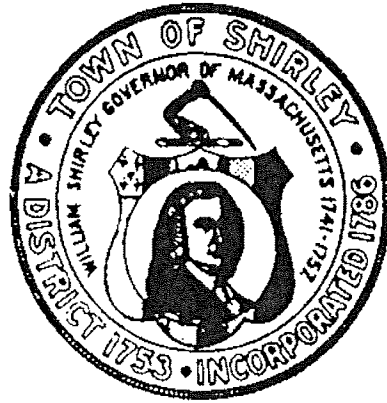


Town of Shirley

Massachusetts



WARRANT

For the

2020 ANNUAL TOWN MEETING

Ayer-Shirley Regional Middle School
Auditorium, 1 Hospital Road
Beginning MONDAY, June 29, 2020 @ 7:15 PM

Attention – Voters and Taxpayers

Please bring this Report to Town Meeting

Town of Shirley Annual Town Meeting

June 29, 2020

Warrant

Middlesex, ss.

Commonwealth of Massachusetts

To any of the Constables of the Town of Shirley in said County,

Greetings:

In the name of the Commonwealth aforesaid, you are hereby required to notify and warn the Inhabitants of said Town, qualified to vote in Town affairs, to assemble in the Auditorium of the Ayer-Shirley Regional Middle School at 1 Hospital Road in Shirley on Monday, the twenty ninth of June, 2020 at 7:15 p.m., to consider the following:

ARTICLE 1: Accept Annual Town Report

To see if the Town will vote to accept the Reports of the Board of Selectmen and other Town Officers for the Fiscal Year July 1, 2018 through June 30, 2019; or take any other action relative thereto.

Summary: *Massachusetts General Laws Chapter 40, Section 49 requires the Board of Selectmen to publish the Annual Town Report of all Town Offices, including Schools. Reports have been made available prior to the Annual Town Meeting. A majority vote is required for the passage of this article.*

Sponsored by the Board of Selectmen

Recommendations

Board of Selectmen: Favorable Action

Finance Committee: Favorable Action

ARTICLE 2: Prior Bills

To see if the Town will vote to transfer from available funds the total sum of \$87,654.20 to pay bills incurred in a prior fiscal year, with \$60,658.75 to be funded from Free Cash, and \$26,995.45 from other funding sources where so specified:

1. Medical Invoice MIIA - \$81,291.02 December 2017 monthly invoice (#29793-1217)
\$58,003.58, the Town employer share, to be transferred from Free Cash
\$23,287.44, the Town employee share, to be transferred from encumbered medical insurance premium accounts for employees
2. Dental Invoice MIIA - \$3,708.01 – to be paid from the FY2020 Dental Insurance Line item

July 15, 2017 - \$935.25 Invoice #D29153-0717
August 15, 2017 - \$1,224.66 Invoice #D29282-0817
December 15, 2017 - \$1,548.10 #D29793-1217

3. Massachusetts Department of State Police Detail \$2,200.00 June 13, 14, 15, 2018 Lancaster Road Paving
4. Quill - \$278.17
 - 11/28/18 - #3225530 - \$22.28
 - 1/30/19 - #4681334 - \$20.99
 - 2/7/19 - #4914594 - \$97.64
 - 4/10/19 - #6492530 - \$50.99
 - 6/6/19 - #7872428 - \$86.27
5. Bigelow Plumbing & Heating – \$90.00 - Request by Center Town Committee to pay the bill dated 4/1/19 for plumbing work at Center Town Hall -
6. Kelly & Ryan Associates, Inc. - \$58.00 – Invoice date 6/26/2019 for deputy fees counter payments in the amount of \$29.00 for a 2016 invoice and \$29.00 for a 2017 invoice.
7. Kelly & Ryan Associates, Inc. - \$29.00 Invoice date 6/26/2019 for deputy fees counter payments for a 2018 invoice.

or to take any action in relation thereto.

Summary: *In general, invoices must be paid in the same fiscal year the service/commodity is provided. The Fiscal Year runs from July 1 through June 30. Invoices received after the close of the fiscal year cannot be paid without the authorization of Town Meeting. A 4/5 vote is required for the passage of this article.*

Sponsored by the Board of Selectmen

Recommendations:

Board of Selectmen: Favorable Action

Finance Committee: Favorable Action

ARTICLE 3: Accept Salary Classification Plan & FY 2021 Wage Scale (See Appendices A & B)

To see if the Town will vote to accept the Salary Classification Plan, as set forth in Appendix A and amend the FY20 Wage Scale to include a 1% COLA effective July 1, 2020, as set forth in Appendix B; or take other action relative thereto.

Summary: *The Compensation Wage Plan and Scale is revised from time to time by the Personnel Board and presented to Town Meeting for approval. The purpose of the article is to approve nonunion employee salary increases. A majority vote is required for the passage of this article.*

Sponsored by the Personnel Board & the Board of Selectmen

Recommendations:

Board of Selectmen: Favorable Action

Finance Committee: Favorable Action

Article 4: Appropriate Omnibus Operating Budget for FY 2021

To see if the Town will vote to raise and appropriate or transfer from available funds such sums of money as may be required to defray Town charges for the fiscal period July 1, 2020 to June 30, 2021; or take any other action relative thereto.

TOWN OF SHIRLEY GENERAL FUND BUDGET FY2021

Summary: *This article presents the proposed omnibus operating budget of the Town for FY2021, together with prior year appropriations and actual expenditures for comparison. A majority vote is required for the passage of this article.*

Sponsored by the Board of Selectmen

Recommendations:

