

**DEDHAM
FINANCE AND WARRANT COMMITTEE**



**REPORT & RECOMMENDATIONS
FOR THE FALL ANNUAL TOWN MEETING**

MONDAY, NOVEMBER 16, 2015

TOWN MEETING – 7:00 PM

DEDHAM HIGH SCHOOL AUDITORIUM

FISCAL YEAR 2016 DEDHAM FINANCE AND WARRANT COMMITTEE

	PRECINCT	TERM ENDS
JOHN HEFFERNAN, CHAIR	6	2017
WILLIAM A. PODOLSKI, VICE CHAIR**	4	2016
STEPHEN BILAFER**	1	2015
SUSAN CARNEY	7	2015
MAUREEN HANLON*	4	2016
RUSSELL C. STAMM	2	2016
LIZ O'DONNELL*	5	2017
DAVID ROBERTS	3	2017
KEVIN HUGHES	5	2015
MARTY LINDEMANN	1	2018

* At Large

**Resigned

DANIEL J. DRISCOLL, MODERATOR (1993-PRESENT)
PAST MODERATOR, H. HOLTON WOOD (1964-1993)

PAST FINANCE COMMITTEE CHAIRS

2015-Present	JOHN HEFFERNAN
2012-2014	RUSSELL C. STAMM
2007-2012	DAVID N. MARTIN
2006-2007	MARK DRISCOLL
2002-2006	CHRISTOPHER E. MELLEN
2001-2002	WILLIAM A. PODOLSKI
2000-2001	VALERIE T. IRVING
1998-2000	CONSTANTINE P. CALLIONTZIS
1996-1998	PAUL G. JOYCE
1995-1996	FRANCIS T. KEALLY
1993-1995	RICHARD C. BREMER
1992-1993	DAVID E. KRUSZ
1991-1992	KEVIN E. YOUNG
1990-1991	JAMES A. MACDONALD
1989-1990	SANDRA A. LYNCH
1988-1989	JAMES V. HARRIGAN
1987-1988	STEPHEN P. RAHAVY
1986-1987	MARGOT C. PYLE
1985-1986	JAMES S. MCDONALD
1984-1985	FRANCIS J. SALLY
1983-1984	DAVID THIBODEAU
1981-1983	JOHN I. STANTON, JR.
1980-1981	ANTHONY THACHER
1979-1980	JOHN W. PUTNEY
1978-1979	GEORGE R. HOELL
1977-1978	ROBERT F. ASHMAN
1976-1977	JONATHAN A. NOONAN
1975-1976	FRANCIS E. MANNING
1974-1975	EDWARD J. HUGHES
1973-1974	HARRISON K. CANER
1972-1973	JOHN J. CARROLL

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Moderator's Letter to Town Meeting



Town Moderator
Town of Dedham

October 23, 2015

Dear Town Meeting Representatives:

This Fall Annual Town Meeting will deliberate a relatively short Warrant, but one that continues some on-going discussions and starts some new ones.

The on-going issues are important ones: the next step in developing an Early Childhood Education Center, the composition of the critical School Building Rehabilitation Committee and an amendment to the Town's plans for the revitalization of the East Dedham neighborhood. There is an article addressing the reporting responsibilities of Town committees, a subject much discussed at recent Town Meetings.

We will also be considering an approach to containing storm water runoff that attempts to balance the need to protect our water quality with the impact on homeowners. We will also be debating the merits of creating a renewable energy fund.

As you can see, the number of articles may not be high, but the subject matter touches many parts of our Town's quality of life, educational policies and, of course, our pocket books.

I hope to see you on November 16. Please feel free to call me at 781-326-9409 if I can be of any assistance in helping you to prepare for these issues.

Best wishes,

Dan Driscoll
Moderator

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Finance Committee Chair's Letter to Town Meeting



Finance Committee Town of Dedham

To the Town Meeting Representatives and the Citizens of Dedham

Presented herein for your consideration and vote is the Warrant recommendations of your Finance and Warrant Committee. After hearing from the various proponents, departments, committees and citizens we believe our recommendations represent the best interests of the Town of Dedham.

The Town continues to meet the financial goals of maximizing the highest bond rating, maintaining a balance within the General Stabilization Fund and fully funding the Town's pension, healthcare and other post-retirement benefits.

The Warrant for the 2015 November Fall Town Meeting consists of sixteen articles. There are a few articles worth noting. Article 3 proposes additional design cost funding for the Early Childhood Education Center at the site of the Dexter Elementary School. Articles 7 and 8 are zoning changes for the purpose of revitalization in East Dedham. There are six By-Law articles. One of the six is Article 12, which changes the structure and defines term limits for the School Building Rehabilitation Committee.

Usually line item transfers in Article 1 do not draw much attention. However this fall, there is a line item transfer from tax overlay surplus to reduce the tax levy and reduce the tax rate.

I would like to welcome Marty Lindemann to the Finance and Warrant Committee representing Precinct 1. Marty is replacing Steve Bilafer who now serves on the School Committee. I would like to thank Steve for his work on the committee. Steve is very knowledgeable in Town government and I learned quite a bit from him. Steve will be a great asset to the Schools.

It is with regret I announce that Bill Podolski has resigned from the Finance and Warrant Committee. I have worked with Bill for seven years and have a true appreciation for his knowledge, dedication and humor. Many long meetings were easier to manage with him present. I will miss working with Bill and I wish him well.

John Heffernan, Chairman, Finance and Warrant Committee

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Board of Selectmen's Letter to Town Meeting



Board of Selectmen
Town of Dedham

October 23, 2015

A Letter to Town Meeting Representatives & Residents from the Board of Selectmen & Town Manager Regarding Important Information about Town Finances

The Board of Selectmen would like to explain to residents and businesses some recent developments regarding the Town's finances.

These developments have put us in a very good financial position and provide an opportunity to mitigate tax increases in the next several years. In the months ahead there will be opportunities for the public to provide comments to the Board and we are hopeful to engage in a dialogue with residents about the Town's financial situation.

During the past several years the Town has taken a financially conservative approach to budgeting. As the economy recovered, revenues were higher and expenses were lower than budgeted from 2013 through 2015.

Dedham's surplus, referred to as "Free Cash", has historically been in the range of \$2,000,000 to \$4,000,000 per year. This money has been used for capital improvements (such as infrastructure) and building a rainy day fund, called the General Purpose Stabilization Fund, as approved by Town Meeting. Occasionally the money is spent on unusual one-time expenses such as last winter's snow removal.

We estimate the accumulated surplus to be about \$14,000,000. The exact amount will be certified by the state Department of Revenue by December. The Board feels strongly that a significant portion of the Free Cash should be used to reduce property taxes over the next few years, while continuing to be prudent about our capital needs. Recently, Selectmen voted to support the action taken by the Board of Assessors on October 19 that uses \$1.8 million to offset this year's tax rate. Town Meeting will be voting on this in Article 1.

We are evaluating some other ideas, for example: To use a sum of several million dollars to pay off long term debt to reduce debt payments; Explore a fund to put some of the free cash in for future years' tax relief; Pay for a one-time expense such as heavy equipment. The Finance Committee will also discuss

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options with the goal of presenting them to Town Meeting next May. The final authority for use of this money rests with Town Meeting.

If you have any comments or questions about this matter please contact the Board by phone at 781-751-9100 or e-mail at freshideas@dedham-ma.gov. We hope to hold a public meeting on this matter in the coming months.

BOARD OF SELECTMEN

Michael L. Butler, Chairman
Dennis J. Guilfoyle, Vice-Chairman
James A. MacDonald
Dr. Dennis J. Teehan, Jr.
Brendan G. Keogh

TOWN MANAGER

James A. Kern

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All recommendations of the Finance and Warrant Committee are by unanimous vote except where noted.

1. LINE ITEM TRANSFERS FOR CURRENT FISCAL YEAR

ARTICLE ONE: *By the Finance Committee:* To see what sum of money the Town will vote to raise and appropriate, or transfer from available funds to meet additional expenses of the current fiscal year not adequately funded under Article Three of the 2015 Spring Town Meeting (FY'16) or any other article thereof; or to take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: Voted 4-1-1 that the following sums of money, totaling \$1,993,441 be transferred from the current appropriations as scheduled on the following chart to meet additional expenses for the current fiscal year.

	From Department	Amount	To Department	Amount
1	Central Purchasing-POS	83,931	Central Purchasing-Postage	83,931
2	Veterans-Supplies	1,000	Veterans-Memorial Day	1,000
3	Veterans-Supplies	4,700	Veterans-Purchase of Service	4,700
4	School Facilities-Personnel	30,000	School Facilities-OT	9,500
				20,500
5	School-Personnel	18,003	School Facilities-Personnel	18,003
6	Veterans-Personnel	20,000	HR-Personnel	20,000
7	Police-Personnel	3,739	BOS-Bus Service	3,739
8	Police-Personnel	18,068	Police-POS-Training	1,180
			Police-POS-Vehicle Repairs	8,900
			Police-POS-Pre-Employment	1,650
			Police-Supplies-Publications	4,788
			Police-Supplies-Equipment	750
			Police-Other Charges-Travel	800
9	Town Facilities-POS-Bldg Maint	14,000	Town Facilities-OT	14,000
10	Overlay	1,800,000	To reduce Tax Levy for FY16	1,800,000
		<u>1,993,441</u>		<u>1,993,441</u>

Article 1 transfers money from one municipal account to another for the payment of additional expenses in the current fiscal year ending June 30, 2016.

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2. COLLECTIVE BARGAINING AGREEMENT

ARTICLE TWO: *By the Board of Selectmen:* To see if the Town will vote to adopt changes in Schedule A (Classification Schedule), or Schedule B (Compensation Schedule), or Schedule C (Fringe Benefits) of the Personnel Wage and Salary Administration Plan; to act upon the recommendations of the Town Administrator as to actions he deems advisable and necessary in order to maintain a fair and equitable pay level and compensation policy; to implement collective bargaining agreements for the following:

1. Dedham Police Patrolmen's Association, Massachusetts Coalition of Police, Local #448, AFL-CIO

and, in connection therewith, to transfer from available funds, including the collective bargaining reserve appropriated at the May 18, 2015 Annual Town Meeting to fund the cost items of the first fiscal year of such agreement, or take any other action relative thereto. *Referred to Finance & Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: Voted 7-0-1 that the Town approve the agreement for Fiscal Years 2016 and 2017 with the Dedham Police Patrolman's Association, and that \$51,097 necessary to fund such agreement for Fiscal Year 2016 be transferred from the Bargaining Reserve account appropriated at the May 18, 2015 Annual Town Meeting, and that the Director of Finance be authorized to apportion the same among the appropriate line items for such purposes.

Article 2 provides for a 2% (FY'16) and 2.5% (FY'17) Cost of Living Adjustment for the Dedham Police Patrolman's Association, the same as was approved for all Town employees in May of 2015.

3. SUPPLEMENTAL APPROPRIATION FOR SCHEMATIC DESIGN OF ECEC

ARTICLE THREE: *By the School Committee.* To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Building Rehabilitation Committee for the for the schematic design phase of relocating the Early Childhood Education Center (the "ECEC") from its current location at 322 Sprague Street, Dedham, MA,

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to the Dexter Elementary School site at 1100 High Street in Dedham, Massachusetts, which may be eligible for a grant from the Massachusetts School Building Authority. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the schematic design phase in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, or take any other action relative thereto. *Referred to Finance Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: Voted 5-2-1 that the town transfer the remaining balance of \$191,045 from Fund #621 (Middle School Construction) to be expended under the direction of the School Building Rehabilitation Committee for additional costs related to the schematic design phase of relocating the Early Childhood Education Center (the "ECEC") from its current location at 322 Sprague Street, Dedham, MA to the Dexter Elementary School site at 1100 High Street in Dedham, Massachusetts, which may be eligible for a grant from the Massachusetts School Building Authority (the "MSBA"). The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the schematic design phase in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town.

