

1.0 ADMINISTRATIVE BYLAWS

1.1 GENERAL PROVISIONS

1.1.1 The following Bylaws shall regulate the administration of the affairs of the Town of Bolton, Massachusetts.

1.1.2 Any of the Bylaws under 1.0 may be repealed or amended or other Bylaws may be adopted by a majority vote, at any town meeting, an article or articles for that purpose having been inserted in the warrant for such meeting.

1.1.3 The Selectmen shall publish the Bylaws of the town at least once every five years.

1.1.4 Whoever violates any of the provisions of these Bylaws whereby any act or thing is enjoined or prohibited, shall, unless other provision is expressly made, forfeit and pay a fine of not more than Twenty Dollars (\$20.00) for each offense. Each day of violation shall constitute a separate offense.

1.1.5 The preceding sections notwithstanding, any person violating the provisions of any section of these bylaws which is subject to a specific penalty may be penalized by a non-criminal disposition as provided in M.G.L. Chapter 40 s 21D which includes the giving, to the violator, a written notice to appear before the clerk of the district court. The non-criminal method of disposition may also be used for violations of any rules or regulations of any town officer, board or department which is subject to a specific penalty. Without intending to limit the foregoing, the following bylaws, rules and regulations are to be included within the scope of this section, the specific penalties listed shall apply and in addition to police officers, who in all cases shall be enforcing officers, the Town personnel listed shall also be enforcing officers:

a) General Protective and Regulating Provisions of Section 1.9

Penalty: \$20.00 a day

Enforcing Officer:

Section 1.9.1	(nuisance dogs and kennels) – Animal Control Officer
Section 1.9.2	(hawkers and peddlers) - Police Department
Section 1.9.3	(junk dealers) - Police Department
Section 1.9.4	(livestock at large) - Animal Control Officer
Section 1.9.5	(tethering to a tree) - Director of Public Works
Section 1.9.7	(lumber piles) - Director of Public Works
Section 1.9.8	(digging in highway) - Director of Public Works
Section 1.9.10	(unregistered motor vehicle) - Police Department
Section 1.9.13	(town beach) - Police Department
Section 1.9.14	(motorized recreation vehicle) - Police Department
Section 1.9.19	(hunting and trapping) – Police Department

- b) Removal of Soil, Loam, Sand and Gravel Bylaw (Section 1.10)  
 Penalty: \$50.00 a day  
 Enforcing Officer: Board of Selectmen
- c) Protection of Groundwater Bylaw (Section 1.11)  
 Penalty: \$50.00 a day  
 Enforcing Officer: Board of Health
- d) Street Numbering Bylaw (Section 1.13)  
 Penalty: \$10.00 a day  
 Enforcing Officer: Police Department
- e) Violation of any provision of the Zoning Bylaws  
 Penalty: \$50.00 a day  
 Enforcing Officer: Board of Selectmen
- f) Violation of any condition of a Special Permit of Variance  
 granted pursuant to the Zoning Bylaw or M.G.L. Chapter 40A.  
 Penalty: \$50.00 a day  
 Enforcing Officer: Board of Selectmen
- g) Discharge of Snow or Ice onto Public Ways (Section 1.19)  
 Penalty: \$100  
 Enforcing Officer: Police Department

1.2 TOWN MEETINGS AND WARRANTS

- 1.2.1 The Annual Town Meeting for the transaction of business shall be on the first Monday in May at a time to be determined by the Board of Selectmen. The election of officers shall take place on the second Monday in May and commence at 12:01 p.m. and close at 8:00 p.m. of that day.
- 1.2.2 The Annual Town Meeting shall, unless a different time or method is prescribed by law, be called by posting an attested copy of the warrant, calling the same, at the Town Hall, at the Post Office and at two other public places in the Town seven days, at least, before the day appointed for said meeting, and by mailing a copy of the warrant to each household where one or more registered voters resides.

A Special Town Meeting shall, unless a different time or method is prescribed by law, be called by posting an attested copy of the warrant, calling the same, at the Town Hall, at the Post Office and at two other public places in the town fourteen days, at least, before the day appointed for said meeting, and by mailing a copy of the warrant to each household where one or more registered voters resides.

1.2.3 The presence of seventy-five (75) registered voters at a town meeting for the transaction of business shall be required to constitute a quorum except for a motion to adjourn for which no quorum shall be required.

1.2.4 When an article requiring an appropriation of money is presented in the warrant for a town meeting, said article must contain the request for the appropriation.

For all matters requiring a two thirds vote under Chapter 39, Section 15 of the Mass General Laws, a count need not be taken unless the vote so declared is immediately questioned by seven or more voters.

1.2.5 The Moderator shall have the power to require persons who are not registered voters to identify themselves and leave the floor of the hall when he shall deem this action necessary.

1.2.6 Articles for the warrant shall be acted upon in the order in which they stand, except that the Moderator may upon request and for reasons stated entertain the motion to take up an article out of this regular order.

1.2.7 No motion, the effect of which would be to dissolve a town meeting, shall be in order until every article in the warrant has been acted upon, but this shall not preclude the postponement of action on, or consideration of, any article to an adjournment of the meeting to a stated time.

When a question is before the meeting, the following motions, namely: to adjourn; to lay on the table; for the previous question; to postpone to a stated time; to commit, recommit or refer; to amend; to postpone indefinitely; shall be received and shall have precedence in the foregoing orders, and the first three shall be decided without debate.

No article in the warrant shall be again taken into consideration after having been disposed of unless ordered by a vote of two-thirds of the voters present and voting.

1.2.8 The Moderator may decline to put motions obviously frivolous or tending to disorder. A motion shall be presented in writing if the Moderator requests. The Moderator shall be governed in his rulings by these articles.

1.2.9 All committees unless otherwise specially directed by the meeting shall be appointed by the Moderator except as otherwise provided by law and all committees so appointed shall be directed to report within a definite time. If a committee does not report within the time stated, or at the first Annual Town Meeting thereafter, it shall be considered discharged. The Moderator shall not be a member of any committee appointed by him.

1.2.10 It shall be the duty of the appointing body promptly after every town meeting to notify all members of committees who shall be selected or appointed at such meeting.

### 1.3 ADVISORY COMMITTEE

1.3.1 The Advisory Committee shall consist of six citizens of the Town, which committee shall be appointed as provided in the following section, and no person holding an elective or appointive town office shall be eligible to serve on said committee.

1.3.2 The Moderator, Town Clerk and Chairman of the Board of Selectmen shall constitute the appointing committee, who shall, within 30 days of each annual meeting for the election of officers appoint from the citizens of the Town two members to serve for the term of three years. The terms of office of said members shall expire June 30. Said committee shall choose its own officers, and shall serve without pay excepting, however, the secretary thereof, who may receive such compensation as the Town may by vote provide. Said committee shall cause to be kept a true record of its proceedings.

1.3.3 To the Advisory Committee shall be referred for recommendations all articles in any warrant for a town meeting hereafter issued. It shall be the duty of the Board of Selectmen, after drawing any warrant for a town meeting, to transmit immediately a copy thereof to the Chairman of the Advisory Committee, and said committee shall consider such articles. A public hearing on said articles may be held at the discretion of said committee, unless a public hearing by some other tribunal is required by law, and a notice of such hearing shall be given by posting a copy thereof in at least three public places in town. After due consideration of the subject matter in such articles, said committee shall report thereon, in print or otherwise, such information and recommendations as it shall deem best. All recommendations of the committee made to the Town shall be recommendations of a majority of the committee. In case of disagreement, all reports shall be reported back to the Town without recommendation. To the Advisory Committee shall also be referred the disposition of all tangible supplies and property, not including real property, the value of which exceeds \$1,000. The Advisory Committee shall dispose of all such supplies and property in compliance with applicable procurement requirements. The agency possessing tangible supplies and property, not including real property, the value of which is \$1,000 or less shall dispose of such supplies and property using sound business principals.

1.3.4 It shall be the duty of the Advisory Committee to consider the annual estimates and expenditures as prepared by the various town officers, boards, and committees charged with the expenditure of the Town's money, and add another column to the prepared statement giving the amount which in its opinion shall be appropriated for the ensuing year, and add thereto such explanations and suggestions in relation to the proposed appropriations as it may deem expedient, and report thereon, as provided in 1.3.3.

The Selectmen shall include in their estimates, separately, the salaries of all officers elected directly by the Town, and all other items not otherwise

provided for, and the salaries of all other persons shall be included in the estimates of officers, boards, or committees appointing them. The Treasurer shall include in his estimates the amount required for the payment of interest on the town debt and for the payment of such portions of the town debt as may become due during the succeeding year. Said estimates and explanations shall be filed with the Advisory Committee on or before the fifteenth day of January.

1.3.5 Whenever any vacancy shall occur in said committee - by resignation, removal from town, death, failing to qualify, or otherwise - said vacancy shall be filled by said committee. And if any member is absent from five consecutive meetings of said committee, except in case of illness, said committee shall consider his position vacant and proceed to fill the same. The term of office of all persons chosen as aforesaid, to fill vacancies, shall expire at the close of final adjournment of the Annual Town Meeting next succeeding such vacancy, and after said Annual Town Meeting a successor shall be appointed to fill out the unexpired term of each member whose office has been so vacated, in the same manner as the original appointment.

1.3.6 It shall be the duty of said committee to make an annual report of its doings, with recommendations relative to financial matters, to be printed with the annual reports of the other town officers.

#### 1.4 LEGAL AFFAIRS

1.4.1 The Selectmen shall have the general direction and management of the property and affairs of the Town in all matters not otherwise provided for by law or by these Bylaws.

1.4.2 The Selectmen together with two other citizens of the Town neither of whom shall hold an elective town office, shall constitute a Law Committee. The two members holding no elective office so serving with the Selectmen shall be appointed annually by the Moderator. This committee, except as otherwise provided by law or vote of the Town, shall have full and exclusive authority as agents of the Town to engage counsel, to institute, prosecute, defend, compromise and settle all claims, suits and actions brought by or against the Town or protect the Town with liability insurance from any or all claims, provided, however, that no claim or action against the Town, unless reduced to the form of an execution or decree of Court shall, except in cases which are covered by liability insurance, be compromised or settled by the payment of any amount in excess of Two Hundred Dollars (\$200.00) without a special vote of the Town.

1.4.3 It shall be the duty of the Law Committee to notify the citizens of the Town by posting in four public places as soon as possible notice of the fact that an action at law or suit in equity has been brought against the inhabitants of the Town, when the amount of the action or suit is Five Hundred Dollars (\$500.00) or more.

1.4.4 All conveyances of land or interests in land which may hereafter be authorized by vote of the Town, or otherwise, except land held under tax titles, shall be signed by a majority of the Board of Selectmen unless otherwise provided by law, or these Bylaws or by special vote of the Town, and the same shall be sealed with the town seal.

1.4.5 The Law Committee in their annual report shall state what actions have been brought against or on behalf of the Town, what cases have compromised or settled and the terms thereof, and the current standing of all suits of law involving the Town or any of its interests, and they shall give a summary of their activities and decisions during the past year.