Board of Selectmen: Favorable Action

Finance Committee: Favorable Action

Line Number	Department	Description	FY2020 Approved	FY2021 Appropriation Request	FY2021 Total Per Dept.
2021-01	Board of Selectmen	Personnel Services	87,055	187,575	226,575 Fin Com Approved
2021-02	Board of Selectmen	Ordinary Expenses	63,946	39,000	
2021-03	Town Moderator	Ordinary Expenses	150	150	150 Fin Com Approved
2021-04	Town Clerk	Personal Services	68,417	68,417	75,030 Fin Com Approved
2021-05	Town Clerk	Ordinary Expenses	4,830	6,613	
2021-06	Elections	Personal Services	8,700	8,700	21,200 Fin Com Approved
2021-07	Elections	Ordinary Expenses	12,500	12,500	
2021-08	Town Administrator	Personal Services	130,000	130,000	457,349 Fin Com Approved
2021-09	Town Administrator	Ordinary Expenses	600	700	
2021-10	Town Administrator - Legal Budget	Ordinary Expenses	40,000	40,000	
2021-11	Town Administrator - Computer Operations	Ordinary Expenses	217,000	136,149	
2021-12	Town Administrator - Office Machines	Ordinary Expenses	8,500	7,000	
2021-13	Town Administrator - Energy / Street Lights	Ordinary Expenses	93,500	100,500	
2021-14	Town Administrator - Repairs & Maint.	Ordinary Expenses	43,000	43,000	
2021-15	Town Accountant	Personal Services	123,795	123,795	126,895 Fin Com Approved
2021-16	Town Accountant	Ordinary Expenses	3,100	3,100	
2021-17	Finance Committee	Ordinary Expenses	52,500	85,081	85,081 Fin Com Approved
2021-18	Town Assessor	Personal Services	63,300	63,300	100,910 Fin Com Approved
2021-19	Town Assessor	Ordinary Expenses	35,965	37,610	
2021-20	Treasurer/Collector	Personal Services	113,789	113,789	157,389 Fin Com Approved
2021-21	Treasurer/Collector	Ordinary Expenses	40,600	43,600	

2021-22	Conservation Commission	Personal Services	30,353	30,353	
2021-23	Conservation Commission	Ordinary Expenses	3,330	3,450	33,803 Fin Com Approved
2021-24	Land Use - Planning & Zoning	Personal Services	-	-	
2021-25	Land Use - Planning & Zoning	Ordinary Expenses	3,600	3,600	3,600 Fin Com Approved
2021-26	Inspectional Services	Personal Services	80,642	80,642	
2021-27	Inspectional Services	Ordinary Expenses	1,500	1,500	82,142 Fin Com Approved
2021-28	Police	Personal Services	934,035	934,035	
2021-29	Police	Ordinary Expenses	100,527	106,517	1,040,551 Fin Com Approved
2021-30	Communications Center	Ordinary Expenses	120,000	145,000	145,000 Fin Com Approved
2021-31	Animal Control	Personal Services	7,355	7,355	
2021-32	Animal Control	Ordinary Expenses	3,750	3,250	10,605 Fin Com Approved
2021-33	Fire	Personal Services	275,305	271,527	
2021-34	Fire	Ordinary Expenses	37,150	40,927	312,454 Fin Com Approved
2021-35	Public Buildings	Personal Services	13,359	16,387	
2021-36	Public Buildings	Ordinary Expenses	81,790	85,775	102,162 Fin Com Approved
2021-37	DPW General	Personal Services	346,292	339,364	
2021-38	DPW General	Ordinary Expenses	77,960	97,170	436,534 Fin Com Approved
2021-39	Snow & Ice	Ordinary Expenses	82,860	82,860	82,860 Fin Com Approved
2021-40	Roads & Grounds Maintenance	Ordinary Expenses	55,500	72,500	72,500 Fin Com Approved
2021-41	Cemetery	Personal Services	-	-	
2021-42	Cemetery	Ordinary Expenses	11,572	6,714	6,714 Fin Com Approved
2021-43	Board of Health	Personal Services	20,940	20,940	
2021-44	Board of Health	Ordinary		300	21,240 Fin Com Approved

		Expenses	300		
2021-45	Board of Health Recycling	Personal Services	5,641	5,641	50,171 Fin Com Approved
2021-46	Board of Health Recycling	Ordinary Expenses	44,530	44,530	
2021-47	Health Services	Ordinary Expenses	22,291	23,406	23,406 Fin Com Approved
2021-48	Landfill	Ordinary Expenses	12,500	14,460	14,460 Fin Com Approved
2021-49	Council on Aging	Personal Services	37,024	43,284	52,372 Fin Com Approved
2021-50	Council on Aging	Ordinary Expenses	3,897	9,088	
2021-51	Recreation	Personal Services	6,075	6,075	6,075 Fin Com Approved
2021-52	Veterans	Personal Services	6,936	6,936	101,236 Fin Com Approved
2021-53	Veterans	Ordinary Expenses	94,300	94,300	
2021-54	Library	Personal Services	200,694	200,694	268,256 Fin Com Approved
2021-55	Library	Ordinary Expenses	64,797	67,562	
2021-56	Memorial Day	Ordinary Expenses	2,800	2,800	2,800 Fin Com Approved
2021-57	Nashoba Valley Technical HS	Single Line Appropriation	662,012	724,345	724,345 Fin Com Approved
2021-58	Ayer-Shirley Regional School Assessment	Single Line Appropriation	7,589,059	7,778,785	8,229,482 Fin Com Approved
2021-59	Ayer-Shirley Regional School Debt Assessment	Single Line Appropriation	439,704	450,697	
2021-60	Health Insurance	Health Insurance	630,000	620,738	620,738 Fin Com Approved
2021-61	Retirement	Retirement	799,342	818,964	818,964 Fin Com Approved
2021-62	Medicare	Medicare	41,000	41,000	41,000 Fin Com Approved
2021-63	Medicare Tax	Medicare Tax	245	-	-
2021-64	Unemployment Compensation	Unemployment Compensation	20,000	10,000	10,000 Fin Com Approved
2021-65	Other Insurance	Other Insurance	190,000	195,700	195,700 Fin Com Approved

2021-66	Montachusett Regional Planning	Regional Planning	2,016	2,067	2,067	Fin Com Approved
2021-67	Actuary Study - OPEB	Actuary Study - OPEB		3,500	3,500	Fin Com Approved
2021-68	Debt Service	Debt Service	605,552	800,168	800,168	Fin Com Approved
Subtotal	General Fund		14,979,783	15,565,486	15,565,486	Fin Com Approved

Furthermore, the following projected needs are costs to the Town, but according to accounting rules established by the Department of Revenue, are not to be included in the appropriation order.

Overlay - Abatement & Exemptions	150,000	150,000
General Fund - Cherry Sheet Assessments	67,040	119,275
General Fund - Prior Years' Snow & Ice deficit	-	-
Indirect costs of the enterprise funds	50,132	69,432

Article 5: Approve Five-Year Capital Improvement Plan (See Appendix C)

To see if the Town will vote to approve and accept the FY2021 Capital Budget, together with the capital budget for the ensuing four years, said five-year plan known as the Capital Improvement Plan, as set forth in Appendix C; or take any other action relative thereto.

Summary: *This article presents the proposed five (5) year Capital Plan.* A majority vote is required for the passage of this article.

