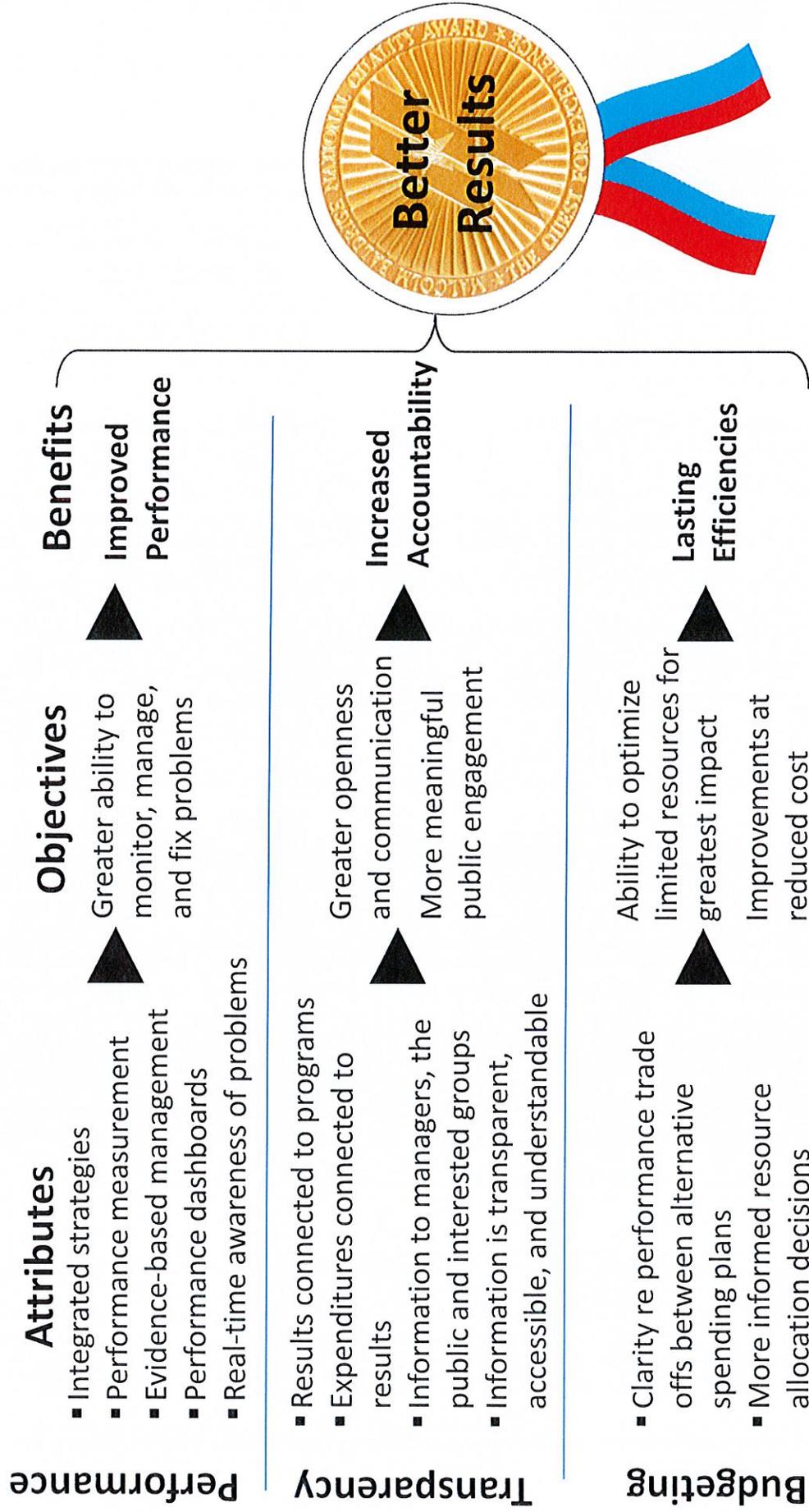
Why it's time to launch this program



- Town of Templeton can no longer function effectively as it has in the past due to fiscal constraints that requires greater performance efficiency and more effective management.
- The public is demanding more transparency into government performance and operations.
- Technology now provides a foundation for accessing and transforming data into actionable management information in a consistent, organization-wide basis.
- The timing is right to align this program consistent with the Town's goal to manage the compensation of employees and positions in a "consistent" and "competitive" manner.