## 1.5 FINANCIAL AFFAIRS

1.5.1 The Town Treasurer shall prescribe the methods of accounting and the forms to be used by the several officers, boards and committees of the Town pertaining to their receipts and disbursements, and shall provide that such methods and forms shall conform to the requirements prescribed by law or by any rules or regulations made thereon.

## 1.6 PURCHASING AND CONTRACTS

1.6.1 All procurement, for which appropriations have been made or monies otherwise legally provided, shall be made in compliance with MGL, c. 30B, the Uniform Procurement Act; MGL c. 7, ss. 38A ½-38O, Design Services; MGL c. 149, ss. 44A-44J, Public Building Construction; MGL c. 30, ss. 39A-40A, Public Works Construction; and all other relevant laws, as they may be amended from time to time. It shall be the responsibility of each department and designated committee to determine if funds are available before making commitments.

Each expenditure shall be approved by the head of the department or a majority of the committee having control. Bills presented by vendors for services shall be approved and signed by a majority of the department officers or committee responsible and also by a majority of the Board of Selectmen. Bills shall then be passed to the Town Treasurer for payment.

It shall be the responsibility of each department or committee to keep total expenditures within monies legally available. The Town Treasurer shall pay only up to the total amount authorized for the designated purpose or department or committee requirements.

1.6.2 Deleted April 9, 2001, Article 2

1.6.3 Deleted April 9, 2001, Article 2

1.6.4 Any person or firm requiring the services of the Tree Warden and/or Moth Superintendent shall pay for services at an hourly rate equal to the hourly rate

of the General Foreman of the Forestry Division Department of Public Works. Said compensation shall be paid directly to said Tree Warden and/or Moth Superintendent.

## 1.7 RECORDS AND REPORTS

1.7.1 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, 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.

1.7.1.1 All boards, committees, commissions of the Town, elected or appointed, shall compile and maintain minutes of all posted and emergency meetings and shall file a copy of said minutes with the Town Clerk within one week of approval. Minutes of executive sessions need not be filed with the Town Clerk until such time as the reason for the session is no longer valid.

1.7.2 All officers, boards and standing committees, and special committees of the Town having charge of the expenditure of town money shall annually report thereon in writing so 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 Treasurer 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 Selectmen for inclusion in the Annual Town Report on or before the 10th day of January of each year. All reports shall be signed by at least a majority of the board. The Selectmen shall cause these reports, together with a list of town officers and other matter usually published, to be printed and placed in the hands of the Town Clerk, ready for distribution, two months, at least, before Annual Town Meeting in May.

1.7.3 The Annual Town Report shall contain, in addition to the reports of officers, boards and committees as herein before provided, a detailed report of all monies received into and paid out of the town treasury in the year next preceding, 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 statements; 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 authorized but not incurred, and the purposes thereof; a statement of transfers made to or from any appropriation; abstracts of the records of the meetings of the Town held since the publication of the last annual report; and such other matters as the said report is required by law to contain, or as may be inserted by the Selectmen under the discretion granted by law.

- 1.7.4 The several boards of town officers shall file with the Board of Selectmen at the end of each calendar year a schedule of all property in their charge. These schedules shall be open to public inspection.
- 1.7.5 The Selectmen, or the Town may direct that the Assessors' valuation list, the Bylaws and standing votes of the town and the rules and regulations adopted by any officer, board or committee, be printed either separately or as a part of the annual report.
- 1.7.6 The Town Clerk shall conduct an annual census.

1.8 CEMETERIES

- 1.8.1 The Town of Bolton will accept from any person any sum of money not less than One Hundred Dollars (\$100.00), the interest whereof shall be applied to the care and repair of such lot or lots in the public burial ground of the Town as the person depositing the money shall designate, in accordance with Section 25 of Chapter 114 of the General Laws (Ter. Ed.).
- 1.8.2 All such money shall be deposited by the Town Treasurer to the credit of the burial fund. The Treasurer shall keep the account of burial lot fund in a book showing the date of each deposit, the amount deposited, the name of the depositor, the name of the cemetery containing the lot and the number of the lot.
- 1.8.3 The treasurer shall give the depositor a receipt in the following form:

Date _____
<p>This certifies that _____ has deposited with me the sum of _____ Dollars, the interest of which is to be forever applied in accordance with the provisions of Section 25, Chapter 114, General Laws (Ter. Ed.), for the care of lot number _____ on the plan of the _____ Cemetery.</p> <p style="text-align: right;">Treasurer, Town of Bolton</p>

- 1.8.4 The Cemetery Committee shall not be required to expend the interest on each deposit annually but may, at its discretion, allow it to accumulate in order to do more satisfactory work.
- 1.8.5 Lots in the cemeteries shall be free to inhabitants of the Town of Bolton.
- 1.8.6 The assignment of lots shall convey only the right of burial. The Title to all lots shall be vested in the Town.
- 1.8.7 No lots shall be graded, nor shrubbery or trees planted, nor monuments erected, in any cemetery, except with the approval of the Cemetery Committee.

- 1.8.8 Any grave opened in Bolton cemeteries shall be paid for at the rate of no less than \$150.00 for regular hours. The rate for overtime or weekends shall be no less than \$250.00 and holiday hours shall be no less than \$500.00.

Winter burial shall be at the discretion of the Cemetery Committee and if done with extra equipment (i.e. compressor, plowing, sanding) shall be paid for by the deceased's account.

This money to revert to the Town Treasury and shall be used in accordance with Sections 15 and 25 of Chapter 114 of the General Laws (Ter.Ed.).

- 1.8.9 Within thirty (30) days after the closing of a grave a flush marker shall be placed on such grave under the direction of the Cemetery Committee.

## 1.9 PROTECTIVE AND REGULATING PROVISIONS

### 1.9.1 DOG AND KENNEL BYLAW

- 1.9.1.1 The Town of Bolton adopts this Dog and Kennel Bylaw in accordance with, and to conform with, Sections 136A through 174D of Chapter 140 of the Massachusetts General Laws.

- 1.9.1.2 For the purposes of this Section 1.9.1 “kennel” shall be defined as one (1) pack or collection of more than three (3) dogs six (6) months old or older on a single premises, whether maintained for breeding, boarding, sale, training, hunting, or other purposes.

- 1.9.1.3 At no time shall a person owning or keeping a dog in the Town allow such dog to be unlicensed, uncollared, untagged, or to become a “public nuisance” to others within the Town Limits. A dog shall be deemed a “public nuisance” for, but not limited to, the follow reasons:

- attacking or chasing persons or domestic animals
- damaging property of others beyond its owner/keepers property
- interfering with or disrupting organized school or public activities
- interfering with the use of a public right-of-way
- chasing moving vehicles
- exhibiting a vicious disposition
- barking or howling excessively
- creating other disturbance

- 1.9.1.4 Every person owning or keeping a dog that is six (6) months old or older shall obtain a dog license from the Town Clerk, and every person maintaining a kennel shall obtain a kennel license from the Town Clerk, as required by Section 137 and 137A of Chapter 140 of the Massachusetts General Laws. Every such dog and kennel license shall be valid for one year beginning on April first and ending on March thirty-first. Each license shall contain the name, address, and telephone number of the owner or keeper of the dog, and such other information as the Town Clerk deems appropriate; in addition, each

kennel license shall include the number of dogs maintained in the kennel. Each license shall be issued upon the condition that the owner or keeper shall comply with the provisions of this bylaw and any law, rule, or regulation relating to the ownership and control of dogs.

- 1.9.1.5 As allowed by Section 173 of Chapter 140 of the Massachusetts General Laws, all owners or keepers of dogs kept in the Town of Bolton, who on the first day of May of each year have not licensed said dog or dogs as prescribed by Section 137 and 137A of Chapter 140 of the Massachusetts General Laws, and this bylaw, shall be required to pay an additional fee of twenty-five (\$25.00), payable to the Town of Bolton. If still unlicensed, uncollared, and untagged after June 1<sup>st</sup> the Board of Selectmen shall, by June 11<sup>th</sup>, issue a warrant directing the Animal Control Officer to seek out, catch, and confine all such dogs; and to enter and prosecute a complaint in district court against the owners or keepers, if known, of said dogs, in accordance with said Chapter 140, Section 151A.
- 1.9.1.6 Every holder of a kennel license shall maintain the kennel in a sanitary and humane manner, and shall keep a record of all dogs kept in the kennel, including their license numbers.
- 1.9.1.7 The Board of Selectmen, the Chief of Police, or the Animal Control Officer, or their designees, may at any time inspect, or cause to be inspected, any kennel licensed under these kennel provisions, and if, in their judgment, the kennel is not being maintained in a sanitary or humane manner, or if records are not properly kept as required by this bylaw or other applicable law, or if the kennel is in violation of any provision of this Section 1.9.1, the Board of Selectmen shall by order revoke or suspend, and, in the case of suspension, may reinstate, such license.
- 1.9.1.8 Notwithstanding the provisions of Section 147 of Chapter 140 of Massachusetts General Laws or any other provision of the law to the contrary, all money received from the sale of licenses for dogs, or recovered as fines or penalties by the Town under the provisions of Chapter 140 of the Massachusetts General Laws relating to dogs, shall be deposited in the Town treasury in a special fund to be known as the Dog Fund. The money in the Dog Fund shall be expended at the direction of the Town Clerk and/or Town Treasurer without further appropriation for the payment of costs incurred in administering the dog licensing program, and for the payment of costs and expenses imposed on the Town by (a) Section 151B of Chapter 140 of the Massachusetts General Laws for emergency care, treatment, or disposal by registered veterinarians of dogs and cats injured on ways; and (b) Section 161 of Chapter 140 of the Massachusetts General Laws for damage to livestock and fowl by dogs, and for appraising the amount of said damage, provided that such damage shall not exceed the amount of one thousand dollars (\$1,000) for each occurrence. Upon the location of the owner(s) of the offending animal(s), said owner(s) shall reimburse the Dog Fund for said expenses.