Sponsored by the Finance Committee

Recommendations:

Board of Selectmen: Favorable Action

Finance Committee: Favorable Action

Article 6: Appropriate Capital Items for FY 2021

To see if the Town will vote to raise and appropriate, transfer from available funds, and/ or borrow a sum or sums of money for the purpose of purchasing and equipping FY2021 Capital Budget items, including all related and incidental expenses, and, as may be necessary in connection therewith, to authorize the Town to enter into lease/purchase agreements for such items for terms of up to or exceeding three years, all as set forth below; or take any other action relative thereto.

Department	Requested Project/Equipment	Estimated Cost	Funding Source
COA	Building Repair	\$39,900.00	Free Cash
Police	Cruiser #23	\$51,143.00	Free Cash
Center Town Hall	Roof Replacement	\$35,000.00	Free Cash
DPW - Buildings	Town Hall & DPW Building Repairs	\$35,000.00	Free Cash
Sewer Enterprise	Pressure Distribution System	\$20,000.00	Sewer Operating Budget
Sewer Enterprise	Catacunemaug	\$6,000.00	Sewer Operating Budget
Sewer Enterprise	Clark Station	\$15,000.00	Sewer Operating Budget

Total Funded from Free Cash **\$161,043.00**

Total Funded from Sewer Operating Budget **\$41,000.00**

Total Cost FY21 CIP **\$202,043.00**

Summary:

This article proposes to fund the acquisition and equipping of certain capital items for the Town in FY2021 as part of the five-year capital plan. A majority is required for passage of the capital items that are purchased by transferring from available funds..

It is anticipated that the funding sources for this article will be as follows:

Fund \$161,043 Free Cash
Fund \$ 41,000 Sewer Enterprise Operating Budget

Totaling \$202,043.00 Capital Projects for FY21

Sponsored by the Board of Selectmen/Fin Com

Recommendations:

Board of Selectmen: Favorable Action

Finance Committee: Favorable Action

Article 7: Revolving Funds

To see if the Town will vote, pursuant to the provisions of G.L. c.44, §53E½, as most recently amended, to establish FY2021 spending limits for the revolving funds listed in Section 6 of the bylaw of the same name approved under Article 18 of the November 13, 2017 Special Town Meeting, all as set forth below, with such expenditure limits to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 in any year, to change the same for the ensuing fiscal year; provided, however, that at the request of the entity authorized to expend such funds, the Board of Selectmen, with the approval of the Finance Committee, may increase such limit, for that fiscal year only, with amounts to be deleted shown in strikethrough and amounts to be inserted shown with bold underline ; or take any other action relative thereto.

Revolving Fund	Fiscal Year Expenditure Limit
Board of Health Recycling	\$4,000

Summary: *The revolving fund statute was amended by the Municipal Modernization Act, and in particular Section 86 of Chapter 218 of the Acts of 2016. The amendment required that Town Meeting establish revolving funds by bylaw, which occurred at the November 13, 2017 Special Town Meeting. A majority vote is required for the passage of this article.*

Sponsored by the Board of Selectmen

Recommendations:

Board of Selectmen: Favorable Action

Finance Committee: Favorable Action

Article 8: Appropriate Sewer Enterprise Fund Budget for FY 2021

To see if the Town will vote to appropriate the total sum of \$1,473,167 to defray Sewer Enterprise direct and indirect costs, and, to transfer the sum of \$200,000 from Retained Earnings and raise the sum of \$1,273,167 from FY2021 Wastewater receipts to fund the total costs of the Sewer Enterprise Fund for FY2021 as follows, or take any action relative thereto.

Line Number	Department	Description	FY2020	FY2021	FY2021
			Approved	Budget Request	Fin Com Recommended Balance Budget
2020-69	Sewer Enterprise	Personnel Services	19,750	21,528	
2020-70	Sewer Enterprise	Ordinary Expenses	540,007	600,736	
2020-71	Sewer Enterprise	Debt Service	926,640	850,903	
Subtotal	Sewer Enterprise		1,486,397	1,473,167	FinCom Approval

Summary: *This article presents the proposed Sewer operating budget of the Town for FY2021. A majority vote is required for the passage of this article.*

Sponsored by the Sewer Commission

Recommendations:

Board of Selectmen: Favorable Action

Finance Committee: Favorable Action

Article 9: Appropriate Ambulance Department Enterprise Fund Budget for FY 2021

To see if the Town will vote to appropriate the sum of \$ 269,812 to defray Ambulance Enterprise direct costs and indirect costs, and to raise the sum of \$ 269,812 from FY2021 Ambulance Enterprise receipts to fund the total costs of the Ambulance Enterprise Fund for FY2021 as follows; or to take any other action relative thereto.

Line Number	Department	Description	FY2020	FY2021	FY2021
			Approved	Budget Request	Fin Com Recommended Balance Budget
2020-72	Ambulance Enterprise	Personnel Services	180,009	213,617	
2020-73	Ambulance Enterprise	Ordinary Expenses	43,680	46,195	
2020-74	Ambulance Enterprise	Debt Service		10,000	
Subtotal	Ambulance Enterprise		223,689	269,812	FinCom Approval

Summary: *This article presents the proposed Ambulance Enterprise Fund operating budget for FY 2021. A majority vote is required for the passage of this article.*

Sponsored by the Ambulance Department

Recommendations:

Board of Selectmen: Favorable Action

Finance Committee: Favorable Action

**Article 10: Appropriate for the Curbside Solid Waste/Recycling Enterprise
Budget for FY 2021**

To see if the Town will vote to appropriate the sum of \$412,500 to defray Curbside Solid Waste/Recycling Enterprise direct costs, and to raise the sum of \$ 369,650 from FY2021 Curbside Solid Waste/Recycling Enterprise receipts, transfer the sum of \$4,320 from the DEP Recovery Program account and raise and appropriate the sum of \$38,530 for the total costs of the Solid Waste Enterprise Fund for FY2021, as follows; or take any other action relative thereto.

Line Number	Department	Description	FY2020	FY2021	FY2021 Fin Com Recommended Balance Budget
			Approved	Budget Request	
2020-75	Trash Enterprise	Personnel Services	-	-	
2020-76	Trash Enterprise	Ordinary Expenses	376,935	373,970	
2020-77	Trash Enterprise	Debt Service	-	-	
Subtotal	Trash Enterprise		376,935	373,970	FinCom Approval

Summary: *This article presents the proposed Solid Waste operating budget of the Town for FY2021. A majority vote is required for the passage of this article.*

Sponsored by the Board of Health

Recommendations:

Board of Selectmen: Favorable Action
Finance Committee: Favorable Action

Article 11: To fund the Other Post Benefits Trust (OPEB)

To see if the Town will vote to transfer from Free Cash a sum of \$10,000 to be added to the Post-Employment Benefits Trust Fund; or take any other action relative thereto.