Article 3 would authorize additional expenditures necessary to complete the schematic design phase of the proposed Early Childhood Education Center at the current site of the Dexter School; said funds to be transferred from an existing balance of a prior authorization related to the Middle School construction project.

4. APPROPRIATION FOR PRIOR YEARS BILLS

ARTICLE FOUR: *By the Town Manager at the request of the Director of Finance:* To see what sum of money the Town will vote to raise, appropriate, or transfer from available funds for payment of outstanding bills of prior years, or take any other action relative thereto. *Referred to Finance & Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: Voted 7-0-1 that the following sums of money be transferred from the Worker's

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Compensation Insurance Account (001-120-5748) to meet expenses of a prior year: \$150.00 for Environmental Health Services, \$3,695.00 for Siemens, \$139.00 for Innovex, and that the sum of \$2,093.75 be transferred from School Department Legal Services (001-30-301-530-2-5296-714-1430) for Michael C. Ryan, Esquire/Arbitrator (total transfers \$6,077.75).

Article 4 appropriates funds for payment of bills the Town has received for goods or services from prior fiscal years.

5. APPROPRIATION FOR AERIAL LADDER TRUCK

ARTICLE FIVE: *By the Town Manager at the request of the Fire Chief.* To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money for the purposes of purchasing and equipping a new Aerial Ladder Truck, or take any other action relative thereto. *Referred to Finance & Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: 7-0-1 that the Town appropriate \$800,000.00 to pay costs of purchasing and equipping a new Aerial Ladder Truck, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(9) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor.

Article 5 authorizes the Town to borrow for or appropriate \$800,000 for the purchase of an Aerial Ladder Truck for the Fire Department.

6. CREATION OF TOWN COMMITTEE AND REQUEST FOR APPROPRIATION FOR MOTHER BROOK 375TH ANNIVERSARY COMMITTEE

ARTICLE SIX: *By Trust Fund Commissioner Brian M.B. Keaney, Board of Health Member Jason Brogan, Town Meeting Representatives Joe Heisler, Theresa Heisler, Charlie Krueger, Ann Geier, Rita Mae Cushman, and Jamie Brogan.* To see if the Town will vote to create a Town committee to be known as the Mother Brook 375th Anniversary Committee to be composed of two members of the Mother Brook Community Group, appointed by the board of the Community Group, the executive director of the Dedham Historical Society or her designee, the executive director of the Mother Brook Arts and Community Center, or her designee, and

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three at-large members appointed by the Selectmen; the committee shall be charged with planning appropriate events, markers, and memorials to commemorate the opening of Mother Brook on July 14, 1641, in consultation with the Board of Selectmen and Town Manager; and further, to see what sum of money the Town will vote to raise and appropriate, transfer from available funds, or borrow for the purposes set forth herein, or take any other action relative thereto. *Referred to Finance & Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: Voted 6-1-1 that the Town vote to create a Town committee to be known as the Mother Brook 375th Anniversary Committee, to be composed of two members of the Mother Brook Community Group, appointed by the Board of the Community Group, the executive director of the Mother Brook Arts and Community Center, or her designee, and three at-large members appointed by the Selectmen, and further to raise and appropriate, transfer or borrow the sum of \$0 for the purpose of planning appropriate events, markers and memorials to commemorate the opening of Mother Brook on July 14, 1641.

Article 6 was submitted on behalf of the Mother Brook Community Group, and seeks to create a committee and provide an appropriation to acknowledge and celebrate the 375th Anniversary of Mother Brook.

7. ZONING BY-LAW AMENDMENT

ARTICLE SEVEN: *By the Planning Board at the request of the East Dedham Revitalization Committee.* To see if the Town will vote to amend the zoning district designation of the below- listed parcels to Central Business, and amend the Zoning Map of the Town of Dedham accordingly, as follows:

- From: General Business - Map 96 - Parcels 5,6,7,8,9,10,11,12;
27,28,29,30,31,32,33;104,105;
- Map 112, Parcels 107,108,109,144, 146;
- Map 113, Parcels 70, 71; 73;
- From: General Residence - Map 96 - Parcels 38; 110; 114;

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Map 112 - Parcel 152;

Map 113 – Parcel 24A;

From Single Residence B - Map 96, Parcels 90, 91, 92; 109; 111;

From Limited Manufacturing A - Map 96, Parcels 99; 103; 108;

Map 113, Parcel 37;

From zoning district designation split between General Business/Limited Manufacturing A –

Map 96, Parcel 113; and

From zoning district designation split between General Residence/General Business -

Map 113, Parcels 66, 68.

The zoning map changes for said parcels are shown on a map prepared by the Town of Dedham Geographic Information (GIS) and available for review in the Office of the Town Clerk, or take any other action relative thereto. *Referred to Planning Board and Finance & Warrant Committee for study and report.*

RECOMMENDATION OF THE PLANNING BOARD: 4-0 that it be so voted.

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: 5-1-2 that it be so voted.

Article 7. One of the five goals of the 2013 East Dedham Village Charette/Planning Study was to re-zone East Dedham Square to a Central Business District. The proposed zoning change to Central Business would allow for more uniform redevelopment of East Dedham Square.

8. ZONING BY-LAW AMENDMENT

ARTICLE EIGHT: *By the Planning Board at the request of the East Dedham Revitalization Committee.* To see if the Town will vote to amend the zoning

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district designation of the below-listed parcels to Single Residence B, and amend the Zoning Map of the Town of Dedham accordingly, as follows:

From Limited Manufacturing A - Map 97, Parcel 3, 4; 97;

From zoning district designation split between General Residence/Limited Manufacturing A -

Map 114, Parcel 14A.

The zoning map changes for said parcels are shown on a map prepared by the Town of Dedham Geographic Information (GIS) and available for review in the Office of the Town Clerk, or take any other action relative thereto. *Referred to Planning Board and Finance & Warrant Committee for study and report.*

RECOMMENDATION OF THE PLANNING BOARD: 4-0 that it be so voted.

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: 6-0-2 that it be so voted.

Article 8. The proposed changes from Limited Manufacturing to Single Residence B would re-zone two residential properties and create a uniform zoning line from Central Business to Single Residence B.

9. BY-LAW: AMENDMENT TO SECTION 85-25

ARTICLE NINE: *By Trust Fund Commissioner Brian M.B. Keaney.* To see if the Town will vote to strike Section 85-25 of the By-Laws, or take any other action relative thereto. *Referred to By Law Review Committee and Finance & Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: 7-0-1 that it be indefinitely postponed.

Article 9 seeks to eliminate Section 85-25 of the Town By-Laws.

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10. BY-LAW: AMEND BY-LAWS TO ADD NEW SECTION REGARDING SHOPPING CARTS

ARTICLE TEN: *By Trust Fund Commissioner Brian M.B. Keaney, Board of Health Member Jason Brogan, Town Meeting Representatives Charlie Krueger, Ann Geier, Rita Mae Cushman, Jamie Brogan, Joe Heisler and Theresa Heisler.* To see if the Town will vote to amend the By-Laws by adding the following new chapter, and to further authorize the Town Clerk to identify and assign an appropriate number for said By-Law.

Section __--1

Unless specifically indicated otherwise, these definitions shall apply and control in these sections.

- a. Business establishment includes but is not limited to a grocery store, supermarket, drugstore, pharmacy, dry goods store, department store, discount store, variety store, or other retail establishment which supplies ten (10) or more Shopping Carts for the use of its customers.
- b. Owner means the owner of a business establishment if it is owner-operated or the manager of a business establishment if it is not owner-operated.
- c. Parking lot means any parcel of land owned, leased, or otherwise under the direction and control of the owner and used for parking motor vehicles related to the daily operations of the business establishment and shall include the areas of ingress and egress.
- d. Permanent identity tag means a tag, label, plate, or other form of identification that is affixed to a shopping cart and is designed to be removed/removable only by the business establishment. The permanent identity tag shall state the name of the business establishment, the address of the business establishment, and the telephone number of the business establishment. The name, address, and telephone number on the permanent identity tag shall be of the neighborhood business establishment rather than a state, regional, or national headquarters.
- e. Shopping cart or cart includes but is not limited to that type of mobile vehicle

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used for transportation and portage by human propulsion of goods or merchandise in and about markets, stores, shops, shopping centers, malls, and other business establishments.

Section __--2

a. Each and every shopping cart utilized by a business establishment shall have affixed thereto a permanent identity tag. A first violation of this section shall be subject to a warning, and each subsequent violation of this section shall be subject to a fine of twenty dollars and no cents (\$20.00). Each cart not in compliance with this subsection shall be considered a separate violation.

b. Each and every business establishments shall implement and maintain a system to retain all shopping carts within the property boundaries of the business establishment including its parking lot. The business establishment shall provide signage in a conspicuous location on the premises which clearly notifies shopping cart users of the specific retention system in place and how the retention system operates.

c. Each method included in this subsection shall be considered to be an example of an on-site retention method complying with these sections. If the business establishment has a method for retention that is not delineated as an example herein, then an owner may submit a plan to the Code Enforcement Officer that satisfies the intent of these sections to retain shopping carts on the premises of the business establishment and/or its parking lot or to ensure the immediate retrieval of shopping carts outside of the business establishment and/or its parking lot; no plan submitted by an owner to the Code Enforcement Officer shall be valid until approved in writing by the Code Enforcement Officer. Examples of methods and/or plans are as follows:

1. A physical barrier, such as bollards, restricting shopping carts to a portion of the exterior of the business establishment, but physical barriers shall not interfere with fire lanes, handicap access, or similar building features;

2. A protruding vertical arm, or other similar or similarly-functioning device, attached to the cart which prevents the cart from being removed from the interior

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of the business establishment;

3. A system, which may be mechanical in nature, requiring the cart user to remit collateral, including but not limited to a returnable monetary deposit to use a shopping cart; the collateral shall be reasonable in scope and shall not unreasonably deter the use of the cart but instead encourages the user's return of the cart; the collateral shall be returned to the user upon the user's return of the cart;

4. A wheel-locking mechanism installed on the cart that is commonly used in conjunction with an electronic barrier along the perimeter of a business establishment and which mechanism is activated upon the cart's approach or passing through the electronic barrier;

5. An attendant or attendants whose sole responsibility is to manage and/or return the business establishment's shopping carts from the exterior premises of the business establishment and areas immediately adjacent thereto to the interior premises of the business establishment or another exterior area of the business establishment dedicated to the containment of shopping carts.

6. Other similar methods or plans submitted by an owner for the approval of the Code Enforcement Officer which would satisfy the intent of these sections to retain shopping carts on the premises of the business establishment and/or its parking lot or to ensure the immediate retrieval of shopping carts outside of the business establishment and/or its parking lot.

d. No business establishment shall allow shopping carts to congregate or "stack up" in such a manner as to impede ingress to or egress from the business establishment or any public or private way adjacent to the business establishment.

e. Prior to the close of each business day, every business establishment shall collect and secure its shopping carts on its premises, including its parking lot. This action shall be commenced no sooner than fifteen (15) minutes prior to the close of each business day.

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Section __--3

- a. Any unattended shopping cart found outside the perimeter of a business establishment or its parking lot may be removed and impounded by the Department of Public Works, the Code Enforcement Officer, or an agent thereof. The enforcement personnel removing the cart shall make a written report that identifies himself/herself as well as the date, time, and location of the cart at the time of the removal; this report may take the form of a tag attached to the cart; a copy of the report shall be immediately forwarded to the Code Enforcement Officer.
- b. Within a reasonable time but not more than three (3) business days after removal, the Code Enforcement Officer shall notify the owner of the removed cart using the information provided on the permanent identity tag attached pursuant to Section __-1(a). If the cart does not have a permanent identity tag then the Code Enforcement Officer may attempt to notify the owner of the removed cart if the identity of the owner is known or reasonably discernible. Any notification of removed and impounded shopping carts shall be made in writing and shall include the date of removal, the location of removal, and the process for the owner's retrieval of the cart.
- c. Any cart that does not have the permanent identity tag attached pursuant to Section __-1(a) and which is removed pursuant to these sections is deemed to be abandoned property and the Code Enforcement Officer may sell any such cart at public auction and the proceeds shall inure to the Town of Dedham, or destroy or otherwise dispose of any such cart.
- d. No person shall remove a shopping cart from a business establishment without the express written authorization of the business establishment. Any person that removes a shopping cart from a business establishment without the express written authorization of the business establishment, although subject to the criminal penalties in M.G.L. c. 266, s. 30A, shall also be subject to a civil fine in the amount of fifty dollars and no cents (\$50.00). The Dedham Police Department shall have non-exclusive authority to enforce this subsection.