- 1.9.1.9 Violations of this section 1.9.1 or Massachusetts General Laws Chapter 140, Section 136A through 174D shall be subject to impoundment of the animal by the Animal Control Officer, and/or a fine as referenced in Bolton Bylaws Section 1.1.5; and/or by criminal or non-criminal disposition as provided in said Chapter 140, Sections 151A, 157, and 173A. Any violation resulting in impoundment shall also require payment to the Town of Bolton of a pick-up fee of ten dollars (\$10), plus normal boarding fees.
- 1.9.2 No person shall hawk or peddle fish, fruit or vegetables within the limits of the Town, except as otherwise authorized by law, without obtaining a license therefore from the Selectmen upon payment of a fee at a rate to be set annually by the Selectmen.
- 1.9.3 No dealer in junk, old metals or second hand articles, shall collect or keep such articles in the Town of Bolton except as otherwise authorized by law, without a license from the Board of Selectmen. The Selectmen, after notice, and hearing, may revoke any such license for cause. The fee for such license shall be at a rate set annually by the Selectmen.
- 1.9.4 No livestock, including but not limited to horses, swine, sheep, goats, cattle or llamas shall be allowed to run at large in any roadway of the Town.
- 1.9.5 No person shall tie a horse or other animal to any tree, nor to any structure protecting such tree, in the public streets of the Town.
- 1.9.6 (Moved to 2.4.2 on 6/12/78)
- 1.9.7 No person shall place or pile any wood, lumber or other material within the limits of the highway or sidewalks without a written permit from the Selectmen, and then only for a limited period.
- 1.9.8 No person except officers of the Town and their duly authorized agents in the lawful performance of their duties, shall break up or dig up the ground in any highway of the Town, or set up any post, pole, fence, tree, structure, or any other obstruction, without a written permit from the Selectmen.
- 1.9.9 Any project involving major construction and/or taking of public or private property shall be explained to the inhabitants of the town through a Public Hearing. Such Public Hearing shall be called by the Selectmen by posting notices thereof in three public places including the outside of the Town Hall at least seven days before the time of said hearing.
- 1.9.10 Unregistered motor vehicles which are unfit for use, permanently disabled, or have been dismantled or are otherwise inoperative, shall not be stored, parked, or placed upon any land in the Town unless the same shall be within a building or in an area unexposed to the view of the public or abutters or are in an area properly approved for the keeping of the same by licensed junk dealers or automobile dealers.

- 1.9.11 The penalty for violation of the provisions of this Article shall not be less than Ten Dollars (\$10.00) nor more than Twenty Dollars (\$20.00) for each offense. Each day that each violation continues shall constitute a separate offense.
- 1.9.12 (Moved to 2.5.2.2 on 6/12/78)
- 1.9.13 The Selectmen shall from time to time establish regulations as necessary to insure safe and proper operation and conduct at the Town Beach, such regulations to be enforced by the Police Department and failure to comply shall be subject to fines under this Division.
- 1.9.14 No person shall use or operate a motorized recreation vehicle including motorcycles, trail bikes, minibikes, snow vehicles, all-terrain vehicles, and similar types, on public or private property, within the confines of the Town of Bolton, except with the consent of the owner thereof or his duly authorized representative. In the case of public land, consent shall be obtained from the appropriate Town Board.
- 1.9.15 The practice of going in and upon private residences of the town by commercial agents, selling agents, solicitors and canvassers, transient vendors and itinerant merchants for the purpose of soliciting orders for services or for the sale of goods, wares, and merchandise by means of samples, lists, catalogues or otherwise, without having been requested or invited to do so by the owner or occupant of said private residences, is prohibited and hereby declared a nuisance.

The provisions of this Bylaw shall not apply to officers or employees of the Town, County, State or Federal governments; hawkers and peddlers registered by the State and the Town under appropriate laws and regulations, candidates for public office or political parties recognized by the Commonwealth; religious organizations for the purpose of spreading the teachings of their religious beliefs, but not for the purpose of selling or soliciting; and nonprofit, charitable organizations upon registration by the President or Treasurer with the Chief of Police. Such registrations must be renewed yearly.

- 1.9.16 **Gas Inspector**  
The Board of Selectmen shall appoint each year an Inspector of Gas Piping and Gas Appliances whose duty shall be the enforcement of the rules and regulations adopted by the board established under Section 12H of Chapter 25 of the General Laws.
- 1.9.17 **Plumbing Inspector**  
The Inspector of Buildings in accordance with the provisions of Chapter 142, Section 11 of the General Laws, shall appoint annually an Inspector of Plumbing, who shall carry out his duties as set forth in said statute.
- 1.9.18 **Inspector of Buildings**

The Board of Selectmen shall appoint each year an Inspector of Buildings. His responsibilities are described in Section 2.1.2 Administration.

1.9.19 Hunting, Trapping and Firearms Regulations

- a) No person shall fire or discharge any firearms, or set traps on any property without the written consent of the owner or legal occupant.
- b) No person shall fire or discharge any firearm, hunt, or set traps on any public property without the written consent of the officials or their agent for this purpose, charged with the management of the particular public property. For the purposes of this bylaw, regulations promulgated by state agencies having jurisdiction over public property within the Town of Bolton specifically authorizing hunting, fishing thereon shall constitute written consent.
- c) This Bylaw shall not apply to the lawful defense of life and property nor any Law Enforcement Officer in the performance of his duties.

1.9.20 Fire Protection Systems

Pursuant to Section 98 of Chapter 143 of the General Laws, the Selectmen may adopt regulations relative to fire protection systems with the approval of the Fire Chief after consultation with the Planning Board.

1.9.21 The Town of Bolton may use employees of the Highway Department as flag persons for traffic control during any road maintenance or repair project being performed by the Town.

1.10 REMOVAL OF SOIL, LOAM, SAND AND GRAVEL

1.10.1 The removal of soil, loam, sand or gravel from any parcel of land not in public use in the Town of Bolton, except as hereinafter provided, shall be allowed only after a written permit therefore is obtained from the Board of Selectmen after a Public Hearing of which due notice is given.

1.10.2.1 The Board of Selectmen shall fix a reasonable time for the hearing for a removal permit and shall cause the notice of the time and place of such hearing thereof and of the subject matter, sufficient for identification, to be published in a newspaper of general circulation in the Town. Such publication to be not less than seven (7) days before the day of the hearing, or by posting such notice in a conspicuous place in the Town for a period of not less than seven days before the day of such hearing, and also send notice by mail, postage prepaid, to the petitioner and to the owners of all property deemed by the Board to be affected thereby including the abutters notwithstanding that the abutting land is located in another city or town, as they appear on the most recent tax lists. The publication required by this section shall contain the following printed in bold face type:

- a) the name of the petitioners;
- b) the location of the area or premises which are subject of the petition; and

- c) the date and place of the Public Hearing.
- 1.10.2.2 No permit shall be required for the removal of soil, loam, sand or gravel from any parcel of land when incidental to and in connection with the construction of a building on the parcel. No permit shall be required by a home owner or farmer for the transfer of loam, sand, or gravel from one part of his own lot to another part thereof for the improvement of his own lot. Nor shall any permit be required for removal of loam, sand or gravel in connection with the improvement or construction of any road over a lot provided such loam, sand or gravel so removed is used on said lot to improve the same and is not contrary to the regulations of this Bylaw as adopted. No permit shall be required by quarries operating at the time this Bylaw is adopted so long as the sale of soil, loam and gravel is not involved.
- 1.10.2.3 A permit shall be issued without hearing by the Board of Selectmen for the removal of sand or gravel from any lot within the Town wherein the removal operation can be proven by the owner to said Board to have been in continuous operation since October 10, 1956.
- 1.10.2.4 All permits in force as of the effective date of this Bylaw, are subject to said Bylaw and the holders thereof are required to submit applications for permits in accordance with the terms of this Bylaw for hearings to be held at least one (1) week prior to the anniversary date of the presently issued permit. Permits will be granted as recited in this Bylaw for a period not to exceed three years and all procedures shall be followed as set forth in this Bylaw concerning hearings prior to the issuance of permits.
- 1.10.3 In issuing a permit under this Bylaw, the Board of Selectmen may impose such conditions not specifically provided therein as it may deem necessary for the adequate protection of the neighborhood and the Town. Any conditions imposed by the Board shall be attached to and made a part of the permit. The Board may, in its discretion, require a bond, certified check, or other security for compliance with such conditions or as evidence of good faith as to the completion of any proposed construction. The Board may, after a Public Hearing on proof of violation of any condition, revoke any permits so issued. No permit shall be issued under the provisions of this Bylaw for a period of more than three years.
- 1.10.4 Sand and gravel may be removed from any parcel of land except within 300 feet of a street or way, and the Board shall issue a permit therefore provided, however, that the Board shall impose such reasonable conditions as to the disposition of topsoil and the re-establishment of ground levels and grades as it may deem necessary.
- 1.10.5 Soil or loam may be removed and sold from any parcel of land within such parcel determined by the Board to be unsuited to agricultural use, and the Board may issue a permit for such removal, provided, however; that the Board shall in making such decision, obtain the recommendations of the appropriate

Soil District Supervisor and the County Extension Director or Agent or their successors, and their recommendations shall be made a part of the records of the Board. In issuing a permit, the Board may impose reasonable conditions as to the re-establishment of ground levels and grades.

- 1.10.6 Notwithstanding the provisions of the above, the Board may issue a permit for the removal of soil or loam from any parcel of land in the Town where such removal is necessarily incidental to and in connection with the construction of a road or other facility involving a permanent change in the use of the land. The Board shall issue no such permit unless it is reasonably satisfied that the construction will be completed and evidence thereof shall be made part of the records of the Board.
- 1.10.7 Sand or gravel may be removed from any parcel of land within such parcel lying within 300 feet of any street or way, provided a permit therefore has been issued by the Board after satisfactory evidence that such removal will not be seriously detrimental or injurious to the neighborhood provided further that the Board shall impose reasonable conditions as to the method of removal, the re-establishment of ground levels and grades and the planting of the area to suitable cover, as it may deem necessary.
- 1.10.8 The penalty for violation of the provisions within this division (or article) shall be as follows. For each offense: Fifty Dollars (\$50.00); and each day that each violation continues shall constitute a separate offense.

#### 1.11 PROTECTION OF GROUND WATER

In order to protect, preserve, and maintain the existing and potential groundwater supply and groundwater recharge areas within the Town of Bolton, no person shall alter the quality of any surface water or groundwater without first filing with the Board of Health and obtaining and complying with a groundwater alteration permit. For the purposes of this Bylaw, the following activities are allowed without permit:

- a) Application of fertilizer and pesticides in accordance with manufacturers' recommended procedures or standards approved by state, federal, or local agency.
- b) Non-injection sewage disposal (e.g. typical domestic septic systems) in accordance with Title 5 of the State Environmental Code.
- c) Construction of single family dwellings, additions and accessory buildings.

This Bylaw should in no way be interpreted to limit or restrict the authority of the Board of Health.

##### 1.11.1 Permit

The Board of Health shall issue and improve regulations which shall govern filing procedures and other matters related to carrying out the requirements of this Bylaw.

The Board of Health shall, within 21 days of receipt of all required information, determine at a public meeting whether the proposed alteration will have a significant effect on the groundwater quality, groundwater recharge or groundwater elevation. If the Board of Health determines that insufficient information has been provided by the applicant or that additional technical consultation is required it may delay the determination until the required information and/or consultation can be provided.

#### 1.11.2 Performance Standards

Any alteration subject to the permit requirements of this Bylaw shall comply with the following minimum performance standards.