Summary: *Municipal employees earn benefits during their years of service that are not received until after their employment ends. The most common type of post-employment benefits is a pension. Post-employment benefits other than pensions generally take the form of health and health care benefits to eligible retirees. These non-pension benefits are referred to as "Other Post-employment Benefits." This fund was established to fund this unfunded liability. The balance of the OPEB is \$60,549 as of March 2020. A majority vote is required for passage of this article.*

Sponsored by the Finance Committee

Recommendations:

Board of Selectmen: Favorable Action
Finance Committee: Favorable Action

Article 12: Accept Chapter 90 Funds

To see if the Town will vote to authorize the Town to accept and expend any funds allotted or to be allotted to the Town by the Commonwealth of Massachusetts under the so-called Chapter 90 program for the construction, reconstruction, and improvement of Town roads; or take any other action relative thereto.

Summary: *This article allows the Town to accept the so-called Chapter 90 funds provided by the state and to expend those funds in accordance with the requirements of the Mass Department of Transportation guidelines. A majority vote is required to approve this article.*

Sponsored by the Board of Selectmen

Recommendations:

Board of Selectmen: Favorable Action
Finance Committee: Favorable Action

Article 13: PEG Access Receipt Reserved for Appropriation

To see if the Town will vote to appropriate a sum of money from the PEG Access and Cable Related Fund for FY21 cable-related expenses, and a further sum from Free Cash to address FY20 expenses, or take any other action relative thereto.

Summary: *A vote taken at the 2019 Annual Town Meeting established a Receipt Reserved for Appropriation fund for the cable access agreement pertaining to the SPACO contract. This account was created in accordance with DOR guidelines. Monies have to be appropriated to fund SPACO operations. The Town receives a quarterly franchise fee from Comcast to subsidize the programming.*

A majority vote is required for the passage of this article.

Sponsored by the Board of Selectmen

Recommendations:

Board of Selectmen: Favorable Action
Finance Committee: Favorable Action

Article 14: Central Massachusetts Mosquito Control Project Membership

To see if the Town will vote to transfer from Free Cash the sum of \$50,000 to become a member in the Central Massachusetts Mosquito Control Project pursuant to Massachusetts General Laws Chapter 252,

Section 5A and other applicable sections of said law; or take any action relative thereto.

Summary: *The Central Massachusetts Mosquito Control Project goal is to reduce mosquito exposure to the public, and the potential for disease transmission by mosquitoes, by utilizing proven, sound mosquito control techniques. CMMCP believes the best way to accomplish this task is by practicing an Integrated Pest Management (IPM) approach as it relates to mosquito control in Massachusetts. IPM utilizes a variety of control techniques and evaluation procedures. Control efforts are undertaken only after surveillance data has been collected and analyzed. Training, experience and common sense dictate our response in any given situation.*

A majority vote is required for passage of this article.

Sponsored by Board of Selectmen

Recommendations:

Board of Selectmen: Favorable Action

Finance Committee: Favorable Action

Article 15: Transfer to the General Stabilization Fund

To see if the Town will vote to transfer from available funds a sum of money to the General Stabilization Fund; or take any other action relative thereto.

Summary: *The Stabilization Fund is a special reserve account that has a balance of \$1,016,610 as of March 2020. Only the legislative body (Town Meeting) may move funds into or out of this account. A majority vote is required to transfer funds into this account. A 2/3rds vote is required to move funds out of the stabilization account for any legally authorized purpose.*

A majority vote is required for the passage of this article

Sponsored by the Board of Selectmen

Recommendations:

Board of Selectmen: Favorable Action

Finance Committee: Favorable Action

Article 16: Transfer to the Capital Stabilization Fund

To see if the Town will vote to transfer from available funds a sum of money to the Capital Stabilization Fund; or take any other action relative thereto.

Summary: *This article transfers to the Capital Stabilization Fund surplus funds realized as a result of any other actions taken in the previous articles of this warrant. Additionally, should additional revenues be recognized or state aid increase after the signing of this warrant, the Town has the means to "capture" those revenues with this article, and deposit those receipts into the Capital Stabilization Fund. The Capital Stabilization account has a balance of \$364,373.04 as of March 2020. A majority vote is required for the passage of this article.*

Sponsored by the Board of Selectmen

Recommendations:

Board of Selectmen: Favorable Action

Finance Committee: Favorable Action

Article 17: Hazen Memorial Library Demountable Wall Meeting Room

To see if the Town will vote to transfer from Free Cash the sum of \$10,225 to purchase and equip the Hazen Memorial Library with a demountable wall for its meeting room, including all incidental and related expenses, or take any other action relative thereto.

Summary: *The library is seeking an additional meeting space to accommodate smaller groups, in response to demand for a small enclosed room for tutors to meet with students, small study groups, book club meetings, private counseling space, and similar.*

The library has one large enclosed meeting room that accommodates 75-90 people, and is used for programs, book clubs, condominium associations, scouting groups, and other community organizations approximately 400 times a year. The room is used on a priority basis with library programs scheduled first and community requests second. The current demand for meeting space is greater than we can accommodate. Smaller groups will be better served in a smaller meeting space.

Sponsored by the Board of Selectmen

Recommendations:

Board of Selectmen: Favorable Action

Finance Committee: Favorable Action

Article 18: Clifton Larsen Allen Financial Consulting

To see if the Town will vote to transfer from Free Cash, or other available funds, a sum of \$60,000 to hire a financial consulting company to provide financial services to the Town, including reconciliation of the Town's financial accounts for FY2019 and FY2020, or take any other action relative thereto.

Summary: The Town has contracted Clifton Larson Allen for a scope of financial services including but not limited to the FY19 and FY20 cash and receivable reconciliation.

Sponsored by the Board of Selectmen

Recommendations:

Board of Selectmen: Favorable Action

Finance Committee: Favorable Action

Article 19: Illicit Discharge Bylaw

To see if the Town will vote to amend the General Bylaws of the Town to include an Illicit Discharge, Detection and Elimination Bylaw (IDDE), all as set forth in a document by the same name as set forth in appendix D; or take any other action relative thereto.