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Section __--4

a. An owner or an owner's agent may retrieve a shopping cart removed pursuant to Section __-3 by appearing during normal business hours at the location in the notice required under Section __-1 and by paying (i) a fee for the removal of the carts in the amount of twenty dollars and no cents (\$20.00) for each of the first three (3) carts and forty dollars and no cents (\$40.00) for each additional cart thereafter and (ii) a fee for the storage of the cart(s) in the amount of five dollars and no cents (\$5.00) per cart per day.

b. The obligation of the Code Enforcement Officer to release a shopping cart continues only as follows:

1. If no hearing in accordance with Section __--6 has been timely and properly requested and the cart has not been retrieved then the obligation of the Code Enforcement Officer extends only thirty (30) calendar days after notice of removal has been mailed;

2. If a hearing in accordance with Section __--6 has been timely and properly requested then the obligation of the Code Enforcement Officer extends only fifteen (15) calendar days after a notice of decision of the Code Enforcement Officer has been made in accordance with Section __--6.

c. Any shopping cart that has not been retrieved by an owner within the time periods contained in this section shall be deemed to be permanently abandoned, and the Code Enforcement Officer may, in said Officer's sole discretion, (i) continue to release such carts to the owner in accordance with Section __--4(a), (ii) sell such carts at public auction and the proceeds shall inure to the Town of Dedham, or (iii) destroy or otherwise dispose of such carts.

d. An owner that does not retrieve a cart and that has not petitioned for a hearing may be subject to additional fines and/or fees which may include a fee to dispose of the cart of forty dollars (\$40.00).

Section __--5

Unless otherwise specified in these sections, a violation of this chapter shall be

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subject to the issuance of a warning for a first offense, a fine of twenty-five dollars and no cents (\$25.00) for a second offense, and a fine of fifty dollars and no cents (\$50.00) for any third or subsequent offense. Any fines and/or fees that remain unpaid by an owner for more than twelve (12) months may become liens against the real estate of the business establishment. The provisions of M.G.L. c. 40, s. 21D may be used to enforce these sections.

Section __--6

a. An owner who has incurred a shopping cart-related warning and/or fee under this chapter may obtain a hearing regarding the propriety of the warning and/or fee by making a written petition to the Code Enforcement Officer for a hearing within fifteen (15) calendar days of receipt of the notice of removal pursuant to Section __--3(b). The Code Enforcement Officer shall provide written notice to the owner of the date, time, and location of the hearing, and the hearing shall be held within thirty (30) calendar days from the date of the hearing request.

b. The Code Enforcement Officer shall act as the Hearing Officer and the decision resulting therefrom shall be final and subject only to judicial review under M.G.L. c. 30A, s. 14.

c. The Code Enforcement Officer shall notify the owner of the decision in writing within thirty (30) calendar days of the hearing.

d. Proceedings for review of the decision of the Code Enforcement Officer may be instituted in any court of competent jurisdiction within the Commonwealth of Massachusetts within thirty (30) calendar days of the date of the notice of decision of said Officer. The commencement of an action shall not operate as a stay of enforcement of said Officer's decision, but the Code Enforcement Officer, at his/her discretion, may stay enforcement; the reviewing court may order a stay upon such terms as it considers proper as prescribed by M.G.L. c. 30A, s. 14.

Section __--7

The Code Enforcement Officer and the Director of Public Works may withhold

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the issuance of any permit if the applicant therefor is an owner, or is acting on behalf of an owner, of a business establishment that has an uncorrected violation and/or amounts due for an unpaid fine or an unpaid fee.

Section __--8

In their efforts to enforce the provisions of these sections, nothing in these sections shall be construed to prohibit, encumber, or impede the Department of Public Works or Code Enforcement Officer from reporting a discovery of stolen property to the Dedham Police Department.

Section __--9

The Code Enforcement Officer and/or the Director of Public Works shall have the authority to promulgate rules and regulations necessary to implement and enforce these sections.

or take any other action relative thereto. *Referred to By Law Review Committee and Finance & Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: Voted 7-0-1 that it be indefinitely postponed.

Article 10 was submitted on behalf of the Mother Brook Community Group and seeks to amend to the Town By-Laws by adding a new section regarding the regulation of shopping carts.

11. BY-LAW: AMENDMENT TO SECTION 106-3(B)

ARTICLE ELEVEN: *By Trust Fund Commissioner Brian M.B. Keaney.* To see if the Town will vote to strike the chart in section 106-3 (B) of the By-Laws and to replace it with the following:

Number of False Alarms	Fine
1-3	No penalty - Warning
4-6	\$50 per alarm

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7-10	\$100 per alarm
11 or more	\$300 per alarm

or take any other action relative thereto. *Referred to By Law Review Committee and Finance & Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: 7-0-1 that it be so voted.

Article 11 proposes to amend the fee structure in Section 106-3(B) of the By-Laws.

12. BY-LAW: AMEND BY-LAWS TO ADD NEW SECTION REGARDING COMPOSITION, DUTIES AND RESPONSIBILITIES OF SCHOOL BUILDING REHABILITATION COMMITTEE

ARTICLE TWELVE: *By the By Law Review Committee at the request of the Finance and Warrant Committee.* To see if the Town will vote to amend the By-Laws by adding the following new section:

ARTICLE IX School Building Rehabilitation Committee

12-33 – PURPOSE

The purpose of this by-law is to provide a permanent School Building and Rehabilitation Committee (“SBRC”) that shall have continuing responsibility to direct engineering and architectural studies to determine the current physical condition of the Town School Department buildings and to make recommendations to the Town relative to proposed rehabilitation, expansion and/or new construction projects.

12-34 – ESTABLISHMENT

There shall hereby be established a SBRC, which shall oversee and supervise the design, construction, reconstruction, major alteration, renovation, enlargement, major maintenance, demolition, and removal of Town School Department buildings as provided in this by-law.

12-35 – COMMITTEE MEMBERSHIP

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1. Voting Members. The SBRC shall be comprised of seven (7) members, or where specified, their designees, all of whom shall be registered voters of the Town of Dedham, and all serving on the SBRC without compensation, as follows:
 - a. Two (2) School Committee members, or designees
 - b. One (1) Board of Selectmen member, or designee
 - c. One (1) Finance and Warrant Committee member, or designee
 - d. Three (3) Members-at-Large appointed by Town Moderator, whose appointments shall be made consistent with the appointment goals identified in 963 CMR 2.10(3) (b) and (e) to provide a broad range of expertise and perspective, and which appointment(s) may, but need not, include a parent of a child enrolled in the Town's schools system at the time of such appointment(s).

2. Ex Officio Members. (A) Persons holding the following offices shall be considered ex officio members of the Committee, with a voice but no vote, and therefore shall not count towards the quorum required for the SBRC to take action under the Open Meeting Law:
 - a. Town Manager, or Town Manager's designee
 - b. Superintendent of Schools; and
 - c. Principal of the affected school for the duration of the project involving that school.

(B) Further, for each project, the SBRC may designate temporary ex officio members or staff, with the approval of the Town Manager, or other Town residents with particular expertise to advise the Committee, solely and exclusively in an advisory capacity, related to a particular project. The SBRC may also consult with, and seek participation from, other Town employees with applicable expertise, including but not limited to: (i) building maintenance and engineering staff; (ii) finance and procurement staff; (iii) school system administrators; (iv) school business management staff; (v) school system curriculum and programming staff; and (vi) direct student-

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support staff, such as teachers and counselors.

12-36 – TERM OF APPOINTMENT

Members of the SBRC serving on behalf of multiple-member bodies, or their designees, shall serve for such periods of time as may be authorized by each member's respective multiple-member body in its sole discretion.

The three (3) Members-at-Large shall be appointed for alternating three (3) year terms. Pursuant to Section 6-4 of the Town Charter, in making the original appointments under this By-Law, the appointing authority shall designate one (1) Member-at-Large to serve for three (3) years, one (1) Member-at-Large to serve for two (2) years, and one (1) Member-at-Large to serve for one (1) year. Thereafter, vacancies shall be filled for three (3) year terms, except as otherwise provided below. Upon expiration of a term, Members-at-Large shall continue to serve until a successor has been appointed and qualified.

Notwithstanding the foregoing, however, the appointing authority may authorize Members-at-Large to serve for such additional period or periods of less than three years as will allow a Member-at-Large to serve until the completion of a project on which they have participated. When filling any vacancies in the position of a Member-at-Large arising other than by expiration of the term, the appointing authority shall make such appointments for the remainder of the unexpired term or otherwise to continue to provide for alternating terms.

Ex officio members listed in Section 12-35(2)(A) shall serve for such period(s) as they hold their respective underlying positions and as specified therein. In the case of a Town Manager's designee, such designee shall serve for the period authorized by the Town Manager.

12-37 – OFFICERS

The SBRC shall annually elect among its members a chairperson, vice-chairperson, clerk and such other officers as the SBRC, in its discretion, shall deem necessary and proper.

12-38 – DUTIES

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The SBRC shall be responsible for monitoring the Massachusetts School Building Authority Grant Program application process and advise the Eligible Applicant (as defined under M.G.L. Chapter 70B, Section 2) during the selection and construction of the Approved Project, including but not limited to: initiation and direction of engineering/architectural studies, subject to an appropriation for such purposes, to determine the current physical condition of Town School Department Buildings. Recommendations of the SBRC shall be made to the Town in accordance with applicable law, and after consideration of factors likely to maximize state reimbursement available for school building construction and/or rehabilitation projects.

12-39 - EFFECTIVE DATE

This By-Law shall take effective on July 1, 2016, at which time the appointment of the four (4) Members-at-Large then in office shall be deemed to have expired, and the size of the SBRC shall be reduced from eleven (11) voting members to seven (7) voting members, and three (3) *ex officio* members as set forth herein.

or take any other action relative thereto. *Referred to By Law Review Committee and Finance & Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: 7-0-1 that it be so voted.

Article 12 proposes to amend the composition of the School Building Rehabilitation Committee (SBRC), and define the duties and responsibilities of said committee.
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13. BY-LAW: AMENDMENTS TO CHAPTER 271 "WETLANDS PROTECTION"

ARTICLE THIRTEEN: *By the Board of Selectmen at the request of Selectman Dennis J. Teehan, Jr.:* To see if the Town will vote to amend the General Bylaws, Chapter 271 "Wetlands Protection," , Section 271-4 "Exceptions," by renumbering the existing Section 271-4-C as Section 271-4-D, and by inserting a new Section 271-4-C, as follows:

"C: The permit and application required by this by-law shall not be

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required for normal maintenance, repair, replacement of or improvement or addition to, any existing betterment to private, owner-occupied residential property, including, but not limited to, fences, hedges, trees, shrubs, lawns, gardens, mailboxes, or lamp posts, as well as the normal maintenance and repair of existing retaining walls..”

or take any other action relative thereto. *Referred to By Law Review Committee and Finance & Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: 7-0-1 that it be so voted with the following language changes:

“C: The permit and application required by this by-law shall not be required for the following activities that are considered to be unlikely to have a significant or cumulative effect upon wetland values, when the activities are undertaken within 100 feet of resource areas protected by this by-law: normal maintenance, repair, replacement of or improvement or addition to, any existing betterment to private, owner-occupied residential property, including, but not limited to, fences, hedges, trees, shrubs, lawns, gardens, mailboxes, or lamp posts, as well as the normal maintenance and repair of existing retaining walls; provided, however, that such activities are not exempted from any applicable permitting requirements of the Wetlands Protection Act and the DEP wetlands regulations.”