- a) All hazardous material shall be retained in product-tight containers and removal and disposal off-site shall be directed by the Board of Health. No hazardous material shall be present in wastes disposed of on-site.
- b) Process wastes from operations other than personal hygiene and food for residents, patrons, and employees shall be treated so that contaminant levels in groundwater resulting from such disposal will not exceed background levels of individual constituents. Process wastes shall be disposed of in a separate location from wastes generated from personal hygiene and food for residents, patrons, and employees or from building and parking area drainage.
- c) All chemicals, fuel, fertilizers, pesticides or other potentially contaminating substances shall be stored and handled in such a way that will prevent the release of leachate to (surface or) groundwater. Storage and handling measures shall include protection from vandalism, accidental damage or corrosion.
- d) All underground tanks shall meet the initial and periodic inspection requirements as promulgated in Board of Health underground tank regulations. Underground tanks of 300 gallons or less shall not be inspected more than once every four years.
- e) All runoff from artificial impervious surfaces shall be recharged where possible on the site, diverted toward areas covered with vegetation for surface infiltration. Dry wells shall be used only where the above methods are infeasible, and shall be preceded by grit chambers to facilitate removal of contaminated solids. No discharge directly into surface waters without intervening mitigative measures, including trapped catch basins and oil absorbents, will be allowed.
- f) New commercial earth removal operations shall be limited to a minimum of 4 feet above maximum ground water and exposed land shall be returned

to its natural vegetative state as of the date of implementation of the Bylaw when excavation is complete.

- g) An erosion and sedimentation plan shall be provided to control the effects of construction to maximize on-site recharge.

1.11.3 The Board of Health, its agents, offices and employees may enter upon the land on which an alternative is proposed in response to a filing or application, and/or for the purposes of carrying out its duties under this Bylaw, and may make or cause to be made such examination or survey as it deems necessary.

1.11.4 This Bylaw shall not apply to emergency projects necessary for the protection of the health and safety of the residents of Bolton and ordered or performed by an administrative agency of the town, state or federal government.

1.11.5 Appeal from this Bylaw shall be to the Superior Court within 15 days of the issuance of a decision by the Board of Health.

1.11.6 Fine for violation of this Bylaw shall be Fifty Dollars (\$50.00) for each offense, each day of violation to be a separate offense.

1.11.7 The invalidity of any section(s) or provision(s) of this Bylaw shall not invalidate any other provision or section thereof.

1.11.8 Definitions

- a) Alter: As used in this Bylaw shall mean the undertaking of any activity or construction which will change the existing drainage patterns, recharge characteristics or recharge, ground or surface water constituents, either temporarily or permanently, or which, through production, storage, or transportation of toxic or hazardous substances in any amounts beyond those necessary for normal household use, may foreseeably result in accidental introduction of those substances into ground or surface waters.
- b) Hazardous Material: A material or combination of material, which because of its quantity, concentration, or physical, chemical or infectious characteristics may:
  - 1) Cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating illness; or
  - 2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.
- c) Maximum Groundwater Elevation: The height of the groundwater table when it is at its maximum level of elevation as stated in State Environmental Code, Title 5.

- d) Person: As used in this Bylaw shall include: Any individual, group of individuals, association, partnership, corporation, company, business, organization, trust estate, the commonwealth or political subdivision thereof, administrative agency, public or quasi-public corporation or body, or any other legal entity or its legal representatives, agents or assigns.

## 1.12 COUNCIL ON AGING

The Council on Aging shall consist of nine registered voters of the Town and shall be appointed by the Board of Selectmen for terms not to exceed four years for any member. Said terms shall be staggered so that not more than three appointments shall be made in any calendar year. Members can be re-appointed for consecutive terms. Failure to attend seven (7) out of the regularly scheduled ten (10) monthly meetings may result in termination of membership on the Council.

### 1.12.1 The duties of said Council on Aging shall be to:

- a) identify the total needs of the community's elderly population;
- b) educate the community and enlist support and participation of all citizens concerning these needs;
- c) design, promote or implement services to fill these needs, or coordinate present existing services in the community;
- d) promote and support any other programs which are designed to assist elderly programs in the community.

### 1.12.2 Said Council on Aging shall coordinate with the Commonwealth of Massachusetts Office of Elderly Affairs and shall be cognizant of all state and federal legislation concerning funding, information exchange, and program planning which exists for better community programming for the elderly.

### 1.12.3 Said Council on Aging shall give an annual report to the Board of Selectmen with a copy of that report directed to the Commonwealth of Massachusetts Office of Elderly Affairs.

## 1.13 STREET NUMBERING

### 1.13.1 All houses, businesses and structures shall properly display at the front thereof, in a position easily observed from the street on a year round basis, the proper number of the building assigned by the Town. Assignment of numbers shall be obtained from the Building Inspector at the time the building permits are approved. Owners of houses, businesses and structures without numbers at the time of passage of this bylaw shall obtain the proper number from the Building Inspector as soon as possible.

1.13.2 In cases where a house, business or structure is not visible from the street, or the distance is too great for a reasonable size number to be easily seen from the street, a sign, no larger than twelve (12) inches by twelve (12) inches with numbers not less than three (3) inches in height and one and one quarter (1.25) inches in width, shall be posted at the street end of the driveway, and on the same side of the street, in such a way as to be seen by emergency vehicles approaching from either direction. This sign may be substituted by numbers not less than three (3) inches in height and one and a quarter (1.25) inches in width on both sides of the mailbox only if the mailbox is located at the end of the appropriate driveway and on the same side of the road.

1.13.3 In cases where more than one house, business or structure shares a common or shared driveway, or the buildings are not visible from the street, or the distance is too great for a reasonable size number to be easily seen from the street, a sign shall be posted at the street end of the driveway on the same side of the street in such a way as to easily be seen by emergency vehicles approaching from either direction. This sign shall designate the range of numbers for which the driveway serves.

This sign may not exceed the twelve (12) inch by twelve (12) inch dimension in order to accommodate the full set of numbers in a way easily seen from emergency vehicles. The numbers shall not be less than three (3) inches in height and one and a quarter (1.25) inch in width. The owner(s) will be notified by the Building Inspector by letter if this is necessary. Each driveway branching off of the common or shared driveway, and all subsequent branchings, must have additional sign(s), dimensioned and visible as outlined above, at that immediate junction indicating which number(s) are served by that driveway.

1.13.4 In all cases each figure shall be at least three (3) inches in height and shall be clearly visible. Said numbers shall contrast with their background. Numbers placed on signs must be placed at a height of not less than three (3) feet from ground level and not exceed five (5) feet from ground level. Signs must be kept clear of brush and other obstacles that would limit visibility of said sign by emergency vehicles.

1.13.5 In cases where a house, business or structure remains unnumbered, or where the numbering may have been lost or destroyed as to be illegible, the owner shall replace the numbering within twenty (20) days after official notification by the Board of Selectmen.

1.13.6 Any violation of Section 1.13.5 beyond the twenty (20) day limit will result in a fine of not more than \$10.00 per day. No permit or Certificate of Compliance of any kind (i.e. occupancy, building, electrical, Smoke Detector Certificate of Compliance) shall be issued by the Town to the owners if their building, dwelling, business or structure is in violation, and does not have a number visible in compliance with this bylaw.

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#### 1.14.1 Scope of the Bylaw

This Bylaw has been adopted pursuant to the provisions of M.G.L. Chapter 41, sections 108A and 108C, and other enabling acts. This bylaw does not supersede Federal or State Laws and Regulations.

The bylaw applies to all employees of the Town except:

- a) those filled by popular election
- b) those under the control of the School Committee; and
- c) those covered by collective bargaining agreement.

#### 1.14.2 Equal Employment Opportunity

The provisions of this bylaw shall be applied equally to all employees without discrimination as to age, sex, marital status, race, color, creed, national origin, handicap, veteran status, or political affiliation. The Town of Bolton abides by all state and federal employment laws including but not limited to Americans with Disabilities Act (ADA) and Immigration Law Compliance.

##### a) At-Will Employment

Employees of the Town of Bolton shall serve “at will” and shall be terminated at any time, with or without notice, absent a limiting statute or contractual agreement between the employer and the employee.

##### b) Equal Opportunity Employer

The Town of Bolton is an equal opportunity employer. All employment decisions are made on a non-discriminatory basis without regard to race, color, national or ethnic origin, sex, marital status or sexual orientation, age, disability, religious or political beliefs, veteran status, or any other factors which cannot lawfully be the basis for an employment decision.

##### c) Alcohol and Drug Free Workplace Policy

The Town of Bolton hereby notifies employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited, and violation of such prohibition in the workplace can lead to dismissal.

#### 1.14.2.1 Harassment

Harassment is conduct that has the purpose or effect of creating an intimidating, hostile or offensive working environment, interfering with an individual’s work performance, or otherwise adversely affecting an individual’s employment opportunities.

Derogatory comments and objectionable conduct of a racist, ethnic, or sexist nature or those aimed at a person's handicap are not only abusive and offensive, but are also violations of the laws, policies, and guidelines of equal opportunity. No employee either male or female is to be subjected to unsolicited and unwelcome conduct of a sexual nature, nor is any employee to



hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

Unwelcome sexual advances - whether they involve physical touching or not, including repeated, offensive sexual flirtations, advances or propositions;

Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;

Displaying sexually suggestive objects, pictures, cartoons;

Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments; and

Discussions of one's sexual activities.

Incidents of sexual harassment may result from the conduct of managers, supervisors, or other employees, and may also result from the conduct of the Town's vendors, clients or suppliers or other parties with whom the Town deals with on a regular basis. All incidents of harassment, whether occurring internally within the Town's offices, or externally when an employee of the Town is performing services at any other location, should be reported promptly to the contact persons identified in the complaint procedure outlined below.

#### Complaint Procedure

In compliance with Massachusetts General Laws Chapter 151B, Section 3A, the following sexual harassment complaint procedure has been developed by the Personnel Committee specifically to ensure that complaints are investigated quickly and in a manner that is fair to all:

1. Any employee having a complaint of harassment should immediately notify his/her immediate supervisor. If this complaint is against the immediate supervisor or if the employee does not feel comfortable in approaching his/her immediate supervisor relative to the complaint, the employee should immediately notify the Personnel Committee, or a member thereof. To obtain the work addresses and telephone numbers of The Personnel Committee, contact the Town Secretary at 779-2297.

2. If a supervisor receives a complaint of harassment, the supervisor is required to immediately notify the Personnel Committee. When the Personnel Committee receives the complaint we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also

interview the person alleged to have committed sexual harassment. In the event of such an investigation, each employee, supervisor and manager is responsible for cooperating fully with the Personnel Committee.

3. When we have completed our investigation, we will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate we will also impose disciplinary action.

#### Disciplinary Action

If it is determined that inappropriate conduct has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as we deem appropriate under the circumstances.

#### No Retaliation for Filing Complaint or for Cooperating in an Investigation

No employee, supervisor or manager shall be retaliated or discriminated against in any way for making a complaint of sexual harassment in good faith or for assisting or cooperating in the investigation of such a complaint. Such retaliation or discrimination is unlawful, and shall not be tolerated by the Town.

#### State and Federal Remedies

In addition to the above, if an employee believes he/she has been subjected to sexual harassment, they may file a formal complaint with either or both of the government agencies set forth below. Using the Personnel Committee complaint process does not prohibit an employee from also filing a complaint with these agencies.