Summary: The Town Illicit Discharge, Detection, and Elimination Bylaw (IDDE) is an essential part of a Town's MS4 Storm water Permit and is used to manage any connections or discharges to the Town of Shirley's Municipal storm drain system and the waters of the Commonwealth.. The reasoning behind the bylaw is because illicit discharges typically contain bacteria and other pollutants that can be harmful to the environment. This bylaw will give the Town of Shirley a legally enforceable mechanism prohibiting illicit discharges from occurring and causing negative impacts to our environment. The Bylaw is designed to prevent are things such as impairment of water quality and reduced flow in lakes, ponds, streams, rivers, wetlands, and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat, and flooding. Regulation of illicit connections and discharges to the municipal storm drain system are necessary to safeguard the public health, safety, and welfare and the natural resources of the Town.

Sponsored by the Board of Selectmen

Recommendations:

Board of Selectmen: Favorable Action

Finance Committee: Favorable Action

Article 20: Police Chief Powers

To see if the Town will vote to accept the provisions of Chapter 41, Section 97A of the Massachusetts General Laws, entitled "Police Departments; Chief of Police; Powers and Duties", to create a so-called "strong" Police Chief, thereby revoking its acceptance of Section 97 of said Chapter 41, to be effective for the fiscal year beginning July 1, 2020, or take any action in relation thereto.

Summary: *Under the "Strong" Police Chief Statute, Massachusetts General Law c.41, s.97A, the selectmen appoint a police chief who has the power to make regulations for the department, subject to the selectmen's approval. While the Board still has the ultimate authority over the department, a greater degree of management and policy-making responsibility falls to the chief. The chief of police is in control of property used by the department and the police officers and assigns officers to their respective duties.*

A majority vote is needed for passage of this article.

Sponsored by the Board of Selectmen

Recommendations:

Board of Selectmen: Favorable Action

Finance Committee:

* * * *

And you will serve this Warrant by posting true and attested copies of same at the Town Offices and the Hazen Memorial Library in Shirley Village, at the Shirley Senior Center in Shirley Center, and a like copy at the United States Post Office in Shirley Village, fourteen days at least before the time appointed for said Meeting.

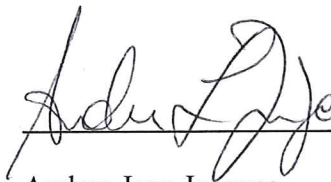
Hereof fail not and make due return of this Warrant with your doings therein to one of the Selectmen, on or before the date of the Meeting.

Given under our hands at Shirley, this 15th Day of June, 2020.

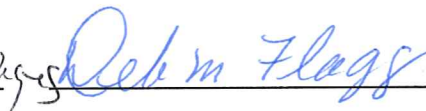
BOARD OF SELECTMEN



Bryan Sawyer
Chairman

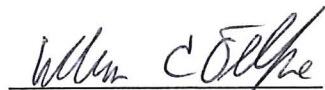


Andree Jean Jacques
Vice Chair



Debra Flagg
Clerk

A true copy. Attest:



William Oelfke, Town Clerk

APPENDIX A - Salary Classification Schedule

Grade	Position
16	None
15	Town Administrator
14	Police Chief
13	Fire Chief Public Works Director
12	None
11	Accountant/Budget Officer Information Technology Administrator Town Treasurer Town Collector Police Lieutenant
10	Library Director
9	None
8	Assistant Town Administrator COA Director
7	None
6	Reserve Police Officer DPW Reserve
5	Conservation Secretary
4	Finance Committee Administrative Secretary Police Matron
3	Dispatcher – Part Time
2	None
1	None