Anticipated Benefits of Compensation Plan





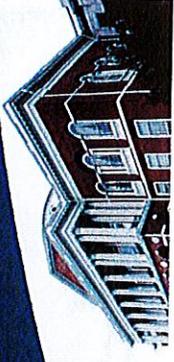
Anticipated Benefits for Stakeholders



Stakeholder	Benefits of Performance Management Program
Town Administrator and Selectmen	<ul style="list-style-type: none">• Better information for decision making and for communicating internally and externally and with the public• Town-wide emphasis on managing by goals, objectives and results
Department Heads	<ul style="list-style-type: none">• Better tools for understanding impact of budgetary decisions on program outcomes• More data-driven decision making and accountability for results• Increased opportunity to collaborate on cross-department solutions to common problems
Employees	<ul style="list-style-type: none">• Clear alignment of day-to-day work between the BOS, Town Administrator, Department heads, and Town -wide goals• Increased ownership of program outcomes, results, successes• More institutional knowledge of past processes, decisions, data, trends
Town Residents	<ul style="list-style-type: none">• Improved performance in the operation of the Town government• More visibility into what Town government is doing, how well, and where the money is going• Increased trust and engagement in Town government
Policy Boards	<ul style="list-style-type: none">• Clearer understanding of budget allocations, the cost of outcomes achieved, and people served



Performance Management Methodology



The Performance Management System has been developed

- In a bottom up driven manner
- As a win/win for the Town and employees
- Reviewing leading performance management practices
- Provide coaching to employees to develop management skills
- Deriving key steps and approach to:
 - Avoid pitfalls that have stalled other programs
 - Leverage key success factors
 - Establish a sustainable performance program
 - Incorporate the results of the study into a written administrative policy document



Steps to Implement Employee Compensation



- Establish purpose, goals, and objective of study
- Review past experience

- Establish components of performance management
- Establish performance standards
- Review mission and vision of each department

- Develop goals and objectives for each functional department
- Establish evaluation cycle

Gather leading practices and lessons learned

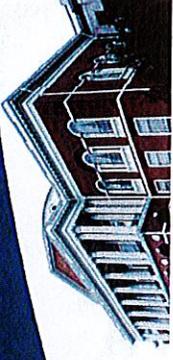
- Goals/objectives exercise
- Role of manager or supervisor
- Recommendations
- Identify services needed to be evaluated
- Transparency guidelines

Integrate findings and finalize Roadmap

- Integrate Performance Management and Transparency Roadmap
- Review, revise and finalize Performance Management Report
- Prepare Performance Management Guide Manual



Performance Management Process



-Step 1-

- Goals, objectives (strategies) and measures are developed by BOS and Town Administrator