Please note, each of the agencies has a short time period for filing a claim (EEOC - 180 days; MCAD - 6 months).

#### The United States Equal Employment Opportunity Commission (“EEOC”)

One Congress Street, 10th Floor

Boston, MA 02114

Telephone: (617) 565-3200

FAX: (617) 565-3196

#### The Massachusetts Commission Against Discrimination (“MCAD”)

One Ashburton Place, 6th Floor, Room 601

Boston, MA 02108

Telephone: (617) 727-3990

FAX: (617) 720-6053

#### 1.14.2.3 Recruitment and Appointment Policy

The town shall make every effort to attract and employ qualified persons. All department heads and appointing authorities shall be responsible for the recruitment and selection of personnel. All hiring will be performed in an open

environment and hiring decisions shall be made on the basis of qualifications, references, and evidence of required position skills. The qualifications, classification and salary range for positions shall be established in accordance with the classification and compensation plans adopted by the Personnel Committee.

a) Notice of Vacancies

Department heads and the appointing authority shall, upon the identification of a vacancy or on the authorization of a new position, prepare a job vacancy notice. The job vacancy notice shall be based upon the existing job description and include: the job title, major duties of the position, qualifications, salary, a closing date for applications and application instructions. If a job description does not exist a new job description shall be written and submitted to the Personnel Committee for approval prior to a job vacancy notice being completed. Job vacancy forms can be obtained from the Personnel Committee.

b) Posting and Advertisement of Job Vacancy Notices

Advertising should be adequate to ensure that a sufficient number of qualified applicants apply for available vacancies. In all circumstances, department heads and appointing authorities shall ensure that: notices of vacant positions be posted for five (5) business days on the bulletin boards in prominent work locations (including but not limited to Town Hall, Department of Public Works facilities, the Library, the Communication Center, the Fire Station and the Police Station). In addition, job vacancy notices may be placed in local newspapers or equivalent advertising through the internet for a minimum of 5 days, as needed.

c) Applications

All candidates applying for employment in the town of Bolton shall complete a Bolton official employment application in addition to his/her resume and return the application to the appointing authority on or before the date and place indicated in the position announcement. Each applicant shall sign the employment application, and the truth of all statements shall be certified by the applicant's signature. All candidates who complete the employment application accurately and honestly shall be entitled to a fair and equitable review of their qualification

d) Interviewing

The final applicant(s) for a position will be interviewed by the appropriate department head and/or appointing authority.

e) Examinations

The appointing authority may require an examination as one part of the selection process. Examinations may be written, oral, practical, physical or any combination thereof and shall be relevant to the requirements of the position.

f) References

A candidate's former employers, supervisors, and other references may be contacted as part of the selection process. References and other background investigations shall be documented and made part of the applicant's file. All reference checks and investigations shall be completed prior to the offer of employment by the appointing authority.

g) Application Records

The application, documentation of reference checks, and related documents submitted shall be maintained in the employee's personnel file.

h) Offers

All employment offers shall be made in writing by the appointing authority. The written notice of employment shall include the salary, the starting date, and any other appropriate information. Copies of the letter of employment shall be provided to the Personnel Committee.

i) Medical Examination

Some positions may require a medical examination for employment with the town. If so required, the medical examination shall take place after receipt of notice of an employment offer by the appointing authority and prior to the starting date of employment. The examination shall be at the expense of the town by a physician or medical institution selected by the Personnel Committee. The examining physician shall advise as to whether or not, in the opinion of the physician, the applicant is fit to perform the duties of the position for which the applicant has been selected. If, in the opinion of the appointing authority, the applicant does not meet the physical requirements or examination for the position and reasonable accommodation is not possible, the offer of employment will be withdrawn. The appointing authority reserves solely to itself the right to waive physical or medical requirements.

j) Failure to Report

An applicant, who accepts an offer and fails to report to work on the date set by the appointing authority, shall, unless excused by the appointing authority, be deemed to have declined the offer of employment and shall be withdrawn.

k) Department Head Responsibilities

Department heads shall provide and supervise on-site training and orientation regarding specific rules, regulations, policies and procedures of the employee's assigned department including the safety policies and procedures. Department heads during the orientation period of any employee shall at reasonable intervals discuss work performance with the new employee. The department head shall be responsible for documenting these discussions.

l) Conflict of Interest

The Conflict of Interest law prohibits a municipal employee or town official from participating in any particular matter affecting the financial interest of an "immediate family member". The purpose of the broad prohibition against acts of nepotism is to prevent potential conflicts or the appearance of favoritism,

which arise whenever a public official's personal loyalty to a family member competes with the need to make objective personnel decisions. "Immediate family member" is defined in the law as the employee, employee's spouse or partner, their parents, children, brothers, and sisters.

#### 1.14.3 Personnel Committee

This Personnel Bylaw shall be administered by a Personnel Committee, consisting of five voting members appointed by the Board of Selectmen, said Board shall have the power to fill all vacancies. Members are appointed for three-year, staggered terms. The Committee shall select a chairman from its membership who shall preside over meetings. The Committee shall select a clerk from its membership who shall be responsible for recording minutes of all committee meetings, in accordance with the Open Meeting Law.

Like all Town employees and board/committee members, the Personnel Committee is subject to and shall abide by the provisions of the Conflict of Interest Law. M.G.L. Chapter 268A.

No members of the Personnel Committee may be an employee of the Town nor hold Town office, whether appointed or elected. Members of the Personnel Committee shall serve without compensation.

At any meeting of the Personnel Committee action by a majority of the Committee members present shall be binding. At least three members of the Committee shall be present in order to constitute a quorum.

The Personnel Committee is responsible for administering this Personnel Bylaw and may establish procedures as necessary to fulfill this charge. The Personnel Committee may, from time to time, make and issue interpretations and regulations consistent with the provisions of the Personnel Bylaw and necessary for its administration. Similarly, the Personnel Committee shall periodically review the Bylaw and make recommendations for changes, as appropriate, and in accordance with the provisions governing amendments as set forth in Section 1.14.11.

It shall be the responsibility of the Personnel Committee to develop a classification and compensation plan, and to review position classifications and rates of pay at reasonable intervals, as set forth in Section 1.14.10(a). The Personnel Committee shall conduct an open meeting once annually with town employees to discuss employee concerns about salary, fringe benefits, and the administration of the Bylaw. The Personnel Committee shall fulfill its role in the Grievance Procedure, as outlined in Section 1.14.8.

#### Personnel Records

The Personnel Committee shall be responsible for establishing and maintaining personnel records as may be required by law, and as necessary for effective personnel management. All employees covered under the Personnel bylaw, appointing authorities, and department heads shall comply with and assist in

furnishing records, reports and information as may be requested by the Personnel Committee or the person or persons assigned responsibility for personnel administration.

a) Contents of records

The Personnel Committee shall maintain or cause to be maintained an individual personnel file for each employee which may include, but not be limited to, the following: the employment application or resume; a copy of any documented reference checks and background investigation reports; a report of all personnel actions reflecting the original appointment, promotion, demotion, reassignment, transfer, separation, or layoff; history of employment and correspondence directly related to the employee's past employment record; reclassification or change in the employee's rate of pay or position title; commendations, records of disciplinary action, training records, performance evaluation, and other records that may be pertinent to the employee's employment record.

b) Confidentiality and Access to Records

Personnel records shall be considered confidential and access to records shall be limited to the Personnel Committee, persons authorized by the Personnel Committee to administer the personnel system, appointing authorities and department heads. Any employee may upon request to the employee's appointing authority have access to review their personnel file. The employee's review of their employment shall be in the presence of the employee's department head or appointing authority. An employee may also obtain a copy of his/her personnel file upon five (5) days written notice.

c) Location of Records

A central file for all positions under the personnel bylaw shall be established in the office of the Personnel Committee. The Town Secretary will maintain original files for the Personnel Committee. The Department Head, provided the file copies are under lock and key, may keep a copy of the file and access is restricted.

d) Release of Information

Unless written authorization is received from an employee, except to verify employment dates, no information concerning an employee shall be released.

1.14.4 Definition of Employee Categories

- a) FULL TIME EMPLOYEE is a regular employee who works at least 40 hours per week throughout the year.
- b) PART TIME EMPLOYEE is a regular employee who works less than 40 hours per week throughout the year.
- c) TEMPORARY EMPLOYEE is an employee in a full or part time position which is not likely to require the services of an incumbent on

a year-round basis. Seasonal employees and employees hired for a specific project on a short-term basis are considered temporary employees.

- d) REGULAR EMPLOYEE is an employee who has completed his/her 90-Day Assessment Period.
- e) EXEMPT EMPLOYEE is a salaried employee who is employed in an executive, administrative, or professional capacity, and is not generally entitled to overtime pay if she/he meets the following criteria:
  - 1) Executive--primary duty is to manage a department;
  - 2) Administrative--primary duty is office or non-manual work directly related to management policies, or directly assisting an executive; and
  - 3) Professional--primary duty requires advanced knowledge acquired by specialized study, work is intellectual and the result is not standardized.
- f) NON-EXEMPT EMPLOYEE is an employee, whether paid a salary or hourly wage, whose primary duty is not executive, administrative, or professional in nature. A non-exempt employee is entitled to overtime pay under certain conditions.

#### 1.14.5 90-Day Assessment Period

The first ninety (90) days of employment between the Town and new employees is considered an assessment period wherein both parties assess overall match of skills, abilities, and job needs to determine if the correct employment decision has been made. Prior to the conclusion of this period either party may dissolve the employment relationship consistent with the prevailing practices of the employment-at-will relationship.

During the 90-Day Assessment Period applicable employee benefits are made available to eligible employees. However, if the employment relationship is dissolved at any time during the 90-Day Assessment Period, exiting employees will not be entitled to any accrued vacation time. An employee is entitled to pay for holidays during the 90-Day Assessment Period, and may use sick leave as earned.

#### 1.14.6 Work Week

The normal work week for employees shall be as follows:

Managerial Employees	As required
Police Employees	40 hours per week
Highway Employees	40 hours per week
Communication Employees	40 hours per week

#### 1.14.7 Interruption of Service

Any regular employee who leaves Town service while in good standing may be rehired by the appointing authority and, upon successful completion of one year's service, will be given credit for time actually employed by the Town.

#### 1.14.8 Grievance Procedure

A grievance is a dispute between an employee and the appointing or supervisory authority arising out of an exercise of management rights or administrative discretion, or interpretation of this Bylaw.

STEP 1. An employee who has a grievance must discuss the grievance with the department head and/or supervisory authority in a mutual effort to resolve the grievance.

STEP 2. If, one week after such conference, a satisfactory understanding and solution of the grievance has not been reached, then either the department head or the employee may refer the grievance to the Personnel Committee. The Committee shall hold a hearing thereon and render a written decision within ten working days of such hearing.