APPENDIX B - FY2021 Wage Scale

Town of Shirley Proposed FY21 Wage Scale - 1% cost of living adjustment															
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
101															
1 Hourly	12.41	12.56	12.97	13.26	13.56	13.86	14.18	14.50	14.83	15.16	15.50	15.85	16.21	16.58	16.95
1 weekly	496.30	502.26	518.69	530.51	542.34	554.59	567.26	579.93	593.02	606.54	620.06	634.00	648.36	663.14	677.92
1 yearly	25,906.80	26,217.88	27,075.36	27,692.72	28,310.07	28,949.47	29,610.92	30,272.37	30,955.87	31,661.42	32,366.96	33,094.56	33,844.20	34,615.89	35,387.59
2 Hourly	13.65	13.96	14.28	14.59	14.92	15.26	15.61	15.96	16.31	16.68	17.06	17.44	17.84	18.24	18.65
2 weekly	546.14	558.39	571.06	583.73	596.83	610.34	624.28	638.22	652.58	667.36	682.57	697.78	713.40	729.45	745.93
2 yearly	28,508.50	29,147.91	29,809.36	30,470.81	31,154.30	31,859.85	32,587.45	33,313.04	34,064.69	34,836.38	35,632.57	36,423.86	37,239.65	38,077.48	38,937.37
3 Hourly	15.02	15.35	15.70	16.05	16.41	16.78	17.16	17.55	17.94	18.34	18.75	19.18	19.61	20.05	20.51
3 weekly	600.63	614.14	628.08	642.02	656.38	671.16	686.37	702.00	717.63	733.68	750.15	767.05	784.36	802.10	820.27
3 yearly	31,352.74	32,058.29	32,785.88	33,513.48	34,263.12	35,034.81	35,828.55	36,644.34	37,460.13	38,297.97	39,157.85	40,039.79	40,943.77	41,869.80	42,817.88
4 Hourly	16.52	16.88	17.26	17.66	18.06	18.46	18.87	19.29	19.73	20.17	20.62	21.09	21.56	22.05	22.54
4 weekly	660.61	675.39	690.59	706.22	722.27	738.32	754.80	771.69	789.01	806.75	824.91	843.50	862.50	881.93	901.79
4 yearly	34,483.60	35,255.30	36,049.04	36,864.83	37,702.66	38,540.50	39,400.38	40,282.32	41,186.30	42,112.33	43,060.41	44,030.54	45,022.71	46,036.93	47,073.21
5 Hourly	18.16	18.57	19.00	19.42	19.85	20.30	20.75	21.21	21.69	22.18	22.67	23.18	23.70	24.22	24.77
5 weekly	726.50	742.97	759.87	776.76	794.08	811.82	829.98	848.57	867.57	887.00	906.85	927.13	947.83	968.94	990.91
5 yearly	37,923.15	38,783.03	39,664.96	40,546.90	41,450.88	42,376.91	43,324.99	44,295.12	45,287.29	46,301.51	47,337.79	48,396.11	49,476.48	50,578.89	51,725.41
6 Hourly	19.98	20.43	20.90	21.37	21.86	22.35	22.86	23.38	23.91	24.45	24.99	25.55	26.12	26.72	27.32
6 weekly	799.15	817.31	835.89	854.90	874.33	894.18	914.46	935.15	956.27	977.81	999.78	1,022.16	1,044.97	1,068.63	1,092.70
6 yearly	41,715.46	42,663.54	43,633.67	44,625.84	45,640.06	46,676.34	47,734.66	48,815.03	49,917.44	51,041.91	52,188.42	53,356.98	54,547.59	55,782.30	57,039.06
7 Hourly	21.97	22.47	22.98	23.49	24.02	24.56	25.11	25.68	26.26	26.85	27.45	28.08	28.71	29.36	30.02
7 weekly	878.98	898.83	919.10	939.80	960.92	982.46	1,004.42	1,027.23	1,050.46	1,074.12	1,098.19	1,123.11	1,148.46	1,174.22	1,200.83
7 yearly	45,882.60	46,918.87	47,977.19	49,057.56	50,159.97	51,284.44	52,430.95	53,621.56	54,834.22	56,068.93	57,325.69	58,626.54	59,949.44	61,294.39	62,683.43
8 Hourly	24.17	24.72	25.28	25.85	26.43	27.02	27.63	28.26	28.89	29.55	30.21	30.89	31.58	32.29	33.02
8 weekly	966.83	986.80	1,011.18	1,033.99	1,057.22	1,080.88	1,105.37	1,130.29	1,155.64	1,181.82	1,208.43	1,235.47	1,263.34	1,291.64	1,320.79
8 yearly	50,468.65	51,615.16	52,783.73	53,974.34	55,187.00	56,421.70	57,700.51	59,001.36	60,324.26	61,691.26	63,080.30	64,491.40	65,946.59	67,423.82	68,945.16
9 Hourly	26.59	27.19	27.80	28.43	29.07	29.73	30.39	31.08	31.77	32.49	33.22	33.97	34.73	35.51	36.31
9 weekly	1,063.56	1,087.63	1,112.13	1,137.05	1,162.82	1,189.01	1,215.62	1,243.07	1,270.95	1,299.67	1,328.81	1,358.80	1,389.21	1,420.47	1,452.57
9 yearly	55,517.72	56,774.48	58,053.28	59,354.13	60,699.08	62,066.08	63,455.12	64,888.27	66,343.46	67,842.74	69,364.08	70,929.51	72,516.99	74,148.57	75,824.24
10 Hourly	29.25	29.90	30.58	31.27	31.97	32.69	33.43	34.18	34.95	35.73	36.54	37.36	38.20	39.06	39.94
10 weekly	1,170.00	1,196.19	1,223.22	1,250.67	1,278.97	1,307.69	1,337.26	1,367.25	1,398.08	1,429.34	1,461.44	1,494.39	1,528.18	1,562.39	1,597.45
10 yearly	61,073.90	62,440.90	63,851.99	65,285.14	66,762.37	68,261.66	69,805.05	71,370.48	72,980.01	74,611.58	76,287.26	78,007.03	79,770.90	81,556.81	83,386.82
11 Hourly	32.17	32.90	33.64	34.40	35.17	35.97	36.78	37.60	38.45	39.31	40.20	41.11	42.04	42.99	43.96
11 weekly	1,287.00	1,316.14	1,345.71	1,376.12	1,406.95	1,438.63	1,471.16	1,504.10	1,537.89	1,572.53	1,608.01	1,644.33	1,681.50	1,719.52	1,758.38
11 yearly	67,181.29	68,702.63	70,246.01	71,833.49	73,443.02	75,096.65	76,794.37	78,514.14	80,278.01	82,085.97	83,938.03	85,834.19	87,774.44	89,758.79	91,787.24
12 Hourly	35.40	36.19	37.00	37.83	38.69	39.56	40.44	41.35	42.28	43.23	44.20	45.19	46.21	47.24	48.31
12 weekly	1,415.82	1,447.50	1,480.03	1,513.39	1,547.61	1,582.24	1,617.72	1,654.05	1,691.22	1,729.23	1,768.09	1,807.79	1,848.34	1,889.74	1,932.40
12 yearly	73,906.04	75,559.66	77,257.38	78,999.20	80,785.12	82,593.08	84,445.14	86,341.30	88,281.55	90,265.91	92,294.35	94,366.90	96,483.54	98,644.27	100,871.16
13 Hourly	38.93	39.81	40.71	41.63	42.57	43.53	44.51	45.51	46.54	47.58	48.65	49.75	50.87	52.01	53.18
13 weekly	1,557.32	1,592.38	1,628.28	1,665.03	1,702.62	1,741.06	1,780.34	1,820.47	1,861.44	1,903.25	1,945.91	1,989.84	2,034.61	2,080.23	2,127.12
13 yearly	81,292.23	83,122.24	84,996.35	86,914.56	88,876.86	90,883.26	92,933.75	95,028.35	97,167.04	99,349.82	101,576.70	103,869.73	106,206.86	108,588.08	111,035.44
14 Hourly	42.83	43.79	44.77	45.78	46.81	47.87	48.94	50.04	51.17	52.32	53.49	54.70	55.93	57.19	58.48
14 weekly	1,713.18	1,751.62	1,790.90	1,831.03	1,872.42	1,914.66	1,957.74	2,001.67	2,046.86	2,092.90	2,139.79	2,187.94	2,237.36	2,287.62	2,339.15
14 yearly	89,428.07	91,434.47	93,484.96	95,579.56	97,740.29	99,945.13	102,194.06	104,487.09	106,846.26	109,249.53	111,696.89	114,210.40	116,790.06	119,413.81	122,103.71
15 Hourly	47.12	48.17	49.26	50.37	51.50	52.66	53.84	55.06	56.29	57.56	58.86	60.18	61.53	62.91	64.33
15 weekly	1,894.67	1,926.91	1,970.41	2,014.76	2,059.96	2,106.42	2,153.73	2,202.30	2,251.72	2,302.40	2,354.36	2,407.16	2,461.22	2,516.55	2,573.15
15 yearly	98,379.69	100,584.53	102,855.51	105,170.58	107,529.76	109,955.07	112,424.49	114,960.05	117,539.70	120,185.50	122,897.45	125,653.49	128,475.68	131,364.01	134,318.49