Article 13 proposes an amendment to Chapter 271 Wetlands Protection of the Town By-Laws.
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14. BY-LAW: AMENDMENTS TO CHAPTER 246 “STORMWATER MANAGEMENT”

ARTICLE FOURTEEN: *By the Conservation Commission.* To see if the Town will vote to amend the General Bylaws, Chapter 246 “Stormwater Management,” as follows:

- (1) Delete Sections 246-1 through 246-6 (inclusive), 246-8, 246-10, 246-11, and 246-13, in their entirety;
- (2) Renumber the remaining Sections of Chapter 246 as follows:

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- (a) Section 246-7 “Burden of Proof,” to be renumbered as Section 246-9;
 - (b) Section 246-9 “Stormwater Management Compliance Certificate”, to be renumbered as Section 246-10;
 - (c) Section 246-12 “Fee Schedule”, to be renumbered as Section 246-11.
- (3) Insert new Sections 246-1 through 246-8 (inclusive) and 246-12 in Chapter 246, as follows:

Section 246-1 Purpose

- A.** The purpose of this bylaw is to protect, maintain and enhance the public health, safety, environment and general welfare of the Town by establishing minimum requirements and procedures to control the adverse effects of soil erosion and sedimentation, construction site runoff, increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. It has been determined that proper management of stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, protect water and aquatic resources, protect and enhance wildlife habitat, and promote groundwater recharge to protect surface and groundwater drinking supplies. This bylaw seeks to meet that purpose through the following objectives:
1. Establish a mechanism by which the Town can monitor and ensure compliance with requirements of its National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) and other applicable State and Federal mandates.
 2. Establish decision-making processes surrounding land development activities to reduce and eliminate impairments of the Charles and Neponset Rivers and to preserve the health of the Town’s groundwater resources.
 3. Establish minimum construction and post-construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality.
 4. Encourage the use of nonstructural stormwater management, better site

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design practices or “low-impact development practices”, such as reducing impervious cover, increasing site-wide infiltration, and preserving open space and other natural areas, to the maximum extent practicable.

5. Promote water conservation through the re-use of stormwater.
 6. Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety or the environment.
 7. Establish provisions to ensure there is an adequate funding mechanism, including surety, for the proper review, inspection and long-term maintenance of stormwater facilities implemented as part of this Bylaw.
 8. Establish the Town of Dedham’s legal authority and capacity to ensure compliance with the provisions of this Bylaw through funding, permitting, inspection, monitoring, and enforcement.
- B.** Nothing in this Bylaw is intended to replace the requirements of the Dedham Flood Plain Zoning Bylaw, the Dedham General Wetlands Protection Bylaw, or any other Bylaw that may be adopted by the Town of Dedham, or any Rules and Regulations adopted thereunder. Any activity subject to the provisions of the above-cited Bylaws or Rules and Regulations must comply with the specifications of each. In case of conflict, the more stringent provisions shall apply.

Section 246-2 Definitions

The following definitions shall apply in the interpretation and implementation of this Bylaw. Additional definitions may be adopted by separate regulation:

ALTER: Any activity that will measurably change the ability of a ground surface area to absorb water, will change existing surface drainage patterns, or will increase or decrease the rate or volume of flow from a site.

BEST MANAGEMENT PRACTICE (BMP): Structural, non-structural and managerial techniques that are recognized to be the most effective and practical

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means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. “Structural” BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. “Nonstructural” BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

BETTER SITE DESIGN: Site design approaches and techniques, including low-impact development (LID) that can reduce a site’s impact on the watershed through the use of nonstructural stormwater management practices. Better site design includes conserving and protecting natural areas and green space, reducing impervious cover, and using natural features for stormwater management, and providing site-wide infiltration.

DEVELOPMENT: Any construction that disturbs or alters a parcel of land as defined in the Massachusetts Stormwater Standards.

DISTURBANCE: Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material; results in an increased amount of runoff or pollutants; measurably changes the ability of a ground surface to absorb waters; removes trees; clears or grades land; or results in an alteration of drainage characteristics.

EXISTING LAWN: Grass area which has been maintained and mowed in the previous two years.

IMPERVIOUS: Any material or structure on, above or below the ground that prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation: paved surfaces (parking lots, sidewalks, and driveways), concrete, brick, stone, and roof tops.

INFILTRATION: The act of conveying surface water into the ground to promote groundwater recharge and the reduction of stormwater runoff from a project site.

LOW IMPACT DEVELOPMENT (LID): An ecosystem-based approach to land development and stormwater management that ensures that each development

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site is designed to protect, or restore, the natural hydrology of the site.

MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS: The Department of Environmental Protection's requirements to manage stormwater located in the Wetlands Protection Act Regulations at 310 CMR 10.05(6)(k) and the accompanying Stormwater Handbook issued by the Department of Environmental Protection.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Dedham.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT: A permit issued by United States Environmental Protection Agency or the Commonwealth of Massachusetts that authorizes the discharge of pollutants to waters of the United States.

NONPOINT SOURCE POLLUTION: Pollution from many diffuse sources caused by rainfall, snowmelt, or other method of pollutant transport moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into water resource areas.

NORMAL MAINTENANCE: Activities that are regularly scheduled to maintain the health and condition of a landscaped area. Examples include removal of weeds or invasive species, pruning, mowing, raking, and other activities that are done at regular intervals within the course of a year.

OPERATION AND MAINTENANCE PLAN: A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

PRE-DEVELOPMENT: The conditions that exist prior to the proposed disturbance activity. Where phased development or plan approval occurs

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(preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

POST-DEVELOPMENT: The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity in accordance with approved plans on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

RECHARGE: The replenishment of underground water reserves.

RECONSTRUCTION: Any action causing complete removal and replacement of paved surfaces, such as driveways, parking areas and roads.

REDEVELOPMENT: Any construction, alteration, improvement, repaving, or resurfacing on a previously-developed site as defined in the Massachusetts Stormwater Standards.

RUNOFF: Rainfall or snowmelt water flowing over the ground surface.

SITE: The entire parcel of land being developed.

STOCKPILING: The storage of unsecured material for future use, excluding the storage of materials 10 cubic yards or less when secured utilizing erosion controls that prevent erosion of the material.

STORMWATER: Runoff from precipitation or snowmelt and surface water runoff and drainage.

STORMWATER MANAGEMENT: The use of structural or non-structural practices that are designed to control or treat stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates. Stormwater Management includes the use of Low-Impact Development (LID) management practices.

STORMWATER MANAGEMENT PERMIT (SMP): A permit issued by the Conservation Commission or its designated agent, after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious effects of

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uncontrolled and untreated stormwater runoff.

STORMWATER OFFICER: The Conservation Agent or other person(s) designated by the Conservation Commission to review Stormwater Management Permit applications and advise the Dedham Conservation Commission on Stormwater Management Permit applications as outlined in this Bylaw.

Section 246-3 Authority

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34, and as authorized by the residents of the Town of Dedham at Town Meeting dated ____.

Section 246-4 Administration

- A. The permitting provisions of this Bylaw shall be overseen and administered by the Conservation Commission or its designated Stormwater Officer.
- B. Stormwater Management Regulations (“Regulations”). The Conservation Commission may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), delegation of authority, procedures and administration of this Bylaw after conducting a public hearing to receive comments on the proposed rules and regulations or any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation at least seven (7) days prior to the hearing date. Failure of the Conservation Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this Bylaw.

Section 246-5 Applicability

- A. This Bylaw shall be applicable to any alteration, disturbance, development or redevelopment of 500 square feet or more, including any activities that require a permit issued by the Planning Board, the Zoning Board of Appeals or the Building Department.
- B. This Bylaw shall apply to land or parcels of land that are held in common

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ownership (including ownership by related or jointly-controlled persons or entities) as of the effective date of this Bylaw, if the total land-disturbing activities on said land or parcels, considered as a whole, would presently or ultimately exceed the minimum thresholds in Section V.C and are not exempted by Section VI, and no such activity shall commence until a permit under this Bylaw has been issued. A development shall not be segmented or phased in a manner to avoid compliance with this Bylaw.

C. Storm Water Management Permit Thresholds - A Storm Water Management Permit shall be required for any of the following, except for an activity exempt per Section VI:

1. Minor Stormwater Permit

- a) Any residential alteration, disturbance, development or redevelopment of 500 square feet to 2,000 square feet, except for construction of a new dwelling.
- b) Any commercial, industrial, institutional, or municipal alteration, disturbance, development or redevelopment of 500 square feet to 1,000 square feet (except for such activities within the Aquifer Protection Overlay District, which shall require a Major Stormwater Permit).

2. Major Stormwater Permit

- a) Construction of any new dwelling or new dwelling replacing an existing dwelling;
- b) Any alteration, disturbance, development or redevelopment exceeding the thresholds listed in Section V.C.1 above.

Section 246-6 Exemptions

No person shall alter, disturb, develop or redevelop within the Town of Dedham without having obtained a Minor or Major Stormwater Permit with the following exceptions:

- A. Any activity which will disturb or alter land areas below the thresholds stipulated in Section V above.
- B. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04 and MGL Chapter 40A Section 3.

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- C. Any work or projects for which all necessary approvals and permits, including building permits, have been issued before the effective date of this Bylaw.
- D. Normal maintenance of existing lawn, landscaping, or gardens areas.
- E. Construction of any fence that will not alter existing terrain or drainage patterns.
- F. Construction of utilities (gas, water, sanitary sewer, electric, telephone, cable television, etc.) other than drainage which will not alter terrain, ground cover, or drainage patterns, provided that appropriate BMPs are used to prevent erosion, sedimentation and release of pollutants.
- G. Emergency repairs to any existing utilities (gas, water, sanitary sewer, electric, telephone, cable television, etc.) or emergency repairs to any stormwater management facility that poses a threat to public health or safety, as determined by the Conservation Commission. Where such activity is subject to the jurisdiction of the Conservation Commission, the work shall not proceed without the issuance of an Emergency Certification by the Commission
- H. The maintenance or resurfacing (not including reconstruction) of any public or private way.

Section 246-7 Procedures

Permit Procedures, Permit Requirements and Performance Standards shall be established and included as Stormwater Management Regulations promulgated under Section IV of this Bylaw to meet the following purposes:

1. Ensure the Town's compliance with requirements of its National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) and other applicable State and Federal mandates.
2. Reduce and eliminate impairments of the Charles and Neponset Rivers and to preserve the health of the Town's groundwater resources.
3. Regulate and control stormwater runoff quantity and quality.
4. Encourage the use of nonstructural stormwater management, better site

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design practices or “low-impact development practices”, such as reducing impervious cover, increasing site-wide infiltration, and preserving open space and other natural areas, to the maximum extent practicable.

5. Promote water conservation through the re-use of stormwater.
6. Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety or the environment.
7. Establish provisions to ensure there is an adequate funding mechanism, including surety, for the proper review, inspection and long-term maintenance of stormwater facilities implemented as part of this Bylaw.

Section 246-8 Enforcement

The Conservation Commission, or an authorized agent of the Conservation Commission, shall enforce this Bylaw, Regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

- A. Civil relief. If a person violates the provisions of this bylaw, or any associated regulations, permit, notice, or order issued thereunder, the Conservation Commission may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- B. Orders. If the Conservation Commission determines that a person’s failure to follow the requirements of this Bylaw, any Regulatory provision issued hereunder, or any authorization issued pursuant to this Bylaw or Regulations is creating an adverse impact to a water resource, then the Commission may issue a written order to the person to remediate the adverse impact, which may include requirements to:
 1. Cease and desist from land-disturbing activity until there is compliance with the Bylaw or provisions of an approved Stormwater Management Permit;

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2. Maintain, install or perform additional erosion and sediment control measures;
 3. Perform monitoring, analyses, and reporting;
 4. Remediate erosion and sedimentation resulting directly or indirectly from land-disturbing activity;
 5. Comply with requirements in the Stormwater Management Permit for operation and maintenance of stormwater management systems;
 6. Remediate adverse impacts resulting directly or indirectly from malfunction of the stormwater management systems; and/or
 7. Eliminate discharges, directly or indirectly, into a watercourse or into the waters of the Commonwealth.
- C. If the Conservation Commission determines that abatement or remediation of pollutants is required, the order shall set forth a deadline for completion of the abatement or remediation. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the town may, at its option, undertake such work, and expenses thereof shall be charged to the violator or property owner. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Conservation Commission within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Conservation Commission affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the cost shall become a special assessment against the property owner of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate

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provided in G.L. Chapter 59, s 57 after the thirtieth (30) day at which the costs first become due.