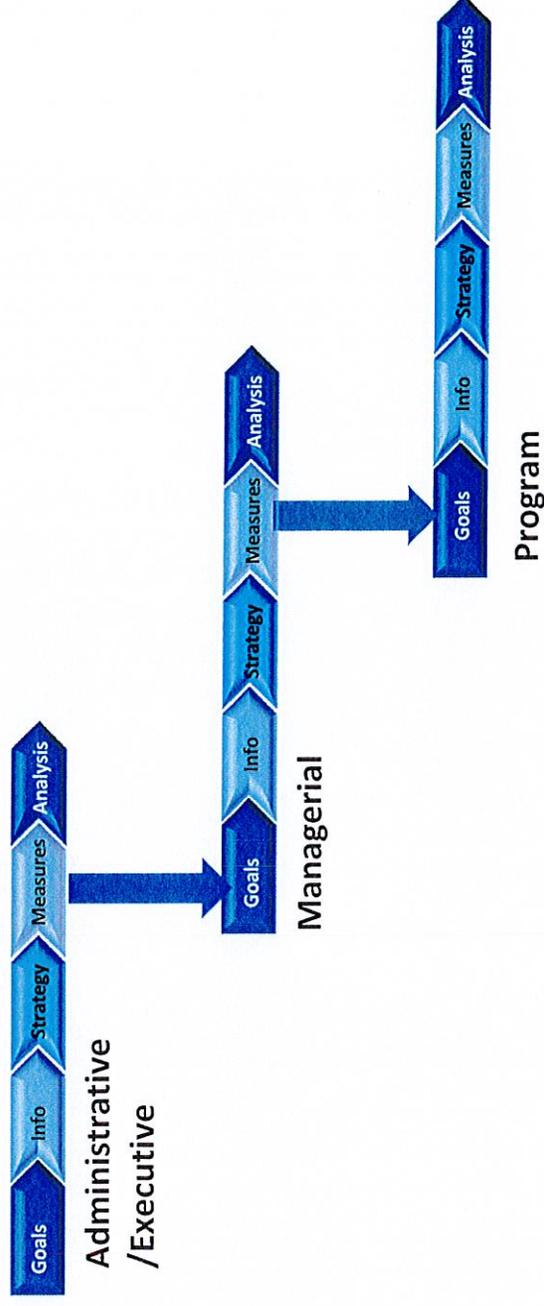


Cascading Goals, Strategies and Measures Down Through the Organization



Step 2

- Goals, strategies and measures are developed
- And cascaded to department levels

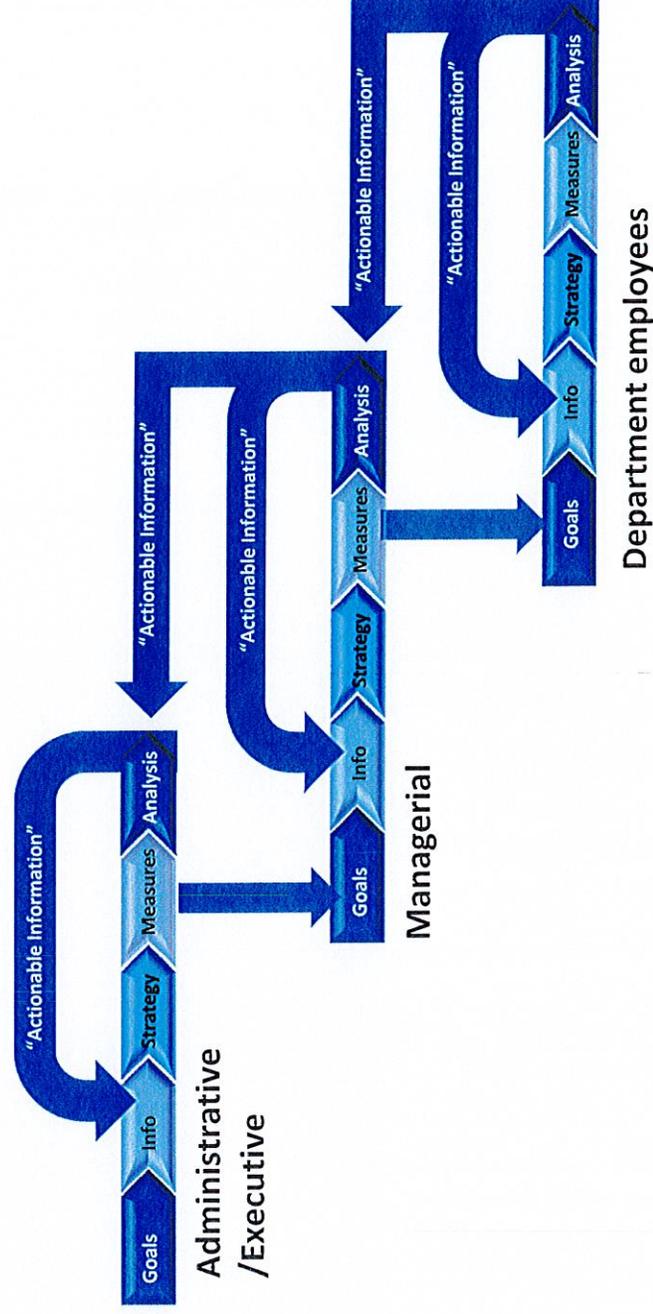


Rolling Performance Results up and Linking Them to the Annual Budget Process



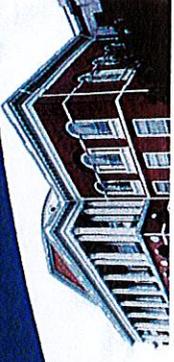
- Step 3 -

- Goals, strategies and measures are developed
- And cascaded to department levels
- Actionable performance information is rolled up, connected to budget processes