APPENDIX C – Five Year Capital Improvement Plan

Five Year Capital Improvement Plan

Department	Requested Project/Equipment	FY21	FY22	FY23	FY24	FY25
DPW	John Deere Grader	-				
DPW - Buildings	Facility Assessment	-				
COA	Building Repair	39,893				
Police	Cruiser #23	51,143				
Center Town Hall	Roof Replacement	35,000				
DPW - Buildings	Town Hall & DPW Building Repairs	35,000				
Sewer Enterprise	Pressure Distribution System	20,000				
Sewer Enterprise	Catacunemaug	6,000				
Sewer Enterprise	Clark Station	15,000				
	Capital Projects FY2021	202,036				
DPW	GMC Sierra 1-Ton Pick-up w/Plow (2002)		75,000			
Police	Cruiser #27		51,143			
Fire	Pavement/Concrete Improvements at Fire House		77,051			
Sewer Enterprise	Pressure Distribution System		23,000			
	Capital Projects FY2022		226,194			
Fire	Chief's Car			60,000		
DPW	2017 1 q Ton Dump Truck			239,782		
DPW	DPW Base 2 Roof and Lighting Repair			48,000		
DPW - Buildings	Replace Carpeting - Town Offices			60,000		
Police	Cruiser #21			51,143		
Sewer Enterprise	Pressure Distribution System			25,000		
	Capital Projects FY2023			423,925		
Library	Computer Replacement				10,506	
Police	Cruiser (2013 Interceptor)				51,143	
Ambulance / GF	Ambulance: E450 Ford Class I (1999)				306,800	
Sewer Enterprise	Pressure Distribution System				25,000	
	Capital Projects FY2024				393,450	
Police	Cruiser (2011 Crown Victoria)					51,143
Police	Radar Trailer					11,509

Capital Projects FY2025

TOTAL FY2020- FY2024 CAPITAL PLAN						
		202,036	226,194	423,925	393,450	-
Total 5 Yr CIP Plan				1,822,628		

APPENDIX D

ARTICLE XXXIII - ILLICIT DISCHARGES TO THE MUNICIPAL STORM DRAIN SYSTEMS BY-LAW

1. Purpose and Authority

A. **Introduction.** Increased volumes of stormwater and contaminated stormwater runoff are major causes of:

- i. Impairment of water quality and reduced flow in lakes, ponds, streams, rivers, wetlands, and groundwater;
- ii. Contamination of drinking water supplies;
- iii. Alteration or destruction of aquatic and wildlife habitat; and
- iv. Flooding.

The U.S. Environmental Protection Agency has identified land disturbance and polluted stormwater runoff as major sources of water pollution.

Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of Town of Shirley's water bodies and groundwater resources and to safeguard the public health, safety, and welfare and the natural resources of the Town.

B. **Purpose.** The purpose of this bylaw is to manage connections and discharges to the Town of Shirley's municipal storm drain system and waters of the Commonwealth.

C. **Objectives.** The objectives of this bylaw are:

- i. To prevent pollutants from entering Shirley's municipal separate storm sewer system (MS4) and waters of the Commonwealth;
- ii. To prohibit illicit connections and unauthorized discharges to the MS4;
- iii. To require the removal of illicit connections;
- iv. To comply with state and federal statutes and regulations relating to stormwater discharges; and
- v. To establish the legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

D. **Authority.** This bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the Federal Clean Water Act found at 40 CFR 122.34. The Planning Board shall administer, implement and enforce or delegate authority to enforce this bylaw. Any powers granted to or duties imposed upon the designee may be delegated in writing to other qualified employees or agents of the Town of Shirley.

2. Definitions

For the purposes of this bylaw, the following definitions shall apply:

Clean Water Act: The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

Discharge of Pollutants: The addition from any source of any pollutant or combination of pollutants from any source into the municipal storm drain system or into the waters of the United States or Commonwealth.

Groundwater: All water beneath the surface of the ground.

Hazardous Material or Waste: Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Hazardous materials include any synthetic or organic chemical, petroleum product, heavy metals, radioactive or infectious waste, acid and alkali, pathogens and any substance defined as Toxic or Hazardous under Massachusetts General Laws Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

Illicit Connection: Any surface or subsurface drain or conveyance, that allows an illegal discharge into the municipal storm drain system. Illicit connections include conveyances that allow a non-stormwater discharge to the municipal storm drain system including but not limited to: sewage, processed wastewater or wash water and also any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved prior to the effective date of this bylaw.

Illicit Discharge: Any direct or indirect non-stormwater discharge into the municipal storm drain system, not specifically exempted in Section 6. The term excludes a discharge in compliance with an NPDES Storm Water or Surface Water Discharge Permit.

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 Shirley.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit: A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

Non-Stormwater Discharge: Any discharge to the municipal storm drain system not composed entirely of stormwater.

Person: Any individual, partnership, association, firm, company, trust, corporation or other organization, and, any agency, authority, department or political subdivision of the

Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

Pollutant: Any constituent part or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants include, but are not limited to:

- A. Preservatives including paints, varnishes and other chemical agents, cleaning agents, disinfectants and solvents;
- B. Oil and other automotive or other vehicular fluids and any fuels irrespective of use;
- C. Non-hazardous liquids, solid wastes and yard wastes;
- D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, accumulations and floatables;
- E. Pesticides, herbicides, and fertilizers;
- F. Hazardous materials and wastes; sewage, fecal coliform and other pathogens;
- G. Metals: dissolved, in suspension or in particulate form;
- H. Animal wastes;
- I. Rock, sand, salts, soils;
- J. Construction wastes and residues, including but not limited to sediments, slurries, and concrete rinsates;
- K. Noxious or offensive matter of any kind.

Process Wastewater: Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

Stormwater: Storm (rain) runoff, snowmelt runoff, and surface water runoff and drainage.

Surface Water Discharge Permit: A permit issued by the Department of Environmental Protection pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

Toxic or Hazardous Material or Waste: Any material which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as toxic or hazardous under M.G.L. C. 21C and C. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

Uncontaminated: not containing pollutants.

Wastewater: any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

Watercourse: A natural or man-made channel through which water flows including a river, brook or underground stream.

Waters of the Commonwealth: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

3. Applicability

This bylaw shall apply to flows entering the municipally-owned storm drainage system and waters of the Commonwealth.

4. Regulations

The Stormwater Committee may promulgate rules, regulations and a permitting process to effectuate the purposes of this bylaw. Failure by the Stormwater Committee to promulgate such rules and regulations shall neither suspend nor invalidate this bylaw.