- D. Criminal and Civil Penalties. Any person who violates any provision of this bylaw, valid regulation, or the terms or conditions in any permit or order prescribed or issued there under, shall be subject to a fine not to exceed three hundred dollars (\$300.00) for each day such violation occurs or continues or subject to a civil penalty, which may be assessed in an action brought on behalf of the town in any court of competent jurisdiction.

- E. Noncriminal disposition. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the noncriminal disposition procedure set forth in MGL c. 40, § 21D and Section 1-6.B of the Town of Dedham General Bylaws, in which case any police officer of the Town of Dedham, the Conservation Agent, and such other persons as are authorized by the Conservation Commission shall be the enforcing person. The penalty for the first violation shall be a warning. The penalty for the second violation shall be \$100. The penalty for the third and subsequent violations shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

- F. Entry to perform duties under this bylaw. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Commission, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Commission deems reasonably necessary.

- G. Appeals. The decisions or orders of the Conservation Commission shall be final. Further relief shall be to a court of competent jurisdiction.

- H. Remedies Not Exclusive. The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

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Section 246-12 Severability

The invalidity of any section, provision, paragraph, sentence, or clause of this Bylaw shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

or take any other action relative thereto. *Referred to By Law Review Committee and Finance & Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That it be indefinitely postponed.

Article 14 seeks to amend Chapter 246 of the Town By-Laws entitled Stormwater Management.

15. HOME RULE PETITION TO CREATE A RENEWABLE ENERGY FUND IN THE TOWN OF DEDHAM

ARTICLE FIFTEEN: *By the Town Manager at the request of the Sustainability Committee.* To see if the Town will vote to authorize the Board of Selectmen to submit to the General Court a Home Rule Petition for Special Legislation relative to the creation of a special fund, to be known as the Renewable Energy Revolving Fund, in a form substantially similar to the following:

An Act Relative to the Creation of a Renewable Energy Fund in the Town of Dedham

SECTION 1. Notwithstanding the provisions of sections 53 or 53E½ of Chapter 44 of the General Laws or any other general or special law to the contrary, there shall be established in the Town of Dedham a special fund to be known as the Renewable Energy Fund, to which shall be credited all fees, proceeds and other receipts received by the town in connection with the sale of solar renewable energy credits or energy produced by town-owned and operated solar arrays. Monies in said fund may be expended by the Dedham Town Manager, following consultation with the town's sustainability committee or its equivalent, without further appropriation for costs associated with energy efficiency upgrades to town and school buildings and other infrastructure, including but not limited to regulation of building temperature, windows, doors, street lighting, and renewable

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energy or water conservation projects. Town meeting shall annually impose a limit on expenditures from said fund and may provide that receipts remaining in the fund at the end of the fiscal year in excess of \$5,000 be closed out to the general fund. The fund established by this act shall not be considered a revolving fund under section 53E½ of chapter 44 of the General Laws or be included to determine the aggregate limit of all revolving funds authorized under section 53E½ of said chapter 44.

SECTION 2. This act shall take effect upon passage.

provided, however, that the General Court may make clerical or editorial changes of form only to such bill, unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition; or take any other action relative thereto. *Referred to Finance & Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That it be so voted.

Article 15 authorizes the Town to submit Special Legislation for the purpose of creating a Renewable Energy Fund for the Town.
--

16. EASEMENT IN LAND OWNED BY THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY (MBTA)

ARTICLE SIXTEEN: *By the Board of Selectmen at the request of the Town Engineer.* To see if the Town will vote to authorize the Board of Selectmen to acquire by gift or purchase for general municipal purposes, including those related to passenger use of the commuter rail at the Dedham Corporate Center Station on Rustcraft Road, an easement in the land owned by the Massachusetts Bay Transportation Authority on said Rustcraft Road and depicted more or less as “Permanent Easement Area” on the plan entitled: “Plan of Road in the Town of Dedham, Mass., Norfolk County (Norfolk County Registry) Showing Location of Easement for the Purpose of Constructing Rustcraft Road Park and Ride Facility for the Town of Dedham,” dated June 15, 2015, prepared by Beta Group, Inc., a copy of which plan has been placed on file with the Town Clerk, upon such terms and conditions as the Board of Selectmen deem appropriate, and to authorize the Board of

Dedham Fall Town Meeting 2015

Selectmen to enter into all agreements, execute any and all documents, and take all action necessary to carry out this acquisition, or take any other action relative thereto. *Referred to Finance & Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That it be so voted.

Article 16 authorizes the Board of Selectmen to acquire an easement over the property known as the Rustcraft Road Park and Ride.
--

Dedham Fall Town Meeting 2015

ARTICLE 2: MOU EXHIBIT

MEMORANDUM OF AGREEMENT
□ BETWEEN THE □
TOWN OF DEDHAM
□ AND THE □
DEDHAM POLICE
PATROLMAN'S ASSOCIATION

October __, 2015

NOW COMES the Town of Dedham ("the Town") acting by and through its Board of Selectmen ("the Board") and the Dedham Police Patrolman's Association ("the Union") and for good and valuable consideration hereby agree as follows:

WHEREAS, the Town and the Union are parties to a Collective Bargaining Agreement expiring June 30, 2015 ("the Previous Agreement");

WHEREAS, the Town and the Union are desirous of entering into a successor agreement to the Previous Agreement based on the Previous Agreement as modified herein;

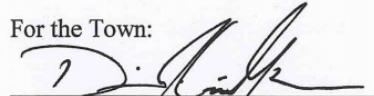
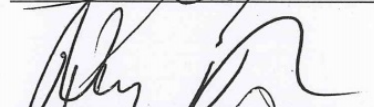
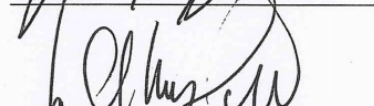
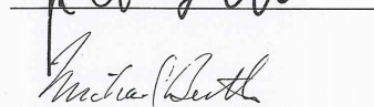
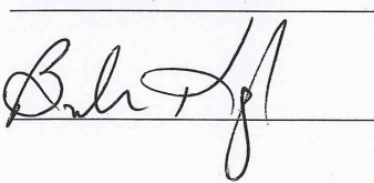
NOW, THEREFORE, it is agreed as follows:

1. Article XV, Policy Salary Schedule: A new salary schedule shall be prepared and inserted into the Successor Agreement reflecting an increase in wages of 2% effective July 1, 2015 and 2.5% on July 1, 2016.
2. Article VI, Extra Paid Details: This Article shall be amended to reflect:
 - a. an increase in the road detail rate from \$42 to \$44, effective upon signing and Town Meeting approval, and a further increase to \$46, effective July 1, 2016; and
 - b. an increase in the alcohol detail rate from \$44 to \$46, effective upon signing and Town Meeting approval, and a further increase to \$48, effective July 1, 2016.

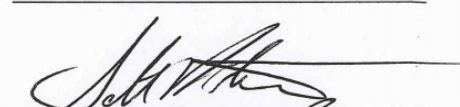
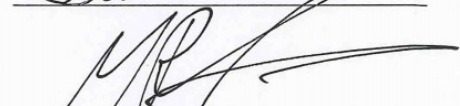
Dedham Fall Town Meeting 2015

3. Article XXVIII, Duration Clause: This Agreement shall be modified to reflect a July 1, 2015 start date and a June 30, 2017 end date, with the other dates in this clause changed to October 30, 2016 and June 30, 2017, respectively.
4. Except as modified in accordance with this Memorandum of Agreement, the Successor Agreement shall be identical in all respects to the Previous Agreement.
5. The cost items of this Agreement is subject to approval by Town Meeting, which the Town intends to seek at the Special Town Meeting scheduled in November.

For the Town:

For the Union:

Dedham Fall Town Meeting 2015

TOWN OF DEDHAM
POLICE PATROL OFFICERS UNIT

Effective July 1, 2015 (FY2016)

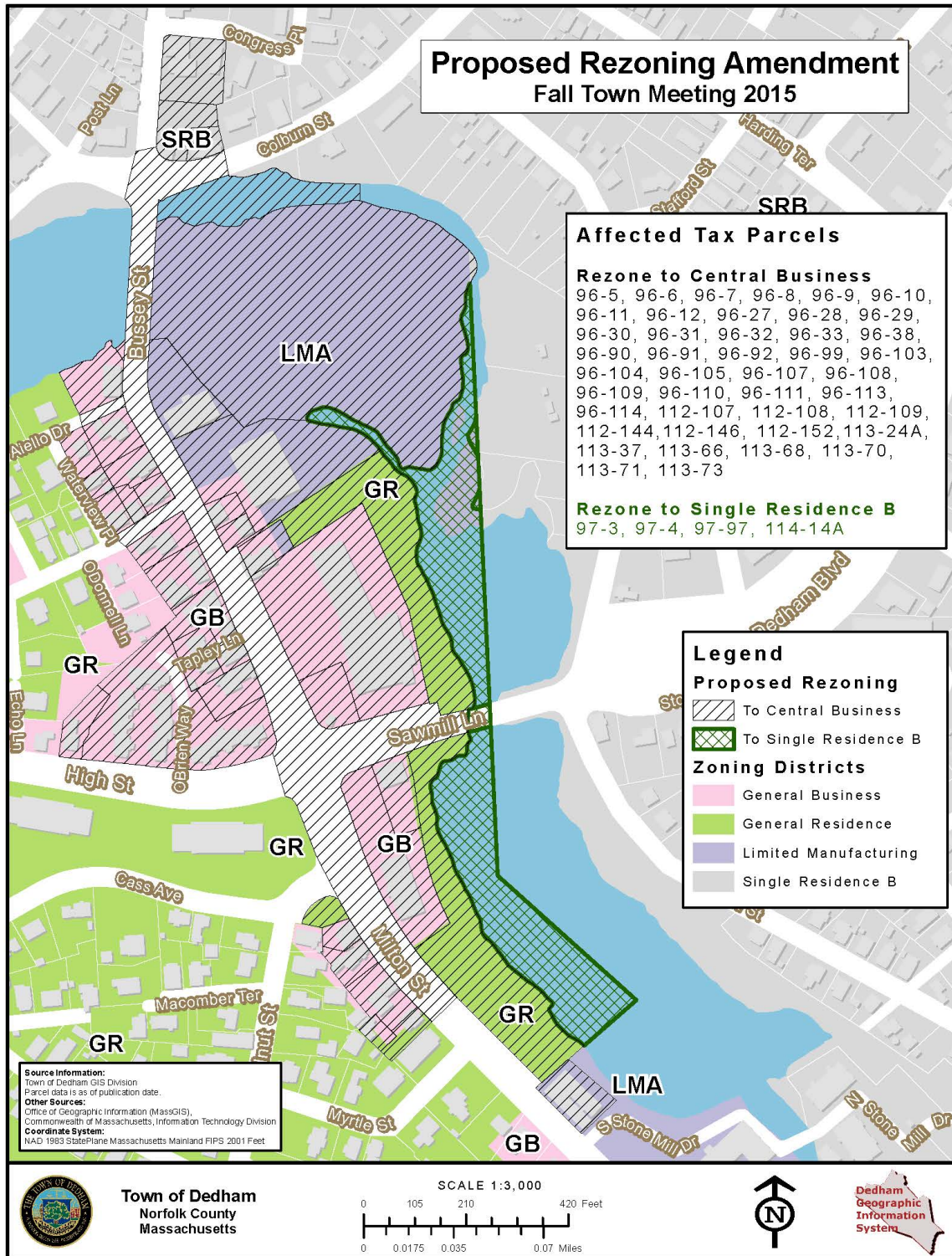
		<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>
Patrol	Hourly	22.38	23.05	24.19	25.07	25.92	26.84	27.91
Officers	Bi-Weekly	1,790.40	1,844.00	1,935.20	2,005.60	2,073.60	2,147.20	2,232.80
	Annual	46,550.40	47,944.00	50,315.20	52,145.60	53,913.60	55,827.20	58,052.80

Effective July 1, 2016 (FY2017)

		<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>
Patrol	Hourly	22.94	23.63	24.79	25.70	26.57	27.51	28.61
Officers	Bi-Weekly	1,835.20	1,890.40	1,983.20	2,056.00	2,125.60	2,200.80	2,288.80
	Annual	47,715.20	49,150.40	51,563.20	53,456.00	55,265.60	57,220.80	59,508.80

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ARTICLES 7 & 8: MAP EXHIBIT



File: L:\MapProjects\Articles\TownMeeting2015_Fall\EastDedhamCBZoning\EastDedhamCBZoning.aprx Date: 8/21/2015 This document is intended for informational purposes only. The Town of Dedham makes no warranty as to the accuracy of the data used to produce this map.