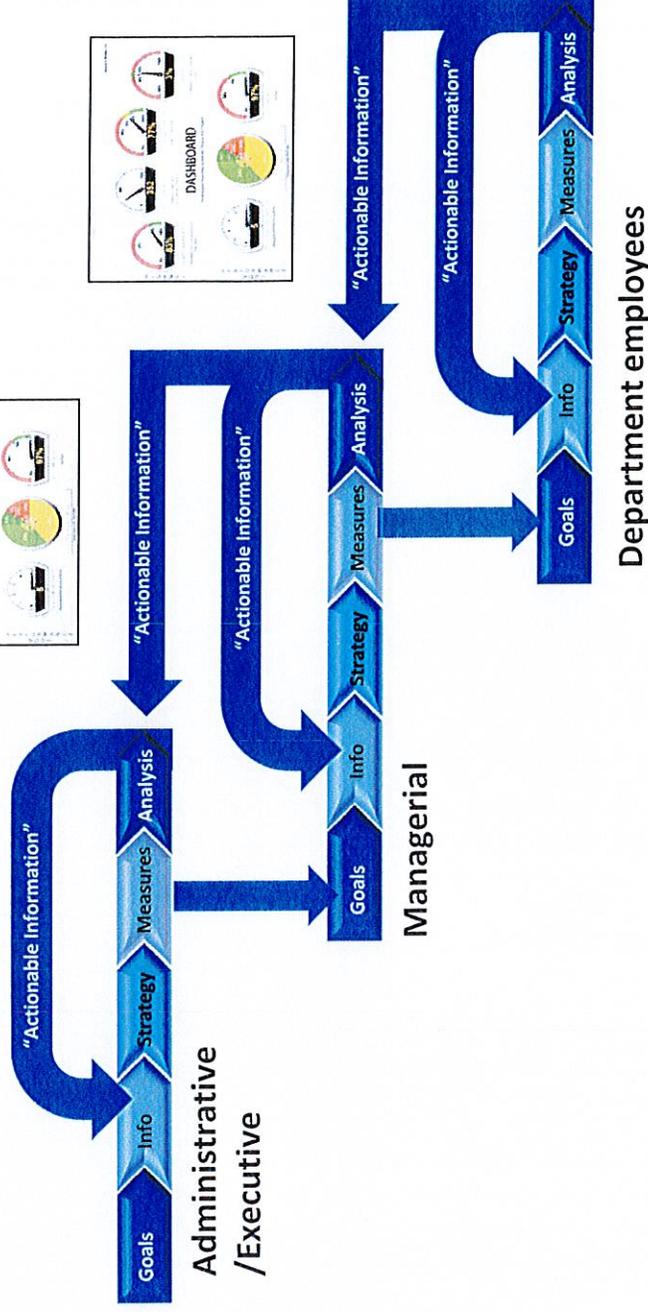


Information is Available in Clear and Useful Ways



- Performance Management Process -

- Goals, strategies and measures are developed
- And cascaded to department levels
- Actionable performance information is rolled up, connected to budget and other strategic processes
- Information is made available to the public in clear, accessible and useful ways





Compensation Administrative Policies



The following administrative policies have been adopted by the Board of Selectmen in support of the proposed Compensation Plan:

1. It is the responsibility of the Town Administrator to administer the Classification and Compensation Plan (who, when, and how much) with in appropriation.
2. New employees: hired within a hiring pay band with the understanding that the Town reserves the right to hire a new employee above the hiring pay band based on the qualifications of the applicant and/or market conditions.
3. Employees to receive annual salary adjustments based on a dollar amount not a %.
4. Employees at or below the 1st quadrant are to be paid competitively within three (3) years (i.e., within market equity pay band) subject to appropriation.
5. Employees who are paid competitively are to receive an annual “market rate” adjustment.
6. Employees are eligible for a performance rate adjustment.

**TOWN OF TEMPLETON, MASSACHUSETTS
PERFORMANCE PLANNING & APPRAISAL FORM**

EXEMPT POSITIONS

Employee Name: _____ Employee Number: _____
 Job Title: _____ Performance Period: From _____
 Department: _____ To: _____
 Evaluator: _____ Evaluation Date: _____

PURPOSES OF THIS PERFORMANCE ENHANCEMENT SYSTEM

1. Enable **joint planning** and communication between an employee and supervisor on what the employee is expected to accomplish.
2. Ensure that an employee's performance is evaluated in terms of **measurable results** as well as how these results are achieved.
3. Specify clear and explicit **performance measures**, jointly established by the employee and supervisor that are objective indicators of whether performance objectives are met.
4. Promote **ongoing communication** between an employee and supervisor concerning what the employee is expected to accomplish, how well the employee is meeting these performance objectives, and what steps need to be taken by the employee and supervisor to ensure that the objectives are met.
5. Identify a plan to promote the employee's **professional development** that can include educational and training opportunities.
6. Detail **corrective action** needed to be taken by the employee and the supervisor in those instances where an employee has not accomplished a performance objective.

