

Town of Shirley

TOWN CLERK



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Amy R. McDougall, Town Clerk

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Special Town Meeting Shirley, Massachusetts April 7 & 8, 2008

At a legal meeting of the qualified voters of the TOWN OF SHIRLEY, begun on April 7, 2008, the following business was transacted on the continued date of April 8, 2008, under Article 6

Article 6. Amend Town Bylaws, Article XV – Personnel Board

David Swain moved that the Town amend the provisions of the Shirley Town Bylaws, Article XV "Personnel Board," by deleting in their entirety Section 1 and Section 2 and replacing them with a new Section 1 and Section 2 as printed in the warrant. Kyle Keady seconded.

As printed in the warrant, Section 1 and Section 2 currently read as follows:

SECTION 1 – COMPOSITION OF THE BOARD

There is hereby established a Personnel Board consisting of five members, appointed by the Board of Selectmen. Initially, one member shall be appointed to a one-year term, two members shall be appointed to two-year terms, and two members shall be appointed to three-year terms. Thereafter, upon the expiration of any term, all terms shall be for three years. No more than two elected or appointed officials or employees of the Town may be a member of the Personnel Board.

SECTION 2 – COVERAGE

For the purposes of this By-law, and except as provided later in this Section, "employee" shall include any person occupying a compensated position of service to the Town in the following categories:

FULL-TIME EMPLOYEE – works a minimum of 37.5 hours per week and is scheduled to work twelve months per year, including leave time.

PART-TIME EMPLOYEE – Scheduled to work fewer than of 37.5 hours per week, but at least twenty hours per week at least 10 months per year.

FRACTIONAL EMPLOYEE – Scheduled to work less than 37.5 hours per week, but at least twenty hours per week; or not scheduled to work or to be on call for seven months or more per year.

TEMPORARY/SEASONAL EMPLOYEE - Hired for a period not to exceed 6 months.

Exceptions: No elected or appointed member of a Board, Commission, or Committee of the Town shall be deemed an employee of the Town for purposes of this By-law, nor shall any elected Officer of the town unless that Officer so requests in writing to the Selectmen. Neither shall this By-law apply to persons covered by a union contract or to those personnel holding appointed positions in the Shirley Public School District unless the School Committee votes otherwise.

As printed in the warrant, the proposed replacements are as follows:

SECTION 1 – COMPOSITION OF THE BOARD

There is hereby established a Personnel Board consisting of five members, appointed by the Board of Selectmen. Members shall be appointed for staggered terms not to exceed three years. No more than 50% of the total actual voting members may be Town employees, or elected or appointed officials with supervisory responsibilities for Town employees.

The Town Administrator and a representative of the Finance Committee shall serve in an advisory capacity as non-voting members of the Personnel Board.

SECTION 2 – COVERAGE

For the purpose of this By-Law, "employee" shall include any person occupying a compensated position of service to the Town as defined in the Town of Shirley Personnel Policy & Procedures Manual.

Exceptions: No elected or appointed member of a Board, Commission, or Committee of the Town shall be deemed an employee of the Town for purposes of this By-law, nor shall any elected Officer of the town unless that Officer so requests in writing to the Selectmen. Neither shall this By-law apply to persons participating in a Town sponsored Tax Reduction Incentive Program or persons covered by a union contract or to those personnel holding appointed positions in the Shirley Public School District unless the School Committee votes otherwise.

Hand Vote; Moderator declared passed by unanimous vote.

TOWN SEAL

A true copy, Attest:

Amy R. McDougall
Amy R. McDougall, Town Clerk
May 2, 2008

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court.

- Section 6 The Historic District Commission in considering applications for certificates of appropriateness, shall consider the appropriateness of proposed exterior features, wherever such exterior features are subject to public view from a public street or way. The Commission shall not make any recommendations or requirements except for the purpose of preventing development obviously incongruous to the historic aspects of the surroundings and the historic district.
- Section 7 Nothing in the chapter shall be construed to prevent the ordinary maintenance of repair of any exterior architectural feature which does not involve a change in design, material color or the outward appearance thereof; or to prevent the construction, reconstruction, alteration or demolition of any such feature which the building inspector shall certify is required for public safety.
- Section 8 There is hereby established under the provisions of the Historic District Act, as amended, an historic district to be known as the Shirley Center Historic District bounded as shown on a map entitled "Proposed Historic District Boundaries", dated 1972 and revised in June 1973, attached to and made part of this By-Law, copy of which is on file with the Town Clerk. The boundaries of the proposed Historic District are as follows:

Beginning at a corner of walls at the southerly side of Horsepond Road being the northeasterly corner of the Shirley Center Cemetery; thence northerly by the line of the Westerly wall of said Cemetery, as extended, crossing said road and land of Holden to an iron pipe set just easterly of the southeasterly corner of the Pray Field, so called; thence westerly to said corner and, by the same line, by the southerly wall of said field to the northeasterly corner of the Town Pound, at the easterly line of the Town Hall lot; thence northerly by said Town Hall lot to the northeasterly corner thereof; thence westerly by the northerly line of said Town Hall lot to a point 300 feet easterly of Parker Road; thence northerly by a line parallel to said Parker Road and 300 feet there from to a point in common line of land of MacKaye and the land of Lamoreaux; thence westerly by said common line to said Parker Road and, by said line, as extended to the westerly side of said Parker Road; thence northerly by the westerly side of said Parker Road to common line of land of Farrar and the land of Coates; thence westerly 300 feet by said

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common line to a point in said line; thence southerly by a line parallel to said Parker Road and 300 feet therefrom to a point 300 feet westerly of the intersection of said Whitney Road and King Road, so called; thence southerly by a line at right angles to said Whitney Road and crossing said Road to a point 300 feet northerly of Center Road; thence westerly and southerly by a line parallel to said Center Road and 300 feet therefrom to common line of Banks and land of Longley, being the southerly line of said Longley land; thence southeasterly by said line to the northwesterly side of said Center Road and, by said line, as extended, to a point 300 feet southeasterly of said Road; thence northerly and easterly by a line parallel to said Road and to the Common, as the case may be, and 300 feet therefrom, to a point 300 feet easterly of Brown Road; thence southerly by a line parallel to said Brown Road and 300 feet therefrom to a point in common line of land of Bolton and land of Wagner; thence easterly by said common line to said Brown Road and, by said line, as extended, to the easterly side of Brown Road; thence southerly by the easterly side of said Road to the common line of land of Carlson and land of Wills; thence easterly by said common line 300 feet to a point in said line; thence northerly by a line parallel to said Brown Road and 300 feet therefrom to a point in said westerly wall of said Shirley Center Cemetery; thence northerly by a line parallel to said Brown Road and 300 feet therefrom to a point in said westerly wall of said Shirley Center Cemetery; thence, northerly by said wall to the corner of walls which was the point of beginning. The general intent except where special conditions indicated above and on the map exist, is that the Historic District near boundaries shall be 300 feet back from the property edges along Center, Whitney, Parker and Brown Roads.

Section 9 In case any section, paragraph or part of this ordinance be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

ARTICLE XV
PERSONNEL BOARD

SECTION 1 - COMPOSITION OF BOARD

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more than two elected or appointed officials or employees of the Town may be a member of the Personnel Board.

SECTION 2 - COVERAGE

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FRACTIONAL EMPLOYEE - Scheduled to work less than twenty hours per week; or not scheduled to work or to be on call for seven months or more per year.

TEMPORARY/SEASONAL EMPLOYEE - Hired for a period not to exceed 6 months.

Exceptions: No elected or appointed member of a Board, Commission, or Committee of the Town shall be deemed an employee of the Town for the purposes of this By-Law, nor shall any elected Officer of the Town unless that Officer so requests in writing to the Selectmen. Neither shall this By-law apply to persons covered by a union contract or to those personnel holding appointed positions in the Shirley Public School District unless the School Committee votes otherwise.

SECTION 3 -DUTIES & RESPONSIBILITIES

The Personnel Board shall have the following duties and responsibilities with respect to all employees of the Town who are not covered by a union contract:

1. To prepare and administer a Wage and Salary Classification Plan, subject to approval at Town Meeting;
2. To establish Personnel Administration Policies and Procedures to assist covered employees and Town officials, governing all other questions relating to wages, hours, and conditions of employment not covered by the Wage and Salary Classification Plan;
3. To issue, amend, or revoke administrative rules and regulations for the purpose of giving effect to the provisions of all By-laws and votes of the Town pertaining to personnel administration. Each such rule or regulation shall be numbered in sequence, and

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the Board shall maintain in the Selectmen's Office a file for all such rules and regulations issued, said file to be open to public inspection;

4. To publish and maintain a Manual of Personnel Policies & Procedures for the benefit of Town employees and officials;
5. To establish its own rules of procedure and to draw up such other rules and regulations consistent with statute, By-law, or vote of the Town as will enable the Board fully and effectively to perform its duties;
6. To perform such other duties as may become desirable or necessary from time to time, in order to assure just and effective personnel administration in the conduct of the Town's business, provided such other duties are permitted by law to be undertaken by a personnel board.