Dedham Fall Town Meeting 2015

ARTICLE 9: TOWN MEETING BYLAW EXHIBIT

Town of Dedham, MA

Page 1 of 1

*Town of Dedham, MA
Monday, October 5, 2015*

Chapter 85. Town Meetings

§ 85-25. Committee reports.

All committees shall report as directed by the Town. If no report is made to the meeting at which the committee was directed to report, the committee shall be discharged, unless the Town grants an extension of time.

Dedham Fall Town Meeting 2015

ARTICLE 11: ALARM FEE BYLAW EXHIBIT

Town of Dedham, MA

Page 1 of 1

Town of Dedham, MA
Monday, October 5, 2015

Chapter 106. Alarm Systems

§ 106-3. False alarms; fines.

- A. Upon receipt of three or more false alarms within a calendar year the Police Chief may
- (1) Order the user to discontinue the use of the alarm, and
 - (2) Disconnect any direct connections to the Police Department, and
 - (3) Order that further connections to the communications console in the Police Department be contingent upon the user equipping any alarm system with a device that will shut off any audible horn or bell within 10 minutes after activation of the alarm system.
- B. Penalties shall be assessed for false alarm responses generated in a calendar year as set forth in the following chart:

Number of False Alarms	Fine
1-3	No penalty - Warning
4-6	\$25 per alarm
7-9	\$50 per alarm
10-12	\$75 per alarm
13-15	\$100 per alarm
16-18	\$125 per alarm
19 or more	\$150 per alarm

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ARTICLE 12: SBRC EXHIBITS

963 CMR: MASSACHUSETTS SCHOOL BUILDING AUTHORITY

2.10: Application and Approval Procedures

The Authority shall not accept any complete Application prior to July 1, 2007.

(1) Application Approval.

(a) The Authority shall approve Applications in accordance with 963 CMR 2.00, the priority criteria established in M.G. L. c. 70B, including but not limited to, M.G.L. c. 70B, §§ 6, 8, and 9(a), and other policies, requirements and guidelines as the Authority may determine are necessary for the approval of a Proposed Project. The Authority may rescind approval of an Approved Project at any time, and collect any funds it has paid an Eligible Applicant if the Eligible Applicant, or his agent, does not comply with the statutes, regulations, guidelines and/or policies of the Authority.

(b) The Authority shall not accept an Application or approve funding for any Proposed Project from an Eligible Applicant that, in the reasonable judgment of the Authority, is the result of negligence or a lack of routine maintenance.

(2) Initial Compliance Certification Process.

(a) The Authority shall not consider an Application if an Initial Compliance Certification has not been properly submitted to the Authority by the Eligible Applicant in the format developed by the Authority. The Eligible Applicant shall certify in the Initial Compliance Certification current and future compliance with the provisions of the rules, regulations, policies and procedures of the Authority.

(b) Any Eligible Applicant seeking funding from the Authority which has, prior to submitting any part of an Application to the Authority, sold, leased or otherwise removed from service any schoolhouse operated by said Eligible Applicant shall be eligible for such grant only if the Authority determines that the grant is not for the purpose of replacing a schoolhouse sold, leased, or otherwise removed from service in the past ten years or that the need for the Proposed Project covered by the grant could not have reasonably been anticipated at the time that such schoolhouse was sold, leased, or otherwise removed from service pursuant to M.G.L. c. 70B, § 15 (c).

(c) Pursuant to M.G.L. c. 70B, § 8, the Authority shall not approve any Proposed Project for any school district that fails to spend in the year preceding the year of application at least 50% of the sum of said school district's calculated foundation budget amounts for the purposes of foundation utility and ordinary maintenance expenses, and extraordinary maintenance allotment as defined in M.G.L. c. 70, for said purposes. From Fiscal Year 1999 forward, no school district shall be given approval for a Proposed Project nor receive any funding from the Authority unless said district has spent at least 50% of the sum of said district's calculated foundation budget amounts in each of the Fiscal Years including and succeeding Fiscal Year 1999.

(3) School Building Committee.

(a) The Eligible Applicant shall formulate a school building committee for the purpose of generally monitoring the Application process and to advise the Eligible Applicant during the construction of an Approved Project.

(b) The school building committee shall be formed in accordance with the provisions of the Eligible Applicant's local charter and/or by-laws and it is recommended that the city, town, regional school district, or independent agricultural and technical school make a reasonable effort to include one or more of the following individuals: the local chief executive officer of the Eligible Applicant, or, in the case of a town whose local chief executive officer is a multi-party body, said body may elect one of its members to serve on the school building committee; the town administrator, town manager, or city manager, where applicable; at least one member of the school committee, as required by M.G.L. c. 71, § 68; the superintendent of schools; the local official responsible for building maintenance; a representative of the office or body authorized by law to construct school buildings in that city, town or regional school district, or for that independent agricultural and technical school; the school principal from the subject school; a member who has knowledge of the educational mission and function of the facility; a local budget official or member of the local finance committee; members of the community with architecture, engineering and/or construction experience to provide advice relative to the effect of the Proposed Project on the community and to examine building design and construction in terms of its constructability.

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963 CMR: MASSACHUSETTS SCHOOL BUILDING AUTHORITY

2.10: continued

(c) The Authority may hold "best practices" information sessions at varying geographic locations in the Commonwealth for the purposes of keeping school building committees up to date on regulatory and policy activities of the Authority.

(d) The Eligible Applicant shall submit to the Authority for its approval, a written statement describing the composition of the school building committee and the role of the school building committee in monitoring the Application process and advising the Eligible Applicant during the construction of the Approved Project. The written statement shall be in a format prescribed by the Authority.

(e) The Authority shall approve the composition and role of the school building committee which approval shall not be unreasonably withheld. The Authority's approval will be based on several factors, including, but not limited to:

1. past performance of the school building committee, the building committee, whether temporary or permanent, or any other committee responsible for the oversight, management, or administration of the construction of public buildings, the composition of the school building committee and qualifications of its individual members, the powers and duties of the school building committee; and the school building committee's procedures for conducting its meetings; and
2. the extent to which there is representation of the municipal government, school district personnel with management, educational and maintenance expertise, and representation of members of the local community with design and construction experience.

After the approval of the school building committee by the Authority, if any, the Eligible Applicant shall notify the Authority in writing within 20 calendar days of any changes to the membership or the duties of said committee. The Eligible Applicant shall make a reasonable effort to ensure the continuity of membership of the school building committee throughout the life of an Approved Project.

(4) Design and Educational Program and Budget Statement for Educational Objectives.

(a) If the Authority determines that the Proposed Project has been deemed to merit further consideration, the Authority may require that an Eligible Applicant submit, in the format prescribed by the Authority, a Design and Educational Program, and a Budget Statement for Educational Objectives. The Eligible Applicant shall outline the specific educational program goals for a Proposed Project and how the Eligible Applicant proposes to align those goals with the operating budget for the District and Proposed Project.

(b) The following spaces shall be categorically ineligible for Authority funding: swimming pools, skating rinks, field houses (only to the same extent as gymnasias), district administrative office space, indoor tennis courts, and other spaces which may be determined ineligible by the Authority.

(c) The Design and Educational Program shall be subject to the approval of the Authority. The Authority may provide, when in the discretion of the Authority it is necessary, technical assistance to the Eligible Applicant with the development of Design and Educational Program elements. The Authority shall review the Budget Statement for Educational Objectives in the context of the Design and Educational Program, and the Authority may consult the Division of Local Services at the Massachusetts Department of Revenue. The Authority may require that the Eligible Applicant make changes, adjustments or modifications to the Design and Educational Program or the Budget Statement for Educational Objectives in order to receive approval from the Authority.

(d) After approval of the Design and Educational Program by the Authority, the Eligible Applicant shall certify to the Authority, in the manner prescribed by the Authority, that the local school committee has voted to approve the Design and Educational Program and the Budget Statement for Educational Objectives in a manner prescribed by the Authority and provide the Authority with a copy of the local school committee vote.

(5) Educational Facilities Master Plan.

(a) An Eligible Applicant shall have a current educational facilities master plan that includes both a long term and a short term plan for facilities and an updated building inventory, in accordance with the Educational Facility Master Plan Guidelines established by the Authority.

Dedham Fall Town Meeting 2015

*Town of Dedham, MA
Monday, October 5, 2015*

Chapter C. Charter

Article 6. ADMINISTRATIVE PROVISIONS

SECTION 6-4. Notice of Vacancies

Whenever a vacancy occurs in any town office or town employment or on any multiple member body, except for positions covered under the civil service laws, whether by reason of death, resignation, expiration of a fixed term for which a person has been appointed or otherwise, the appointing authority shall cause public notice of the vacancy to be posted on the town bulletin boards. No permanent appointment to fill such a position shall be effective until at least 14 days following such posting. Any person who desires to be considered for appointment to the position may, within 10 days following the date the notice is posted or such later date as set forth in the posting, file with the board of selectmen or other appointing authority a statement which sets forth in clear and specific terms the qualifications which such person holds for the position.

Dedham Fall Town Meeting 2015



PART I ADMINISTRATION OF THE GOVERNMENT
TITLE XII EDUCATION
CHAPTER 70B SCHOOL BUILDING ASSISTANCE PROGRAM
Section 2 Definitions

Section 2. For the purposes of this chapter, the following words shall have the following meanings:-

"Additional Revenues", any moneys that are not defined as the dedicated sales tax revenue amount that are appropriated, gifted, granted, pledged, or otherwise made available to the authority by the commonwealth, any local governmental entity, the federal government, not-for-profit organizations, for-profit organizations, or private individuals.

"Advisory board", the school building advisory board.

"Alternatives to construction", approved school facilities projects that do not include capital construction, major reconstruction or building renovation, but no alternative project shall be reimbursed if it is determined by the authority to be more costly than construction necessary to achieve the same end.

"Approved school project", a school project approved by the authority.

"Assisted facility", a school facility that has received a total facilities grant pursuant to this chapter.

"Authority", the Massachusetts School Building Authority.

"Capital construction project", any capital project, other than a major reconstruction project, for the construction, the enlargement or original equipping of any public schoolhouse in any city or town, or a project for the renovation or partial renovation of an existing structure for use as a schoolhouse; or the renovation or partial renovation of an existing schoolhouse.

"Construction manager", construction manager as defined by section 38A1/2 of chapter 7.