PART I ESSENTIAL FUNCTIONS

Transfer "Primary Job Duties" from job description.

Include a specific task and measurement standard with each duty listed below

Rating Scale
 E _ Exceeds Expectations N _ Needs Improvement
 M _ Meets Expectations U _ Unsatisfactory

Duty	Rating	Comments
1.		
2.		
3.		
4.		
5.		
6.		

TOWN OF TEMPLETON, MASSACHUSETTS
PERFORMANCE PLANNING AND APPRAISAL FORM

PART II OBJECTIVES

Insert Objectives as agreed with supervisor during previous Plan and Appraisal in accordance with S.M.A.R.T guideline.

Rating Scale

E _ Exceeds Expectations N _ Needs Improvement
M _ Meets Expectations U _ Unsatisfactory

	Duty	Rating	Comments
1.	Date Started: Date Completed:		
2.	Date Started: Date Completed:		
3.	Date Started: Date Completed:		
4.	Date Started: Date Completed:		
5.	Date Started: Date Completed:		

PART III COMPETENCIES

Part I and Part II deal with major responsibilities, objectives, and results achieved. Part III addresses how the employee performed major responsibilities and achieved the pre-established objectives. Next to each skill, rate the employee's performance.

Rating Scale

E _ Exceeds Expectations N _ Needs Improvement
M _ Meets Expectations U _ Unsatisfactory
N/A _ Not Applicable

	Competency	Rating	Comments
1.	Leadership Assumes responsibility for directing and coordinating activities of others; gains respect and confidence; stimulates the best efforts of others in the accomplishment of goals; selects and assigns tasks in accordance with the development needs of direct reports; creates a motivating work climate; fosters teamwork.		

TOWN OF TEMPLETON, MASSACHUSETTS
PERFORMANCE PLANNING AND APPRAISAL FORM

Competency	Rating	Comments
2. Control and Follow-up Monitors the accomplishment of goals and objectives; uses performance standards to provide evaluation and feedback.		
3. Organizing and Planning Demonstrates ability to plan, to establish priorities and set goals, and to structure assignments.		
4. Judgment Uses logic and sound reasoning to generate, evaluate and choose courses of action. (This refers to quality of decisions, rather than quantity or timeliness.)		
5. Decisiveness Makes timely decisions and takes action.		
6. Cooperation Works harmoniously with others to complete assignments; responds positively to requests, instructions, and policies and procedures.		
7. Interpersonal Shows sensitivity to and recognition of the needs and feelings of others; develops rapport and trust; deals effectively with others at all levels.		
8. Reliability Assumes responsibility for and can be depended upon to complete assignments.		
9. Flexibility Alters plans and behavior in response to changes in situations.		
10. Written Communication Writes clearly and concisely; influences or persuade others through written presentation.		
11. Oral Communication Speaks clearly and effectively; influences or persuades others at all levels.		
12. Budget and Cost Control Prepares and administers operating budgets.		

TOWN OF TEMPLETON, MASSACHUSETTS
PERFORMANCE PLANNING AND APPRAISAL FORM

**PART IV COMMENTS REGARDING EMPLOYEE'S
PERFORMANCE DURING THE YEAR**

Please identify additional responsibilities/objectives undertaken during performance period, difficulties encountered in achieving results and/or extraordinary achievements.

PART V OVERALL PERFORMANCE RATING

To be based on the extent to which major responsibilities were met and performance objectives/targets were achieved with consideration given to the manner in which both were accomplished.

Check the appropriate rating.

E _ Exceeds Expectations

Employee exceeds all individual objectives as established in the performance plan, performs all job responsibilities far above the requirements of the job and displays an extremely high degree of competence in the key skills required in the job.

M _ Meets Expectations

Employee meets all individual objectives as established in the performance plan, performs all job responsibilities meeting the requirements of the job and displays a satisfactory degree of competence in the key skills required in the job.