STEP 3. If any party is aggrieved by the decision of the Personnel Committee, such decision may be appealed in writing to the Board of Selectmen, who shall conduct a hearing with respect hereto and render a written decision within ten days of such hearing. A decision of the Board of Selectmen with respect to the grievance shall be binding on both parties.

#### 1.14.9 Fringe Benefits

##### a) Vacation Time

Full time employees shall be entitled to paid vacation in accordance with the following schedule:

Less than five (5) years of service	two (2) weeks/year
From five (5) years to less than eleven (11) years of service	three (3) weeks/year
Upon completion of eleven (11) years of service	four (4) weeks/year
Upon completion of twenty (20) years of service	five (5) weeks/year

An employee shall request vacation leave from his/her supervisor, giving as much notice as possible. An employee is eligible for vacation leave after completing one year of service and may begin taking leave as accrued after that time. If a holiday falls during a vacation period, an additional day off will be scheduled, by agreement with the department head.

Vacation leave is credited monthly, beginning in the first month of employment, at the rate of 1/12 of the employee's annual entitlement. Vacation leave may not be taken until it is earned. Vacation entitlement for the first and last months of an individual's employment shall be pro-rated on a calendar day basis to the date of hire or termination, as appropriate. For vacation increment purposes, the anniversary date shall be considered the first day of the month of date of hire, for those employees hired between the first and the fifteenth day of the month. Those employees hired after the fifteenth day of the month shall have an anniversary date of the first day of the following month, for vacation increment purposes.

Part time employees working an average of at least 20 hours per week are entitled to vacation according to the above schedule, with their vacation pay pro-rated to their weekly schedule.

Temporary employees or employees working fewer than 20 hours per week are not entitled to vacation pay.

Employees are required to take vacation on a regular basis to allow for the proper rest from the rigors of work. In unusual circumstances and with prior approval of the department head and Personnel Committee, no more than (5) accrued vacation days may be carried into, and must be taken, during the next calendar year.

b) Sick Leave

Each full time employee shall accumulate sick leave at the rate of one and one quarter day for each month of employment (15 days / year). Unused sick leave may be accumulated up to a maximum of 120 working days. Sick leave is intended for use in times of illness only and as such carries no "buy-back" or "cash in" valuation.

New employees are entitled to sick leave after completing at least one month of service.

Part time employees who work a minimum of 20 hours per week are eligible to accumulate sick leave on a pro-rated basis.

Sick leave is generally for protection of employees against loss of pay due to personal illness. However, sick leave may be used by an employee for illness of a dependent child, spouse, or other immediate relative. Medical certification may be required for any illness after five (5) consecutive days.

c) Personal Leave

Each full time employee with at least one year of service is allowed two days each fiscal year for personal reasons. Personal leave is not to be used as vacation, and may not be combined with vacation leave. Except in an emergency, employees should obtain approval from their supervisors at least 48 hours in advance of taking the personal day. Personal leave may not be carried over from one fiscal year to the next.

Part time employees who work a minimum of 20 hours per week are eligible for personal leave pro-rated basis to their weekly schedule.

d) Bereavement Leave

An employee may be granted up to three days of bereavement leave for the purpose of arranging for and attending the funeral of a member of the employee's immediate family. "Immediate family" shall include spouse, child, parent, brother, sister, parent-in-law, children-in-law, or other

relative residing in the employee's household. An employee may be granted up to one day of bereavement leave for the purpose of attending the funeral of a grandparent, aunt, uncle, or other close relative.

e) Holidays

Floating one-half day	
New Year's Day	January 1
Martin Luther King Day	3rd Monday in January
Washington's Birthday	3rd Monday in February
Patriots' Day	3rd Monday in April
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Columbus Day	2nd Monday in October
Veterans' Day	November 11
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	4th Friday in November
Christmas	December 25

Full time employees and part time employees who work at least 20 hours per week will receive compensation on a pro-rated basis for the above listed holidays. Employees working on a holiday will be paid double time, with the exception of the December 25th holiday when all working employees will be paid at a rate of double time plus one half time therefore equal to two and one half times their regular pay.

f) Jury Duty

Employees required to serve on a jury shall be paid the difference between the compensation received from jury duty (excluding travel allowance) and their regular compensation from the Town. In most cases, this will be full pay for the first three days of jury duty, and full pay less the daily jury compensation paid by the court system for the balance of the time served on the jury. Proper evidence of jury pay received must be submitted to the department head.

g) Military Leave

If a regular employee who is a member of an organized unit of the ready reserve of the armed forces gives written notice to the Department Head of the date that the employee wishes to depart for the purpose of military training or call to active duty, the employee shall be entitled to the benefits provided by MGL Chapter 149, Section 52A. Such employee shall be paid the compensation that would otherwise have been received during the leave, less all monies that the employee receives from the military (excluding reimbursement for out-of-pocket expenses).

h) Deleted December 13, 1999, Article 3

i) Leaves of Absence

The Town of Bolton abides by all federal and state law regarding family and medical leave, to include, but not limited to Family and Medical Leave Action (FMLA), Massachusetts Maternity Leave Act (MMLA), and

Small Necessities Leave Act (SNLA), and other applicable federal and state laws regarding leaves of absence.

If you are in need of a leave of absence consult with the Personnel Committee to review your options.

j) Insurance Benefits

The Town and employee shall share equally in the cost of health and life insurance benefits. The employee's share of the premium payment is deducted from his/her pay check. Employees working a minimum of 20 hours per week on a year-round basis are entitled to join the Town's group insurance program. The Town currently offers health insurance programs through a commercial carrier and Health Maintenance Organizations. The Town also offers a \$5,000 Savings Bank Life Insurance Policy.

Employees who are members of Bolton health insurance group and terminate employment (for reasons other than gross misconduct) may continue coverage in the group for up to 18 months, at their own expense. Such continued coverage will be identical to the coverage provided under the plan for active employees and their covered families, but will cease if the premium is not paid on a timely basis or if they become covered under another group health plan.

Health insurance coverage may be continued, at their own expense, for up to 36 months for a spouse or dependent child of an employee who dies while employed by the Town. In the case of a divorce or legal separation, health insurance may be continued for dependents, at their own expense or at the expense of the employee, in accordance with the divorce/separation agreement. Continuation of this coverage also ceases if the premium is not paid on a timely basis or if coverage is obtained through another group. In addition, dependent children have the right to continue coverage with their own membership, at their own expense, if coverage through the Town's group is lost when they cease to have "dependent child" status under the terms of the health insurance policy.

k) Workers' Compensation/Injury Leave

Police and Fire uniformed employees are covered under the provisions of M.G.L. Chapter 4I Section 100 and 111F, and are entitled to the rights and benefits of these laws. All other employees are covered under the Massachusetts Worker's Compensation Law and are entitled to the benefits and provisions of this law.

l) Pension

Regular employees working a minimum of 20 hours per week (1000 hours per year) are required to join the Worcester County Retirement Association, with payroll deductions made in accordance with State Law and date of hire.

m) Educational Assistance

Full time employees and part time employees working at least 20 hours per week, who have worked for the Town for at least one year are eligible for reimbursement for tuition, registration fees, and books for work-related courses which serve to improve their knowledge and skills and increase their performance with the Town.

Approval for the particular course must be requested prior to enrollment in order to be eligible for the reimbursement, and in order to qualify must have the recommendation of the department head and approval of the Personnel Committee. Approval is subject to sufficient municipal funds. Reimbursement shall be made upon successful completion of the course or program. The Town may require the employee to sign an agreement to remain with the Town for a period of up to two years after completion of the course, or else be willing to reimburse the Town for the funds.

"Successful completion" of a course shall mean a minimum grade of B or equivalent.

1.14.10 Compensation

a) Compensation Review

Whenever the Personnel Committee reviews the wage and salary provisions of this Bylaw, it shall take into account and give such weight as it may deem desirable to the following:

- Rates of pay for like positions in other Massachusetts towns considered by the Personnel Committee to be comparable to Bolton;
- Rates of pay for like jobs (if any) in commercial and business establishments in the area of Bolton and vicinity;
- Other benefits received by Town employees;
- The current level of the Consumer Price Index for the Boston area; and
- The financial policy and economic considerations of the Town.

b) Overtime/Compensatory Time

Payment for overtime shall be in accordance with the terms of the Fair Labor Standards Act of 1938, as amended. If an assignment requires work in excess of 40 hours per week, such overtime work must be authorized in advance by the department head. Non-exempt employees shall be paid one and one-half times their regular hourly rate for hours worked beyond 40 in the work week. Compensatory time may be taken in lieu of overtime pay, at the rate of time and one-half, only by mutual agreement of both employee and supervisor prior to overtime hours being worked. If such agreement is made, then compensatory time should be taken within a reasonable time of being earned. An employee is eligible to be paid for any unused compensatory time upon termination or retirement. Supervisory, professional, and managerial employees are exempt employees and are not eligible for overtime pay.

- c) Payroll Period  
Employees are paid on a bi-weekly basis for a period beginning on a Sunday and ending on a Saturday. Payday is generally Wednesday for the two-week period ending the previous Saturday.
- d) Call-Back Pay  
If full time non-exempt employees are recalled to work from off-duty hours, the Highway Department will receive a minimum of three hours pay, and the Police Department will receive a minimum of three hours pay.
- e) Longevity Pay  
All full time employees shall receive longevity payments according to the following schedule:

Length of Service	Annual Amount
10 years	\$200
15 years	\$300
20 years	\$400

On an annual basis the Selectmen should review any full-time employee who has accumulated over 20 years of service to the Town and may award a meritorious award up to \$100 for this service.

This amount shall be paid in one lump sum in the first pay period following the anniversary of the employee's date of hire. The date of hire shall be considered the date when the employee began working for the Town at least 20 hours per week on a continuous basis. The years of service shall be calculated from this date of hire.

All part time employees working at least 20 hours per week are entitled to longevity pay according to the above schedule, with the amount of payment pro-rated to their weekly schedule.

Temporary employees, or employees working fewer than 20 hours per week are not entitled to longevity pay.

1.14.11 Amendments to the Bylaw

This Bylaw may be amended by vote of the Town at a Town Meeting. However, no amendment shall be considered or voted on by Town Meeting unless the proposed amendment has first been considered by the Personnel Committee and Board of Selectmen.

1.14.12 Collective Bargaining Agreements

The provisions of any collective bargaining agreement negotiated, as provided by the Mass. General Laws, between the Town and an employee, group or union shall prevail over the provisions of this Bylaw.

#### 1.14.13 Severability Clauses

Each provision of this Bylaw shall be construed as separate, to the end that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

#### 1.14.14 Implementation

Implementation date of Sections 1.14.9 and 1.14.10 of this bylaw and all their respective subsections shall be implemented and become effective commencing July 1, 1988.

#### 1.14.15 Reimbursement for Town Business Expenses

##### (a) Mileage Reimbursement

When employees have prior approval from their supervisor to use their personal vehicle for Town business, they are reimbursed for business travel at the approved per mile rate, set by the Personnel Committee and the Town Treasurer concurrently. Local travel expenses between the employee's home and assigned work location are not reimbursable. However, if employees are required by business necessity to travel from home directly to a site other than their assigned work location, the Town will reimburse them for the difference between the mileage in their normal commute to their assigned work location and the total miles driven on business.