"Dedicated sales tax revenue amount", all moneys received by the commonwealth equal to 1 per cent of the receipts from sales, as defined by chapter 64H, and 1 per cent of the sales price of purchases, as defined by chapter 64I, from that portion of the taxes imposed under chapters 64H and 64I as excises upon the sale and use at retail of tangible property or of

Dedham Fall Town Meeting 2015

services, and upon the storage, use or other consumption of tangible property or of services, including interest thereon or penalties, but not including any portion of the taxes that constitute special receipts within the meaning of subsection (b) of section 10 of chapter 152 of the acts of 1997 or any portion of the taxes imposed on the sale of meals as defined in paragraph (h) of section 6 of chapter 64H.

"Eligible applicant", a city, town, regional school district or independent agricultural and technical school.

"Energy efficient construction rating", rating given to eligible applicants by the authority based upon a determination that the construction techniques of an approved school project meet or exceed energy efficiency standards established by the board of building regulations and the National Institute of Standards and Technology and which meet the purposes of subsection (c) of section 9 of chapter 23J.

"Innovative community use", approved school facilities projects that combine community resources to streamline the costs of and utilize other funding sources for the facilities project.

"Maintenance rating", rating given to schools and school districts by the authority, based on a maintenance assessment conducted by the authority.

"Major reconstruction project", any capital school facilities or extraordinary maintenance project including, but not limited to, the retrofitting of a school for the purpose of providing wireless or other learning technologies, the replacement of a roof or heating plant if it is determined by the board that such project has not been necessitated, in whole or in part, by the failure of an eligible applicant to make adequate and prudent provisions for the care and maintenance of said school.

"Nonstate fundraising", third party monies made available to the eligible applicant for approved school facilities projects including, but not limited to, private donations and federal grants.

"Project manager", a person designated or assigned by an eligible applicant, and approved by the authority, to manage and coordinate daily administration of a school facility or building project to completion including, but not limited to, school district or municipal staff person or a volunteer with appropriate experience and expertise.

"Prototypical school plans", school building project architectural designs and plans collected and maintained by the authority for consultation by eligible applicants.

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"Regional school", any public school established under law by the action of two or more cities or towns. For the purposes of this chapter, the agricultural schools maintained by the counties of Bristol and Norfolk shall be deemed to be regional schools.

"Regional school district", any instrumentality of the commonwealth, established by two or more cities and towns for the purpose of operating a regional school.

"School project", any capital construction or major reconstruction projects; the lease of buildings or modular facilities; arrangements with higher education facilities or other nonprofit or municipal entities; use of swing space between school buildings in the district; tuition arrangements with other school districts to prevent overcrowding; and other school facilities projects. The cost of tuition arrangements in existence prior to project application shall not be eligible for reimbursement as an approved school project.

"Total facilities grant", the total grant with respect to an approved school project and which is calculated as follows: In the case of a grant for an approved project of a city or town, the total facilities grant shall be the product of multiplying the final approved costs of such project, including costs referred to in section 4, by the reimbursement percentage determined pursuant to section 10 for the year in which the project is approved.

(1) In the case of a grant for an approved project of a regional school district or a county, the total facilities grant shall be the sum of the grants computed separately for each city and town which is a member of said regional school district or located in said county as hereinafter provided. For purposes of this computation, each member city's and town's share of the combined grant shall be equal to the total approved project cost, including costs referred to in section 4, multiplied by the product of the reimbursement percentage listed in subsection (a) of section 10, multiplied by the percentage of district or county capital costs that would be apportioned to such city or town in accordance with the applicable regional school district agreement or law for capital costs incurred in the fiscal year in which the grant is approved. The amount of the total capital costs apportioned to a member city or town in any fiscal year on account of an approved school project of a regional school or county, determined in accordance with the applicable regional school district agreement or law, shall be reduced by an amount equal to the amount of the grant payable on account of such project in such fiscal year multiplied by a fraction the numerator of which is the city's or town's reimbursement percentage, determined as aforesaid, multiplied by the percentage of capital costs apportioned to the city or town for such fiscal year in accordance with the applicable regional school district agreement or law and the denominator of which is the sum of the percentages so derived as the numerators for all of the member cities and towns.

(2) In the case of a grant for an approved project of an independent agricultural and technical school, the total facilities grant shall be the sum of the grants computed separately for each

Dedham Fall Town Meeting 2015

General Laws: CHAPTER 70B, Section 2

Page 4 of 4

city and town in which students of said school reside averaged by means of a weighted average multiplied by the final approved costs.

"Trust", the Massachusetts School Modernization and Reconstruction Trust, established by section 35BB of chapter 10.

Dedham Fall Town Meeting 2015

ARTICLE 13: WETLANDS EXHIBITS

Town of Dedham, MA

Page 1 of 7

Town of Dedham, MA
Monday, October 5, 2015

Chapter 271. Wetlands Protection

[HISTORY: Adopted by the Town Meeting of the Town of Dedham as Ch. 28 of the 1996 By-laws; amended 11-18-2013 STM by Art. 16. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Stormwater management — See Ch. 246.

§ 271-1. Purpose.

- A. The purpose of the by-law is to protect the wetlands, related water resources and adjoining land areas in the Town of Dedham by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon wetland values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water pollution prevention, fisheries, shellfish, wildlife habitat, recreation, aesthetics, agriculture and aquaculture values (collectively, "the resource area values protected by this by-law").
- B. Nothing in this by-law is intended to replace the requirements of the Dedham Floodplain Zoning By-law. Any activity subject to the provisions of both by-laws must comply with the specifications of each.

§ 271-2. Definitions.

- A. The following definitions shall apply in the interpretation and implementation of this by-law.

ALTER

Includes, without limitation, the following activities when undertaken to upon, within or affecting resource areas protected by the by-law:

- (1) Removal, excavation or dredging of soil, sand, gravel, or aggregate materials of any kind;
- (2) Changing of preexisting drainage characteristics, flushing characteristic sedimentation patterns, flow patterns, or flood retention characteristics;
- (3) Drainage or other disturbance of water level or water table;
- (4) Dumping, discharging or filling with any material which may degrade water quality;
- (5) Placing of fill, or removal of material, which would alter elevation;
- (6) Driving of piles, erection or repair of buildings, or structures of any kind;
- (7) Placing of obstructions or objects in the water;
- (8) Destruction or alteration of plant life, including cutting of trees;

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- (9) Changing water temperature, depth, flow rate, biochemical oxygen demand, or other physical or chemical characteristics of water;
- (10) Any activities, changes or work which may cause or tend to contribute to pollution of any body of water or groundwater;
- (11) Application of pesticides or herbicides.
- (12) Destruction or alteration of wildlife habitat.
- (13) Any work within 200 feet of any river as defined in the Massachusetts Rivers Act of 1996, as may be amended from time to time.

COMMISSION

The Dedham Conservation Commission.

PERSON

Includes any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to Town by-laws, administrative agency, public or quasi-public corporation or body, the Town of Dedham, and any other legal entity, its legal representatives, agents or assigns.

- B. All other definitions as set forth in G.L. c.131, § 40 and Massachusetts Regulation 310 CMR or as amended from time to time issued by the Department of Environmental Protection are hereby made part of this by-law.

§ 271-3. Jurisdiction.

- A. Except as permitted by the Conservation Commission or as provided in this by-law, no person shall remove, fill, dredge, or otherwise alter the following resource areas: any freshwater wetland; marshes; wet meadows; bogs; swamps; vernal pools; banks; reservoirs; lakes; ponds; streams; creeks; beaches; lands under waterbodies; lands subject to flooding or inundation by groundwater or surface water (collectively the "resource areas protected by this by-law" listed in this section); lands within 100 feet of any of the aforesaid resource areas and areas within 200 feet of any waterbody which meets the definition of a "river" under the Massachusetts Wetlands Protection Act, G.L. c.131, § 40, Para. 14. Said resource areas need not border surface waters in order to qualify for protection.
- B. No person shall dump material of any type within any resource area protected by this by-law, any public right-of-way or upon any publicly owned land. The Conservation Commission shall have the authority to enforce the cleanup of any such illegal dumping.

§ 271-4. Exceptions.

- A. The permit and application required by this by-law shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegram or other communication services provided that written notice has been given to the Commission prior to the commencement of work. This exception shall not apply to the application of herbicides. The permit and application required by this by-law shall not be required for work performed for normal maintenance or improvement of land in agricultural use or in aquacultural

Dedham Fall Town Meeting 2015

use, provided that written notice has been given to the Commission prior to the commencement of work.

- B. The permit and application of this by-law shall not apply to emergency projects necessary for the protection of the health or safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof, provided that advance notice, oral or written, has been given to the Commission prior to the commencement of work or within 24 hours after commencement, provided that the following conditions are met:
 - (1) The Conservation Commission or its agent certifies the work as an emergency project.
 - (2) The work is performed only for the time and place certified by the Conservation Commission for the limited purposes necessary to abate the emergency.
 - (3) Within 21 days of commencement of an emergency project a permit application shall be filed for review as provided by this by-law.
 - (4) Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.
- C. Other than stated in this section, the exceptions provided in the Wetlands Protection Act shall not apply under this by-law.

§ 271-5. Application for permits and requests for determination.

- A. Written applications shall be filed with the Commission to perform activities regulated by this by-law affecting the resource areas protected by this by-law. The application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by this by-law. No activities shall commence without receiving and complying with a permit issued pursuant to this by-law.
- B. Activities which require a Notice of Intent under this by-law but not under G.L. c.131, § 40 or as it may be amended from time to time may use the abbreviated Notice of Intent at the discretion of the Commission.
- C. The Commission may accept as the application and plans under this by-law the Notice of Intent and plans filed under the Wetlands Protection Act, G.L. c.131, § 40 or as it may be amended from time to time.
- D. Any person desiring to know whether or not proposed activity of an area is subject to the by-law, may in writing request a determination from the Commission. Such a request for determination shall contain data and plans specified by the regulations of the Commission. In the absence of regulations, the same notice, plans, and specifications required to be filed by an applicant under G.L. c.131, § 40, or as it may be amended from time to time, will be accepted as fulfilling the filing requirements of this by-law.
- E. At the time of an application or request, the applicant shall pay a filing fee specified in the appended schedule located in § 271-16 of this by-law. This fee is in addition to that required by the Wetlands Protection Act, G.L. Ch. 131, Sec. 40, or as it may be amended from time to time. The Commission may waive the filing fee and costs and expenses for an application or request filed by a government agency or when the Commission determines that a project serves an overwhelming public purpose.

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§ 271-6. Notice and hearings.

- A. Any person filing an application or a request for determination with the Commission shall at the same time give written notice thereof by certified mail or hand delivery to all abutters according to the most recent records of the Assessors, including those across a traveled way or a body of water. The notice to abutters shall enclose a copy of the application or request, with plans, or shall state where copies may be examined and obtained by abutters free of charge. When a person requesting a determination is other than the owner, the request, the notice of the hearing and the determination itself shall be sent by the Commission to the owner as well as the person making the request.
- B. The Commission shall conduct a public hearing on an application or request for determination, with written notice given at the expense of the applicant, Said notice shall be published at least five days prior to the hearing in a newspaper of general circulation in Dedham.
- C. The Commission shall commence the public hearing within 21 days from receipt of a completed application or request for determination.
- D. The Commission shall issue its permit or determination within 21 days of the close of the public hearing.
- E. The Commission in its discretion may combine its hearing under this by-law with any hearing required to be conducted under the Wetlands Protection Act, G.L. c.131, § 40, or as amended from time to time.
- F. The Commission shall have authority to continue the hearing to a date certain announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information offered by the applicant or others, information and plans required of the applicant, deemed necessary by the Commission in its discretion, or comments and recommendations of boards and officials listed in § 271-7 of this by-law. In the event the applicant objects to a continuance or postponement, the hearing shall be closed and the Commission shall take action on such information as is available.

§ 271-7. Coordination with other boards.