N _ Needs Improvement

Employee meets some of the individual objectives established in the performance plan, performs some job responsibilities to meet the requirements of the job and displays a satisfactory degree of some of the key skills required in the job, but an inadequate degree of others.

U _ Unsatisfactory

Employee fails to meet the standards of the position for both established objectives and job responsibilities. Employee exhibits an inadequate degree of competence on most of the key skills required in the job.

N/A _ Not Able To Rate

An interim classification to be used with new employees and employees who have appraisals prepared in short time frame due to their own job change. In checking this classification, an interim assessment of job performance for the period covered can be provided using one of the other classifications as a secondary rating. This classification cannot be assigned more than once in a twelve-month period.

TOWN OF TEMPLETON, MASSACHUSETTS
PERFORMANCE PLANNING AND APPRAISAL FORM

**PART VI ACTION PLANS FOR FURTHER
PROFESSIONAL DEVELOPMENT**

*To be completed at the end of the appraisal period when
setting objectives for the following period.*

	Scheduled Completion Date	Results Achieved
1. Actions to be taken by employee:		
2. Actions to be taken by supervisor:		
3. Specific training program recommendations:		
4. Improvements expected:		

TOWN OF TEMPLETON, MASSACHUSETTS
PERFORMANCE PLANNING AND APPRAISAL FORM

PART VII SIGNATURES

The employee's signature confirms that he/she has discussed its contents with the supervisor and does not necessarily imply concurrence with all of the content of the appraisal.

	Comments
<p>I have reviewed this Plan and Appraisal with the employee and have answered related questions and/or provided guidance toward additional assistance.</p> <p>x _____ Supervisor Title: Date:</p>	
<p>I have reviewed this Plan and Appraisal with my supervisor.</p> <p>x _____ Employee Date:</p>	
<p>I concur with the content of this Plan and Appraisal and acknowledge its review with the employee.</p> <p>x _____ Next-Level Supervisor Title: Date:</p>	

Templeton Common Improvements – Public Suggestion Form

Question: What would you suggest the Town do to improve The Common? Why? (18 Responses)

1. Make existing sidewalks ADA Compliant.

2. Discussion had years ago to remove the short part of South Road between the War Memorial and the Gazebo. No follow through. Now that South Road is one way between Wellington Rd and Dudley Rd, cars northbound on Dudley Rd (Rt 101) trying to turn left pose a hazard to traffic. This is a safety concern.

3. Add a accessible sidewalks around the entire Common

4. Address the tress, and add hardy plantings to improve the aesthetics

5. Clean up the sand

6. Fill in holes and plant grass

7. Remove the seldom if ever utilized (is it abandoned?) bulletin board

8. Add and maintain some benches

REMOVE ELECTRONIC SIGN.

REMOVE PRESSURE TREATED GUARDRAIL

Both a very detrimental to our once beautiful common, they are hideous and an eyesore.

Allow small business to advertise on a piece of land in the center of town.

get rid of yellow sign and reflector arrows on wooden guardrail...put some hosta or perennial flowers around the wooden rail with some local business signs..support local businesses!!

Make it a more useable space , flowers , benches , trash cans etc

In the winter it would be awesome to see an outdoor skating rink for kids and families.

Get rid of the wooden guardrail.... It is unattractive and sticks out like a sore thumb.

Allow for local businesses to place their signs indicating that they are open (Valley View, Pease). Otherwise, perhaps a wooden sign indicating the location of each business.

Take out the silly looking guardrail with ugly yellow signs and plant some flowers and allow nice business signs. Supporting local small businesses should be a priority!

A little late for for that after you slap small businesses in the face by worrying about them trying to advertise.

1. Add lots of Loam so it does not flood in the rain and the tree roots are covered. 2. Add picnic tables. 3. Make the small South Rd st angled parking as well as provide angled parking across from church. Because.....the lawn will be healthy, parking

Templeton Common Improvements – Public Suggestion Form

Question: What would you suggest the Town do to improve The Common? Why? (18 Responses)

availability and it will be used for picnics. As for signs, use one pole for established businesses with arrows.....Maybe for a fee

Allow farmers market to move to common and park at the church because right now when you drive by all you see is wall of cars and don't even see vendors.

Add some picnic tables to get people to want to be in the common - give them a reason.