When using a private vehicle for Town business purposes, the employee assumes liability for the vehicle. All employees who use their personal vehicles for Town business must have a current driver's license and vehicle liability insurance in the minimum amounts required by state law. Otherwise, the vehicle is not authorized for Town business use.

#### 1.14.16 Disciplinary Policy

All employees are responsible for observing regulations necessary for proper operation of town departments. Disciplinary actions shall be the responsibility of supervisors, department heads and appointing authorities, who shall exercise their responsibility with discretion and with concern for the employee.

##### a) Reasons for Disciplinary Action

Disciplinary action may be initiated for failure of an employee to fulfill responsibilities as an employee. Sufficient cause for disciplinary action shall include, but is not intended to be limited to the following:

- Incompetence or inefficiency in performing assigned duties
- Failure to perform a reasonable amount of work, violation of any reasonable official order or failure to carry out any lawful and reasonable directions made by a proper supervisor
- Habitual tardiness or absence from duty.

- Falsification of time sheets or other official documents
- Illegal use or possession of narcotics or alcohol while on duty
- Misuse or unauthorized use of town property
- Fraud in securing appointment
- Disclosure of confidential information
- Abuse of sick leave or absence without leave
- Conviction of a felony
- Violation of safety rules, practices and policies.
- Engaging in sexual harassment
- Any situation or instance of such seriousness that disciplinary action is warranted

b) **Disciplinary Procedures**

Department heads and supervisors shall be responsible for enforcing rules and regulations. The type of disciplinary action imposed is at the discretion of appointing authorities and department heads and is dependent upon the nature of the disciplinary violation. Disciplinary action shall include only the following: oral reprimand, written reprimand, suspensions, and discharge.

- c) **Oral Reprimand** – A department head observing action of an employee warranting disciplinary action may issue an oral warning to the employee. The oral warning shall be presented with maximum regard for minimizing embarrassment to the employee and may include a statement concerning the purpose of the warning. An oral reprimand shall be noted in the employee's personnel file.
- d) **Written Reprimand** – The department head may issue a written warning including reasons for the warning and an offer of assistance on the part of the department head in correcting the unsatisfactory situation. A copy of the written warning shall be placed in the employee's personnel file and carry a specified period in which the behavior shall be improved.
- e) **Suspension** – At the discretion of a department head and with sufficient cause a department head may suspend an employee without pay for a period or periods not to exceed twenty (20) working days in any twelve (12) month period. Suspension may be in lieu of oral reprimand, written reprimand, and disciplinary probation and may be effective immediately. Within forty-eight (48) hours of the effective date of the suspension the employee shall be provided with a written notice stating the reasons for the length of the suspension.
- f) **Discharge** – An employee may be discharged for unsatisfactory job performance, violation of the town regulations or after the exhausting of other disciplinary procedures. The department head shall provide the employee with a written notice stating the reason or reasons for the discharge and the effective date of the discharge.

- g) Neither the existence of, nor anything contained within, this policy shall alter in any way the AT-WILL employee status of any employee.

1.15 HOUSING AUTHORITY

1.15.1 Purpose

For the creation, development and management of housing and housing programs in the Town of Bolton.

1.15.2 Membership

There will be 5 members, 4 of whom are elected by the town. The fifth is appointed by the Executive Office of Communities and Development (EOCD). At creation of authority, members will be appointed by the Board of Selectmen, these individuals will serve until members are elected at the next town election. Terms are as follows:

Individual receiving highest # of votes:	5 year term
Individual receiving 2nd highest # of votes:	4 year term
Individual receiving 3rd highest # of votes:	2 year term
Individual receiving 4th highest # of votes:	1 year term

The individual appointed by EOCD will serve an initial term of 3 years.

As terms expire, successor will be appointed or elected in same way, but for a term of five years. Membership is restricted to residents of the town. Vacancies, aside from the expiration of terms will be filled/appointed by the Board of Selectmen until new members can be elected at the next town election.

1.16 LICENSES AND PERMITS OF DELINQUENT TAXPAYERS

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

1.16.2 The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector, provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie

evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

- 1.16.3 Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.
- 1.16.4 The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty eight in the business or activity conducted in or on said property.
- 1.16.5 This section shall not apply to the following licenses and permits: open burning, S 13 of C 48; bicycle permits, S 11A of C 85; sales of articles for charitable purposes, S 33 of C 101; children work permits, S 69 of C 149; clubs, associations dispensing food or beverage licenses, S 21E of C 140; dog licenses, S 137 C 140; fishing hunting, trapping licenses, S 12 of Ch 131; marriage licenses, S 28 of C 207; theatrical events, public exhibition permits S 181 C 140.

## 1.17 DEMOLITION DELAY BYLAW

### 1.17.1 Intent and Purposes

The purpose of this bylaw is to establish a procedure for reviewing requests to demolish significant buildings in order to preserve, when possible, the historical, cultural and architectural heritage of Bolton.

### 1.17.2 Definitions

1.17.2.1 Building- a structure capable of being used to shelter persons, animals, materials or equipment.

1.17.2.2 Commission- the Bolton Historical Commission

- 1.17.2.3 Demolition- any voluntary act of pulling down, destroying, burning, removing, or razing of a building in whole or in part; commencing the work of destruction; or allowing the same to be done by others.
- 1.17.2.4 Applicant- person or persons filing an application for review under this bylaw. If the person submitting the application is not the owner, the owner will be required to indicate his/her assent to the filing of the notice or application.
- 1.17.2.5 Significant building- any building which is historical by reason of its age (in whole or in part seventy-five (75) or more years) *and* is determined by the Commission to be either (1) associated with a person or event contributing to the cultural, political, economic, social or architectural history of the town, commonwealth or the United States of America; or (2) historically or architecturally important (in terms of period, style, construction, or association with an architect or builder), either by itself or in the context of a group of buildings.
- 1.17.2.6 Preferably preserved significant building- any significant building for which it is determined after hearing to be in the public's interest to preserve or rehabilitate rather than demolish under this bylaw.
- 1.17.2.7 Demolition permit- any permit (demolition, alteration, building) issued by the Building Inspector, as required by the State Building Code, which authorizes the demolition of a building (excluding interior demolition).
- 1.17.2.8 Building Inspector- Bolton Inspector of Buildings or person(s) otherwise authorized to issue demolition permits.
- 1.17.2.9 Day- any calendar day, including Saturdays, Sundays and holidays.
- 1.17.3 Procedure
  - 1.17.3.1 No demolition permit shall be issued for a significant building without first fully complying with the provisions of this bylaw.
  - 1.17.3.2 A written demolition permit application shall be filed with the Building Inspector.
  - 1.17.3.3 If the demolition permit application is for a building which is seventy-five (75) or more years old, the building's historical significance will be determined by the Commission within fourteen (14) days of the Commission's receipt of the application. The Commission will notify the Building Inspector and applicant in writing of this initial determination. If the building is not determined to be significant, the Building Inspector may issue a permit to demolish in accordance with all applicable procedures.

- 1.17.3.4 If the building is determined to be significant, the Commission shall hold a public hearing within thirty (30) days of this initial determination to further determine whether the demolition of the building will be detrimental to the historical, cultural or architectural heritage of the town. Notice of the time, place and purpose of the hearing shall be given twice in a local newspaper, the first notice at least fourteen (14) days before and the second notice at least seven (7) days before such hearing and by posting a notice in the Town Hall for a period of at least fourteen (14) days before such hearing and by mailing a notice of hearing to the applicant.
- 1.17.3.5 A determination shall be made by the Commission within seven (7) days of the close of the public hearing. The applicant, Building Inspector and the Town Clerk shall be provided with a copy of the determination.
- 1.17.3.6 If the Commission determines the demolition of the building in question is not detrimental to the historical, cultural or architectural heritage of the town, the applicant may apply for the necessary permits to begin work.
- 1.17.3.7 If the Commission determines the demolition of the building in question is detrimental to the historical, cultural or architectural heritage of the town, the building shall be deemed a preferably preserved significant building and no further demolition permits may be applied for or issued for a period of six (6) months from the date of such determination.
- 1.17.3.8 During the six (6) month period, the Commission will invite the applicant (and owner of record, if different from applicant) to participate in an investigation of alternatives to demolition. If acceptable alternatives are agreed upon by the Commission and the applicant, the Commission will file a copy of said agreement with the Building Inspector and Town Clerk and the applicant may apply for necessary permits to begin work. Work shall only be done in accordance with the terms of the agreement unless and until new permit applications are filed and processed hereunder.
- 1.17.3.9. If the Commission is satisfied that there is no feasible alternative to demolition, the Commission may so advise the applicant, Building Inspector and Town Clerk in writing, at any time during this six (6) month period, and the Building Inspector may issue a permit to demolish in accordance with all applicable procedures.

#### 1.17.4 Emergency Demolitions

- 1.17.4.1 Nothing in this bylaw restricts the demolition of a significant building determined by the Building Inspector to present a danger to public safety which only demolition can prevent. Such a determination shall be made in accordance with the applicable provisions of the State Building Code and after consultation with the Commission Chairperson or designee. Whenever an emergency demolition permit is issued under the provisions of this section, a

written report must be filed with the Commission describing the condition of the building and the basis for the determination.

#### 1.17.5 Enforcement and Remedies

1.17.5.1 The Commission and the Building Inspector are each authorized to enforce the provisions of this bylaw.

1.17.5.2 The Building Inspector shall not issue a permit pertaining to any property on which a significant building has been demolished voluntarily in whole or in part without first fully complying with the provisions of this bylaw for a period of two (2) years from the date of demolition.

1.17.5.3 The provisions of this bylaw may be enforced by a non-criminal disposition pursuant to Section 1.1.5 of the Administrative Bylaws of the Town of Bolton.

#### 1.17.6 Administration

1.17.6.1 The Commission may adopt such rules and regulations as are necessary to administer the terms of this bylaw.

1.17.6.2 The Commission is authorized to adopt a schedule of fees to cover the costs associated with the administration and review of any application which is filed under this bylaw.

#### 1.17.7 Severability

1.17.7.1 If any provision of this bylaw is determined to be invalid or unconstitutional by any court, every other section shall continue in full force and effect.”

### 1.18 WETLANDS BYLAW

#### 1.18.1 Purpose

The purpose of this Bylaw is to conserve and protect the wetlands, water resources, and natural resource services (collectively, known as “resource interests”), in the Town of Bolton and to prevent floods, erosion and sedimentation, storm damage, water pollution and net loss of resource area by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative adverse effect upon resource interests. Protected resource interests include, but are not limited to: public and private water supplies, ground water, water quality, fisheries, wildlife habitat, rare species habitat including rare plant species, agriculture, aquaculture, adjoining land areas and recreation deemed important to the community. Natural resource services may be classified as either ecological service --the physical, chemical, or biological functions that one resource provides for another; or public service --the public uses of natural resources or functions of natural resources that benefit the public. This Bylaw is intended to utilize the Home Rule authority of the Town of Bolton to conserve and protect additional resource areas, with

additional standards and procedures stricter than those of the Wetlands Protection Act, (M.G.L. Ch. 131, Section 40) and Regulations thereunder, (310 CMR 10.00).