5. Prohibited Activities

- A. **Illegal Discharges.** No person shall dump, discharge, cause or allow to be dumped or discharged any pollutant or non-stormwater discharge into the municipal storm drain system, watercourse, or into the waters of the Commonwealth.
- B. **Illicit Connections.** No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- C. **Obstruction of Municipal Storm Drain System.** No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior approval from the designated Enforcement Authority.

6. Exemptions

- A. **Exemption for Fire-Fighting.** This section shall not apply to discharges or flows resulting from fire-fighting activities;
- B. **Exemptions.** This section shall not apply to any of the following non-stormwater discharges or flows provided that the source is not deemed by the Stormwater Committee to be a significant contributor of a pollutant to the municipal storm drain system:
 - i. Waterline flushing;
 - ii. Flows from potable water sources;
 - iii. Springs;
 - iv. Natural flows from riparian habitats and wetlands;

- v. Rising groundwater;
- vi. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(b)(20), or uncontaminated pumped groundwater;
- vii. Clean discharge from landscape irrigation or lawn watering;
- viii. Water from individual residential car washing;
- ix. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems, such as dewatering excavations for foundation or pipelines), crawl space pumps, or air conditioning condensation;
- x. Discharges from street sweeper operations of inconsequential amounts of water.;
- xi. Dye testing, provided verbal notification is given to the designated Enforcement Authority and approval is obtained prior to the time of the test;
- xii. Non-stormwater discharges permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Massachusetts Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations;
- xiii. Discharges for which advanced written approval is received from the designated Enforcement Authority, if necessary, to protect public health, safety, welfare or the environment.

7. Suspension of Storm Drainage System Access

- A. **Suspension.** The designated Enforcement Authority may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened illegal discharge that presents or may present imminent risk of harm to the public health, safety, welfare or to the environment. If any person fails to comply with an emergency suspension order, the designated Enforcement Authority may take all reasonable steps necessary to prevent or minimize harm to the public health, safety and welfare or to the environment.
- B. **Termination.** Any person discharging to a municipal storm drain system in violation of this bylaw may have access to their municipal storm drain system terminated if such termination would abate or reduce an illicit discharge. The designated Enforcement Authority will notify a violator of the proposed termination of access to the municipal storm drain system. The violator may petition the Planning Board for reconsideration and hearing. An offense is committed if the person reinstates access to the municipal storm drain system from premises terminated pursuant to this section, without prior approval from the designated Enforcement Authority.

8. Notification of Spills

- A. Notwithstanding any other requirements of local, state or federal law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials at that facility or operation that results or may result in illegal discharge of pollutants, that person shall take all

steps necessary to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments, DPW Director and Board of Health. In the event of a release of non-hazardous material, said person shall notify the DPW Director no later than the next business day. Written confirmation of all telephone, facsimile or in person notifications shall be provided to the DPW Director within three business days thereafter.

- B. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

9. Enforcement

- A. The Enforcement Authority, designated by the Planning Board, shall enforce this bylaw, and the regulations promulgated thereunder, as well as the terms and conditions of all permits, notices, and orders, and may pursue all civil and criminal remedies for such violations.
- B. **Civil Relief.** The designated Enforcement Authority may seek injunctive relief in a court of competent jurisdiction to restrain the person that violates the provisions of this bylaw, regulations, permit, notice, or order issued thereunder from activities that would create further violations and additionally compelling the person to abate or remediate the violation.
- C. **Compliance Orders.** The designated Enforcement Authority may issue a written order to enforce the provisions of this bylaw or the regulations thereunder, which may include:
 - i. Elimination of illicit connections or discharges to the storm drainage system;
 - ii. Termination of access to the storm drainage system;
 - iii. Performance of monitoring, analyses, and reporting;
 - iv. Cessation of unlawful discharges, practices, or operations;
 - v. Remediation of contamination in connection therewith.
- D. **Timeline.** If the designated Enforcement Authority determines that abatement or remediation of contamination 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 of Shirley may, at its option, undertake such work, and all costs incurred by the Town shall be charged to the violator, to be recouped through all available means, including the placement of a lien on the property.

Within 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 designated Enforcement Authority within 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 30 days following a decision of the designated Enforcement Authority affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs may constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate after

the 31st day at which the costs first become due.

- E. **Criminal and Civil Penalties.** Any person that violates any provision of this bylaw, valid regulation, or the terms or conditions in any permit or order prescribed or issued thereunder, shall be subject to a fine not to exceed \$300.00 for each day such violation occurs or continues or be subject to a civil penalty, that may be assessed in an action brought on behalf of the Town in any court of competent jurisdiction.
- F. **Non-Criminal Disposition.** As an alternative to criminal prosecution or civil action, the Town of Shirley may elect to utilize the non-criminal disposition procedure set forth in Massachusetts General Laws Chapter 40, §21D. The designated Enforcement Authority, or other designee, shall be the enforcement officer for the non-criminal disposition procedure. The penalty for the 1st violation shall be \$100. The penalty for the 2nd violation shall be \$200. The penalty for the 3rd and subsequent violations shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- G. **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 designated Enforcement Authority, his/her 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 designated Enforcement Authority deems reasonably necessary
- H. **Appeals.** The decisions or orders of the designated Enforcement Authority may be appealed by petition to the Planning Board for a hearing. Said petition must be filed within seven (7) days of the date of notice of violation.
- I. **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.

10. Severability

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence or clause of this bylaw or the application thereof to any party, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

11. Transitional Provisions

Property owners shall have ninety (90) days from the effective date of this bylaw to comply with its provisions. An extension may be granted provided good cause is shown for the failure to comply with the bylaw during that period.

12. Effective Date

This Bylaw shall take effect upon approval of the Attorney General and upon compliance with the requirements of Massachusetts General Law Chapter 40, Section 32.

RETURN OF SERVICE

I certify that at the following dates and times, I duly posted true and attested copies of the foregoing Warrant for the June 29, 2020 Annual Town Meeting:

	DATE	TIME
Town Offices	<u>6/18/2020</u>	<u>10:45AM</u>
Hazen Memorial Library	<u>6/18/2020</u>	<u>10:50AM</u>
U. S. Post Office	<u>6/18/2020</u>	<u>11:00AM</u>
Shirley Senior Center	<u>6/18/2020</u>	<u>11:15AM</u>

Keith J. Keady
Constable's Signature

KEITH J. KEADY
Constable's Printed Name

* * *