Close cut through on South Road so traffic can only get to 2A from 101. Rip it up and sod it, make the Common bigger. The South Road connector is dangerous with bad sight lines and no sidewalks. With a bigger Common some raised bed garden or flower boxes could be added - "adopt a box" and beautify the area.

Install another rectangular rapid flashing beacon at the Baldwinville Road and 2A crosswalk and install sidewalks that extend to Wellington Road and South Road to incentivize people to use the Common rather than skip over it. Consider funding from the Shared Streets or Complete Streets Program from Mass DOT. Given the proximity of the elementary school and existing sidewalk network along Baldwinville Road, a compelling application could be made.

Additionally, consider more events on the Common with food and drink available.

Granite curbing to minimize the salt damage to the lawn edges, renovate the lawn for nice grass instead of hard thin grass. The salt burnt sandy edges make the common grass areas very unsightly.

Have more local bands play the common.

The illuminated billboard on wheels takes away from the charm the common once had. The large wooden blockade fence looks foolish with its bold orange reflectors, you could simply put the ugly sign in front of the blockade fence to deter people from driving where the road once was. Or better yet, stop changing the flow of traffic in areas that were fine the way they were, this change clearly didn't make the flow of traffic any safer if people are driving across the lawn before the wooden fence was installed.

I have watched busses and 18 wheelers struggle to make the turn down Baldwinville road more than once. It's pretty scary if you're at the stop sign in front of Kros and they are attempting to make the sharp Right hand turn.

Maybe allow small businesses to promote their goods and services because isn't a common the root of a community?

What happened to being a community? Templeton used to encourage people to be a part of their community, how can we support local businesses if the only business allowed to promote itself on the common is the town hall, the school, and the senior center?

1. Remove the UGLY construction arrows from the fence. They are totally out of character with a town common.. (The fence is pretty unattractive too)
2. Install a few more park benches for people to use when there are concerts on the bandstand.
3. Install a nice-looking public bulletin board or kiosk where community organizations

Templeton Common Improvements – Public Suggestion Form

Question: What would you suggest the Town do to improve The Common? Why? (18 Responses)

can post flyers promoting upcoming events.

4. Encourage and promote more use of the Common for events, in keeping with the idea that it is the community's space.

Green grass, take out that awful wooden post and arrows that don't even line up with the road. Plant trees on plot 113 and history of the common. Replace benches.

Fix the grass, improve surface level exchanges between roads, grass, curbs, etc. Put in a few park benches, maybe a table or two and leave it for people to enjoy.

STOP holding events on Town Common. No parking exists. The costs are heavy on staff and creates a safety issue for traffic for the entire town whether attending or not. Move all town events to PARKS such as Gilman Waite, Houghton Park, etc.

Charge excessive rates for any damage done to grass by anyone including KRO's.

Do we really want to turn our Elementary school grounds into weekend public parking and all the left behinds that involves? In this day and age I think not!

Irrigation and planting grass/sod that can survive the foot and vehicle traffic better.

The dead spots are an eyesore both by the library and in front of the church. Proper lighting for historical monuments and sidewalks. Replace old blacktop sidewalk near library with brick/cobblestone. The addition of a "Templeton" town sign would be a nice touch.

Make it friendly for agriculture. You are hurting the agricultural business economy during the growing and harvesting.

9 respondents (50%) answered **Common** for this question. ...



Part I ADMINISTRATION OF THE GOVERNMENT

Title VII CITIES, TOWNS AND DISTRICTS

Chapter 49 FENCES, FENCE VIEWERS, POUNDS AND FIELD DRIVERS

Section 1 FENCE VIEWERS; APPOINTMENT; TENURE

Section 1. The mayor of each city, subject to confirmation by the city council, and the selectmen of each town shall annually appoint two or more fence viewers, to hold office for one year and until their successors are qualified.

Part I ADMINISTRATION OF THE GOVERNMENT

Title VII CITIES, TOWNS AND DISTRICTS

Chapter 49 FENCES, FENCE VIEWERS, POUNDS AND FIELD DRIVERS

Section 2 DEFINITION OF FENCES

Section 2. Fences four feet high, in good repair, constructed of rails, timber, boards, iron or stone, and brooks, rivers, ponds, creeks, ditches and hedges, or other things which the fence viewers consider equivalent thereto, shall be deemed legal and sufficient fences.