### 1.18.2 Jurisdiction

Unless excepted in Section 1.18.3 herein or pursuant to a wetland crossing permit, no person shall commence to remove, fill, dredge, build upon, degrade, pollute, discharge into, or otherwise alter the following resource areas or land within 25 feet of the following: any freshwater wetlands; marshes; wet meadows; bogs; swamps; vernal pool habitat, including but not limited to state certified vernal pools; banks; fresh water seeps; reservoirs; lakes; rivers; streams; creeks; beaches; lands under water bodies; lands subject to flooding or inundation by ground water or surface water (collectively the “resource areas”). This 25-foot prohibition, however, shall not apply to crossings essential to access upland areas. Said resource areas shall be protected whether or not they border surface waters.

Except as expressly permitted by the Conservation Commission or as provided in this Bylaw no person shall commence to remove, fill, dredge, build upon, degrade, pollute, discharge into, or otherwise alter either a resource area, as described above, or land within 100 feet of the aforesaid resource areas.

Where a proposed activity involves work within the resource area or within 100 feet of a resource area, the Conservation Commission shall presume that the area is significant to protect the resource interest, as well as to protect the private and/or public water supplies, to protect groundwater, to protect fisheries, to protect wildlife habitat, to provide flood control, to prevent storm damage, and to prevent pollution.

The presumption is rebuttable and may be overcome by a clear showing that the resource area or land within 100 feet does not play a role in the protection of one or more of these interests. In the event that the presumption is deemed to have been overcome as to the protection of all the interests, the Conservation Commission shall make a written determination to this effect, setting forth its grounds.

Where the applicant provides information that the resource area at the site of activity does not play a role in the protection of an interest, the Conservation Commission may determine that the presumption for that interest has been rebutted. Where the applicant provides information that site of the activity plays a partial role in the protection of an interest, the Conservation Commission may determine that the presumption for that interest has been partially rebutted and the presumption of significance is partially overcome.

### 1.18.3 Applicability, Limitations, and Exceptions

Where the presumption set forth in Section 1.18.2 is not overcome, the applicant shall prove by a preponderance of the evidence that there are no practicable and substantially equivalent economic alternatives to the proposed project with less adverse effects on the interests identified in Section 1.18.2. Further, the applicant shall prove that the work including proposed mitigation will have no significant adverse impact on the resource area. In the event that the Conservation Commission finds that the applicant has failed to make either

of said proofs, it shall make a written determination setting forth its grounds in an Order of Conditions that shall impose conditions that will protect the interests which make the resource area significant.

To prevent wetland loss, applicants shall be required to avoid, where feasible, altering a resource area or within 100 feet of a resource area; minimize alteration of a resource area or within 100 feet of a resource area; and, where alteration is unavoidable, complete full mitigation. Replication of resource areas or within 100 feet of a resource area may be required as a form of mitigation.

Unless stated herein, the exceptions provided in the Wetlands Protection Act and the Wetlands Regulations, as amended, shall not apply to this Bylaw, and a permit shall be required as set forth in this Bylaw whether or not an order of conditions is also required under the Wetlands Protection Act.

Exceptions to the Bylaw shall be limited to: maintaining, repairing or replacing, adding to, but not substantially changing or enlarging, an existing single-family residential structure, septic system or appurtenance; maintaining landscaping and gardens accessory to an existing single-family residential structure; lands lawfully in agriculture (commercial and non-commercial) at the time the work takes place; maintaining or repairing, but not substantially changing or enlarging, an existing structure in the wetland resource or within the first 25 feet of a wetland resource, such as drainage structures, culverts, bridges, driveways or roadways; existing orders and filings before the Commission prior to the effective date of this Bylaw; public utilities (as defined in 310 CMR part 10.53 section (3)(d)); and emergency projects necessary for the protection of the health and safety of the public and subject to the provisions and conditions of 310 CMR part 10.06. Within 21 days of commencement of an emergency project, a permit application shall be filed with the Commission for review as provided by this Bylaw.

No activities other than the excepted activities, shall commence without receiving and complying with a permit issued pursuant to this Bylaw. No work proposed in any permit application shall be undertaken until the permit issued has been recorded in the registry of deeds, or if the land is registered land, filed in the appropriate land court, and until the holder of the permit certifies in writing that the permit has been recorded. Such certification shall include the book and page or instrument number and date.

#### 1.18.4 Applications for Permits and Requests for Determination

Any person desiring to know whether a proposed activity is excepted or an area is subject to this Bylaw may request a determination from the Commission by filing a Request for Determination of Applicability (RFD). Such a Request for Determination of Applicability shall include information and plans as required by the Commission.

Written application shall be filed with the Commission to perform activities within the resource areas protected by this Bylaw. The permit application shall include such information and plans as deemed necessary by the Commission to describe proposed activities and their effects on the resources areas. Where appropriate, the Commission may accept the Notice of Intent and plans filed under the Wetlands Protection Act and the Regulations as the permit application and plans under this Bylaw.

At the time of a request for determination or a permit application, the applicant shall pay a filing fee specified in the Regulations of the Commission. The fee is in addition to that required by the Wetlands Protection Act (G.L. Ch 131 Section 40) and Regulations (310 CMR 10.00). The fee shall be deposited in a dedicated account, for use only for wetland protection activities. Town, county, state and federal projects are exempt from the filing fee.

The Commission is authorized to require the applicant to pay for the reasonable costs and expenses borne by the Commission for specific expert engineering or for other outside consultant services in order to reach a final decision on the application.

The Commission may require that the applicant's performance and observance of the Order of Conditions, including mitigation, be secured wholly or in part by one or more of the methods set forth in the regulations. This security shall be in addition to any security required by any other town or state board, agency or official.

#### 1.18.5 Notice and Hearings

Permit applications shall be filed with the Commission subject to the provisions and conditions of 310 CMR part 10.00 and the Commission may, in an appropriate case continue a public hearing for good cause and may combine its hearing under this Bylaw with the hearing conducted pursuant to the Wetlands Protection Act, M.G.L. Ch 131, Section 40 and Regulations, 310 CMR 10.00.

#### 1.18.6 Permits, Orders of Conditions and Certificates of Compliance

Within 21 days of the close of the hearing the Commission shall issue or deny a permit for the activities requested. If a permit is issued, the Commission shall impose conditions, which the Commission deems necessary or desirable to protect resource area, and all activities shall be done in accordance with those conditions.

Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

Permits issued hereunder shall expire three years from the date of issuance and may be renewed by the applicant for additional one year periods only where a written request for renewal is received by the Commission not less than 30 days prior to the expiration of the permit and that good cause has been shown for

said extension and that there is no likely significant or cumulative adverse effect upon any of the resource area or resource interest.

Notwithstanding the above, a permit may contain requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all owners of the land.

If the activity has been completed in accordance with said permit, the Commission shall, within 21 days after a request, issue a Certificate of Compliance evidencing such determination, which may be combined with the Certificate of Compliance under the Wetlands Protection Act. A Certificate of Compliance may specify conditions, which will continue to apply for a fixed number of years or permanently and shall apply to all owners of the land. The Certificate of Compliance shall be recorded in the Registry of Deeds, or if the land is registered land, in the appropriate land court, and the Commission notified in writing by the holder of the permit that the Certificate of Compliance has been recorded. Such notification shall include the book and page or instrument number and date.

Violations of this Bylaw, submission of false information or new information that substantially alters the likely impact of the project on the resource areas may cause the Commission to revoke or modify a permit or determination issued under this Bylaw after notice to the holder of the permit or determination, notice to the public, abutters and town boards, pursuant to Section 1.18.5 and a public hearing.

Appeal from this Bylaw shall be to the Superior Court within 45 days of the issuance of the Order of Conditions by the Conservation Commission.

#### 1.18.7 Regulations

After public notice and public hearing, the Commission may promulgate rules and regulations to effectuate the purpose of this Bylaw effective when voted and filed with the Town Clerk. Failure to promulgate such rules and regulations or a legal declaration of their invalidity by court of law shall not act to suspend or invalidate the effect of this Bylaw.

#### 1.18.8 Definitions

Except as otherwise provided in this Bylaw or in regulations of the Commission, the definitions of terms in this Bylaw shall be as set forth in the Wetlands Protection Act, M.G.L. Ch 131 Section 40, and Regulations 310 CMR 10.00.

#### 1.18.9 Enforcement

The Commission shall have the authority to enforce this Bylaw, its regulations, and permits issued thereunder by violation notices, administrative orders, and civil and criminal court actions. Any person who violates provisions of this Bylaw may be ordered to restore the property to its original condition, pay

damages and take other action deemed necessary to remedy such violations, or may be fined, or both.

Any person, who violates any provisions of this Bylaw or regulations, permits or administrative orders issued thereunder, shall be served with a Notice of Violation enumerating the alleged violations. As an alternative to criminal prosecution, the Commission may elect to utilize the non-criminal disposition procedure set forth in M.G.L. Ch 40, Section 21D.

The violator shall pay any and all costs including reasonable attorney fees incurred by the Town.

Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

1.18.10 Severability

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination, which previously has been issued.

1.19 DISCHARGE OF SNOW OR ICE ONTO PUBLIC WAYS

No person other than an employee in the service of the Town of Bolton, or an employee in the service of an independent contractor acting for the Town of Bolton, shall pile, push, or blow snow or ice onto a public way that is plowed and sanded by the Town.

Whoever violates this provision shall be punished by a fine of one hundred dollars (\$100). This provision is to be enforced by the Police Department.

1.20 TOWN ADMINISTRATOR

1.20.1 The Board of Selectmen may appoint a Town Administrator for a three-year term in accordance with Mass. Gen. Laws Chapter 41, Section 23A. The Town Administrator shall be appointed on the basis of executive and administrative qualifications and shall be especially fitted by education, training and previous experience in public administration to perform the duties of the office. The Town Administrator, under the direction and supervision of the Board of Selectmen, shall be responsible for handling the day-to-day administrative affairs of the Town and for implementing the policies set forth by the Board of Selectmen. The Town Administrator shall act for the Board of Selectmen in any matter that it may assign to the Town Administrator. With the approval of the Board of Selectmen, the Town Administrator may perform other duties as may be requested by any other Town Officer, Board, Committee or Commission. The administrator shall be responsible for coordinating and implementing general office operating policies that shall apply to all elected and non-elected employees as may be agreed upon by the Board of Selectmen

and other boards. The Town Administrator shall receive such compensation for all services performed as the Board of Selectmen shall determine; said compensation shall not exceed the amount appropriated therefore by the Town. The Board of Selectmen may remove the Town Administrator at its discretion.