For the foregoing purposes the Personnel Board shall have access to such facts, figures, records, and other information relating to the personnel of Town Departments as will enable the Board fully to perform its duties. However, this right of access shall not pertain to employee records which are privileged or otherwise protected by law or which are not necessary for the performance of the Board's duties.

SECTION 4 - TOWN MEETING & PUBLIC HEARING

The Personnel Board shall present its proposed Wage Scale and Classification Schedule in the Warrant for Each Annual Town Meeting. The Board shall hold a public hearing before adopting any policy, procedure, rule, or regulation and before submitting any Article for the Warrant for a Town Meeting, including the proposed Wage Scale and Classification Schedule.

All Departments and personnel shall be notified of such hearings and what is being proposed at least 14 days in advance of the hearing date. In addition, all public hearings shall be advertised in a local newspaper at least one week before the hearing date.

Town Meeting, by a majority vote, may rescind or revoke a policy, procedure, rule, or regulation adopted by the Personnel Board.

SECTION 5 - BUDGET

The Personnel Board shall have a Budget which shall enable the Board to employ professional consulting, staff,

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and secretarial services as may be necessary.

SECTION 6 - SEVERABILITY

The provisions of this By-law are hereby declared to be severable, and if any such provision or application thereof shall be held to be invalid, illegal, or unconstitutional, this shall not be construed to affect the validity, legality or constitutionality of any of the remaining provisions or applications of this By-law. [Passed June 13, 2000. ATM]

ARTICLE XVI
EMPLOYEES

No salaried employee of the Town (elected or appointed) shall receive monetary compensation prior to the completion of the period for which the monetary compensation is claimed without first receiving authorization from the Board of Selectmen. 05/14/1983

ARTICLE XVII
Toxic and Hazardous Materials

- Section 1 Authority. This by-law is adopted by the town under its home rules powers, its police powers to protect the public health and welfare, and its authorization under Mass. General Laws, Chapter 40, Section 21.
- Section 2 Purpose. The purpose of this by-law is to protect, preserve and maintain the existing and potential groundwater supply, groundwater recharge areas, and surface water within the town from contamination with toxic or hazardous materials and to protect the health and safety of the inhabitants thereof.
- Section 3 Definitions. "Toxic or hazardous materials" shall include all liquid hydrocarbon products including, but not limited to, gasoline, fuel and diesel oil, and also any other toxic, caustic, or corrosive chemicals, radioactive materials or other substance controlled as being toxic or hazardous by the Division of Hazardous Waste under the provisions of Chapter 21 (c), G.L.
- Section 4 Storage Generally
- A. Every owner or operator of a commercial or industrial establishment, (including home occupations and agricultural and horticultural operations) storing toxic or hazardous materials in quantities totaling more than 50 gallons

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liquid volume or 25 pounds dry weight shall register with the Board of Health the types of materials stored, quantities, location and method of storage. An inventory of such materials shall be maintained on the premises and be reconciled with purchase, use, sales and disposal records on a monthly basis, in order to detect any product loss. Registration required by this provision shall be initially submitted by June 30, 1985, and annually thereafter. Maintenance and reconciliation of inventories shall also begin by June 30, 1985.

- B. Waste containing toxic or hazardous materials shall be held on the premises in product-tight containers for removal by a licensed carrier and for disposal in accordance with the Massachusetts Hazardous Waste Management Act. Chapter 21C. G.L.
- C. The Board of Health shall require that containers of toxic or hazardous materials be stored on an impervious, chemical resistant surface compatible with the material being stored, and that the storage area be enclosed with a permanent dike or impermeable construction.
- D. Every person having knowledge of a spill, leak or other loss of toxic or hazardous material shall immediately report the spill or loss of same to the Board of Health and if involving flammable or explosive materials to the Fire Department.

Section 5 Underground Storage

- A. The following provision shall apply to all underground liquid toxic or hazardous material storage systems:
 - 1. Owners shall file with the Board of Health the size, type, age, and location of each tank, and the type of fuel or chemical stored in each, on or before June 30, 1985. Evidence of date of purchase and installation, including Fire Department permit, if any, shall be included along with a sketch map showing the location of such tanks on the property.
 - 2. Owners of such tanks for which evidence of installation date is not available shall at the order of the Board of Health, have such tank systems, tested. If either the Board of Health or the Fire Chief determines that the tank is not product tight it shall be removed.
 - 3. All steel tanks shall be subject to one of the following tests 15 years after installation and