[Amended 11-17-2014 ATM by Art. 18]

Any person filing a permit application or a request for determination with the commission shall at the same time provide a copy thereof, by certified mail or hand delivery, to the Town Manager's Office, Board of Selectmen, Planning Board and other local departments and boards as deemed necessary by the Commission. The applicant shall have the burden of satisfying the Commission that copies were mailed or delivered. The Commission shall not take final action until such boards and officials have had 14 days from receipt of notice to file written comments and recommendations with the Commission, which the Commission shall take into account but which shall not be binding on the Commission. The applicant shall have the right receive any such comments and recommendations, and to respond to them at a hearing of the Commission prior to final action.

§ 271-8. Permits, determinations and conditions.

- A. If the Commission after a public hearing determines that the activities which are the subject of the application are likely to have an adverse or cumulative effect upon the resource areas protected by this by-law, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit

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for the activities requested. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect those values, and all activities shall be carried out in accordance with those conditions. If it issues a permit (or Order of Conditions), the Commission shall record it in the Registry of Deeds of the Land Court and no work shall be undertaken until reimbursement of any costs is received by the Commission.

- B. The Commission is empowered to deny a permit for failure to meet the requirements of this by-law; for failure to submit necessary information or plans requested by the Commission; for failure to avoid or prevent unacceptable adverse or cumulative effects upon the wetland values protected by this by-law; or where conditions are not adequate to protect those values, or if in the Commission's judgment such denial is necessary to preserve the environmental quality of the areas subject to this by-law.
- C. A permit shall expire three years from the date of issuance. Notwithstanding the above, the Commission in its discretion may issue a permit expiring five years from the date of issuance for recurring or maintenance work, provided that annual notification of time and location of work is given to the Commission. Any permit may be renewed once for an additional one-year period, provided that a request for renewal is received in writing by the Commission at least 30 days prior to expiration.
- D. The Commission is also empowered to revoke a permit which it has issued for failure to perform the permitted work in accordance with any conditions set forth by the Commission in the issued permit or for violations of the Wetlands Protection Act, Massachusetts General Law, Chapter 131, Section 40, or as amended from time to time, this by-law, or any other Local, State or Federal law or regulation. The Commission shall hold a public hearing for the purpose of revoking a permit. Such a public hearing will be advertised at least five working days prior to the hearing in a newspaper of general circulation in Dedham.
- E. The Commission in an appropriate case may combine the permit or other action on an application issued under this by-law with the Order of Conditions issued under the Wetlands Protection Act.

§ 271-9. Regulations.

After public notice and public hearing, the Commission may promulgate rules and regulations to effectuate the purposes of this by-law. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this by-law.

§ 271-10. Security.

As part of a permit issued under this by-law, in addition to any security required by another municipal or state board, agency or official, the Commission may require that the performance and observance of the conditions imposed hereunder be secured wholly or in part by a proper bond or deposit of money or negotiable securities or the undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of a certificate of Compliance for work performed pursuant to the permit.

§ 271-11. Enforcement.

- A.

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The Commission, its agents, officers, and employees shall have the authority to enter upon privately owned land for the purpose of performing their duties under this by-law and may make or cause to be made such examinations, surveys or sampling as the Commission deems necessary.

- B. The Commission shall have the authority to enforce this by-law, its regulations and permits issued thereunder by violation notices, administrative orders, in accordance with § 1-6 of these By-laws, and/or civil and criminal court actions.
- C. Upon request of the Commission, the Town Manager, Board of Selectmen and the Town Counsel shall take legal action for the enforcement under civil law. Upon request of the Commission the Chief of Police shall take legal action for enforcement under criminal law.
[Amended 11-17-2014 ATM by Art. 18]
- D. Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

§ 271-12. Burden of proof.

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not have unacceptable adverse or cumulative effect on the resource areas protected by this by-law. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

§ 271-13. Appeals.

A decision of the Commission shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with G.L. c.249, § 4.

§ 271-14. Relation to the wetlands protection act.

This by-law is adopted under the Home Rule Amendment of the Massachusetts Constitution and Home Rule statutes, independent of the Wetland Protection Act, G.L. c.131, § 40, or as it may be amended from time to time, and regulations thereunder.

§ 271-15. Severability.

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

§ 271-16. Filing fee schedule for permits for work within the resource areas or one-hundred-foot buffer zone to any resource area protected by this by-law.

- A. Rules:
 - (1) Permit fees are payable at the time of application and are non-refundable.
 - (2) Permit fees shall be calculated by this Commission per schedule below.

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- (3) Town, County, State and Federal projects are exempt from fees.
 - (4) Failure to comply with the law after official notification shall result in fees twice those normally assessed.
- B. Fees.
- (1) Minor project (house additions, tennis court, swimming pool utility work, etc. associated with existing single-family dwelling): \$100 + \$1/square feet of resource area disturbed.
 - (2) Single-family dwelling, new construction: \$250 + \$1/square feet of resource area disturbed, 0.02/square feet land subject to flooding or 100 feet buffer zone or 200 feet riverfront area disturbed.
 - (3) Subdivisions (road and utilities only): \$250 + \$2/feet of roadway sideline within a resource area protected by this by-law and within 100 feet of any resource area protected by this by-law or 200 feet of a river as defined under the Massachusetts Rivers act.
 - (4) Multifamily Dwellings, Commercial and industrial projects: \$500 + \$1/square feet of resource area disturbed, 0.02/square feet land subject to flooding or 100 feet buffer zone or 200 feet riverfront area disturbed.
 - (5) Permit extensions. No Permit Extensions shall be permitted for Wetland Delineations
 - (a) Single-family dwelling or minor project: \$50 per year (maximum three years).
 - (b) Other: \$100 per year (maximum three years).
 - (6) Request for determinations of applicability: \$50
 - (7) Wetland delineation and delineation review: \$0.50 per linear foot of resource area delineated, to a maximum of \$100 per existing single-family dwelling.
 - (8) Control of nuisance vegetation, including aquatic vegetation: \$100 per acre of resource area proposed to be treated, including total water resource area and associated buffer zone. Minimum fee of \$150.
- C. NOTE: These fees are in addition to the local portion of the state fee for Notices of Intent and Requests for Determination of applicability charged under G.L. c.131, § 40 and as it may be amended from time to time.
- D. The above fee schedule may be reduced by the Conservation Commission. Any such change shall be made at a posted public hearing of the Commission not less than 30 days prior to the date upon which the change is to be effective, and copies thereof shall be posted in a conspicuous location in the office of the Conservation Commission and with other lists of fees available in the office of the Town Clerk.

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ARTICLE 15: SPECIAL FUND LEGISLATION EXHIBITS

General Laws: CHAPTER 44, Section 53

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PART I ADMINISTRATION OF THE GOVERNMENT
TITLE VII CITIES, TOWNS AND DISTRICTS
CHAPTER 44 MUNICIPAL FINANCE
Section 53 City, town or district funds; use and disposition

Section 53. All moneys received by any city, town or district officer or department, except as otherwise provided by special acts and except fees provided for by statute, shall be paid by such officers or department upon their receipt into the city, town or district treasury. Any sums so paid into the city, town or district treasury shall not later be used by such officer or department without specific appropriation thereof; provided, however, that (1) sums allotted by the commonwealth or a county to cities or towns for highway purposes and sums allotted by the commonwealth to cities, towns or districts for water pollution control purposes shall be available therefor without specific appropriation, but shall be used only for the purposes for which the allotment is made or to meet temporary loans issued in anticipation of such allotment as provided in section six or six A, (2) sums not in excess of twenty thousand dollars recovered under the terms of fire or physical damage insurance policy and sums not in excess of twenty thousand dollars received in restitution for damage done to such city, town or district property may be used by the officer or department having control of the city, town or district property for the restoration or replacement of such property without specific appropriation and (3) sums recovered from pupils in the public schools for loss of school books or paid by pupils for materials used in the industrial arts projects may be used by the school committee for the replacement of such books or materials without specific appropriation.

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PART I ADMINISTRATION OF THE GOVERNMENT

TITLE VII CITIES, TOWNS AND DISTRICTS

CHAPTER 44 MUNICIPAL FINANCE

Section 53E1/2 Revolving funds

Section 53E1/2. Notwithstanding the provisions of section fifty-three, a city or town may annually authorize the use of one or more revolving funds by one or more municipal agency, board, department or office which shall be accounted for separately from all other monies in such city or town and to which shall be credited only the departmental receipts received in connection with the programs supported by such revolving fund. Expenditures may be made from such revolving fund without further appropriation, subject to the provisions of this section; provided, however, that expenditures shall not be made or liabilities incurred from any such revolving fund in excess of the balance of the fund nor in excess of the total authorized expenditures from such fund, nor shall any expenditures be made unless approved in accordance with sections forty-one, forty-two, fifty-two and fifty-six of chapter forty-one.

Interest earned on any revolving fund balance shall be treated as general fund revenue of the city or town. No revolving fund may be established pursuant to this section for receipts of a municipal water or sewer department or of a municipal hospital. No such revolving fund may be established if the aggregate limit of all revolving funds authorized under this section exceeds ten percent of the amount raised by taxation by the city or town in the most recent fiscal year for which a tax rate has been certified under section twenty-three of chapter fifty-nine. No revolving fund expenditures shall be made for the purpose of paying any wages or salaries for full time employees unless such revolving fund is also charged for the costs of fringe benefits associated with the wages or salaries so paid; provided, however, that such prohibition shall not apply to wages or salaries paid to full or part-time employees who are employed as drivers providing transportation for public school students; provided further, that only that portion of a revolving fund which is attributable to transportation fees may be used to pay such wages or salaries and provided, further, that any such wages or salaries so paid shall be reported in the budget submitted for the next fiscal year.

A revolving fund established under the provisions of this section shall be by vote of the annual town meeting in a town, upon recommendation of the board of selectmen, and by vote of the city council in a city, upon recommendation of the mayor or city manager, in Plan E cities, and in any other city or town by vote of the legislative body upon the recommendation of the chief administrative or executive officer. Such authorization shall be made annually

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prior to each respective fiscal year; provided, however, that each authorization for a revolving fund shall specify: (1) the programs and purposes for which the revolving fund may be expended; (2) the departmental receipts which shall be credited to the revolving fund; (3) the board, department or officer authorized to expend from such fund; (4) a limit on the total amount which may be expended from such fund in the ensuing fiscal year; and, provided, further, that no board, department or officer shall be authorized to expend in any one fiscal year from all revolving funds under its direct control more than one percent of the amount raised by taxation by the city or town in the most recent fiscal year for which a tax rate has been certified under section twenty-three of chapter fifty-nine. Notwithstanding the provisions of this section, whenever, during the course of any fiscal year, any new revenue source becomes available for the establishment of a revolving fund under this section, such a fund may be established in accordance with this section upon certification by the city auditor, town accountant, or other officer having similar duties, that the revenue source was not used in computing the most recent tax levy.

In any fiscal year the limit on the amount that may be spent from a revolving fund may be increased with the approval of the city council and mayor in a city, or with the approval of the selectmen and finance committee, if any, in a town; provided, however, that the one percent limit established by clause (4) of the third paragraph is not exceeded.

The board, department or officer having charge of such revolving fund shall report to the annual town meeting or to the city council and the board of selectmen, the mayor of a city or city manager in a Plan E city or in any other city or town to the legislative body and the chief administrative or executive officer, the total amount of receipts and expenditures for each revolving fund under its control for the prior fiscal year and for the current fiscal year through December thirty-first, or such later date as the town meeting or city council may, by vote determine, and the amount of any increases in spending authority granted during the prior and current fiscal years, together with such other information as the town meeting or city council may by vote require.

At the close of a fiscal year in which a revolving fund is not reauthorized for the following year, or in which a city or town changes the purposes for which money in a revolving fund may be spent in the following year, the balance in the fund at the end of the fiscal year shall revert to surplus revenue unless the annual town meeting or the city council and mayor or city manager in a Plan E city and in any other city or town the legislative body vote to transfer such balance to another revolving fund established under this section.

The director of accounts may issue guidelines further regulating revolving funds established under this section.

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FINANCE COMMITTEE



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Please bring this report to
Town Meeting for reference.