

BOARD OF SELECTMEN
MEETING AGENDA

Fuller Meadow School
Nathan Media Center

143 South Main Street, Middleton, MA 01949

Tuesday, December 3, 2019

7:00 PM

This meeting is being recorded

1. 7:00 PM Warrant: #2012
Minutes:
 - Open Session: November 19, 2019
 - Executive Session:Town Administrator updates and reports
2. 7:10 PM Public Comment Period
3. 7:20 PM Masconomet student Mira Plante to discuss the Take-In, Take-Out policy and litter
4. 7:30 PM Recognition of Robert Ambrefe for his years of service to the Board of Health
5. 7:40 PM Discussion of personnel policies with Town Counsel, Kate Feodoroff
6. 8:10 PM Discussion of cemetery rules, including sale of lots to non-residents and guidelines for evaluating waivers of the rules
7. 8:15 PM Vote to accept an anonymous donation of \$7,500 to the Fire and Police departments
8. 8:20 PM Discussion of correspondence from Masconomet Regional School Committee regarding its capital planning process
9. 8:30 PM New Business: Reserved for topics that the Chair did not reasonably anticipate would be discussed
10. 8:40 PM Executive Session under GL c. 30A, s. 21(a)(3), to discuss strategy with respect to collective bargaining and non-union personnel.

Upcoming Meetings: December 17
January 14 & 28

The Board reserves the right to consider items on the agenda out of order. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

Minutes of the MIDDLETON BOARD OF SELECTMEN
Fuller Meadow School
Nathan Media Room
143 South Main Street, Middleton, MA 01949
November 19, 2019 7:00 PM

Present: Chair Timothy Houten, Kosta Prentakis, Todd Moreschi

Absent: Brian Cresta, Rick Kassiotis

Others Present: Town Administrator Andy Sheehan, Assistant Town Administrator Tanya Stepasiuk, Jeff Garber, Brad Swanson, Frank Leary, Jim DesRocher, Samantha Miller, John Erickson, Paul Richardson, Toula Guarino, Deb Carbone, Jason Vining, Jennifer Santangelo, and others

7:20 PM With a quorum present, Selectmen Chair Tim Houten called the meeting to order.

7:20 PM Presentation of Food Truck Festival Donation to Middleton Food Pantry: Frank Leary, manager of the Food Pantry, met with the Board of Selectmen to publicly thank Jim DesRocher and Samantha Miller, organizers of the 2nd Annual Food Truck Festival, for their generous donation to the Middleton Food Pantry. Jim DesRocher and Samantha Miller presented Leary with a check in the amount of \$5,000, and the Board took the following action:

On a **MOTION** made by **Prentakis**, second by **Moreschi**, the Board of Selectmen **VOTED** unanimously to accept the \$5,000 donation to the Middleton Food Pantry from the Food Truck Festival.

After the vote, Chair Houten presented Leary with an additional check in the amount of \$2,500, which was donated anonymously. The Board took the following action:

On a **MOTION** made by **Prentakis**, second by **Moreschi**, the Board of Selectmen **VOTED** unanimously to accept an anonymous donation of \$2,500 for the Food Pantry.

7:24 PM Appoint Maria Schena as an Alternate member to the Recreation Commission:
After a brief discussion, the Board took the following action:

On a **MOTION** made by **Prentakis**, second by **Moreschi**, the Board of Selectmen **VOTED** unanimously to appoint Maria Schena as an alternate member to the Recreation Commission for a term ending June 30, 2020.

7:25 PM Appoint Gary Paul as an Alternate Plumbing and Gas Inspector: After a brief discussion, the Board took the following action:

On a **MOTION** made by **Prentakis**, second by **Moreschi**, the Board of Selectmen **VOTED** unanimously to appoint Gary Paul as Alternate Plumbing and Gas Inspector for a term ending June 30, 2020.

7:26 PM Review and Vote on Meeting Broadcast Policy recommended by the Cable Television Advisory Committee:

After Chair Houten and Town Administrator Andy Sheehan provided the Board with a brief summary of the Cable Television Advisory Committee's recommendation, the Board took the following action:

On a **MOTION** made by **Prentakis**, second by **Moreschi**, the Board of Selectmen **VOTED** unanimously to adopt the meeting broadcast policy as presented.

7:27 PM Review and Vote to Sign a Cable Franchise Agreement with Verizon: Town Administrator Andy Sheehan advised the Board that the agreement is not very different from the current contract and he recommended that the Board vote to accept the agreement. After a brief discussion, the Board took the following action:

On a **MOTION** made by **Prentakis**, second by **Moreschi**, the Board of Selectmen **VOTED** unanimously to accept the Cable Franchise Agreement with Verizon as presented.

7:30 PM FY2020 Tax Classification Hearing: Selectman Chair Timothy Houten read aloud the legal notice of the Tax Classification Hearing, and the Board took the following action:

On a **MOTION** made by **Prentakis**, second by **Moreschi**, the Board of Selectmen **VOTED** unanimously to open the Tax Classification Hearing.

Brad Swanson, Assistant Assessor, provided the Board with material to view as he made his presentation for the Tax Classification Hearing, which included the information outlined below, as well as the Board's votes on each:

- **Review of Fiscal Year 2020 final valuations approved by State Department of Revenue; votes required under Massachusetts General Law, Chapter 59, Section 2:**
 - **To discount up to 25% of Open Space (No, as there are no qualifying parcels)**
On a **MOTION** made by **Prentakis**, second by **Moreschi**, the Board of Selectmen **VOTED** unanimously to set the Open Space Discount at 0.
 - **To adopt up to a 20% Residential Exemption (Yes or No, and if Yes, at what %)**
On a **MOTION** made by **Prentakis**, second by **Moreschi**, the Board of Selectmen **VOTED** unanimously to set the Residential Exemption at 0.
 - **To adopt up to a 10% Small Commercial Exemption (No, as there are no eligible parcels)**
On a **MOTION** made by **Prentakis**, second by **Moreschi**, the Board of Selectmen **VOTED** unanimously to set the Small Commercial Exemption at 0.
 - **To determine the percentage of the tax levy to be borne by the two main property classes:**
Residential and CIP (Commercial, Industrial and Personal):
 - A. **100% factor or unity for both classes**
 - B. **A CIP factor between 100-150% of Residential factor as shown on options chart.**

On a **MOTION** made by **Prentakis**, second by **Moreschi**, the Board of Selectmen **VOTED** unanimously to set the factor at 100% for all classes of property.

At the conclusion of the Assistant Assessor's presentation, there was a public comment period. There were no comments from the public, and the Board took the following action:

On a **MOTION** made by **Prentakis**, second by **Moreschi**, the Board of Selectmen **VOTED** unanimously to close the Tax Classification Hearing.

After the hearing was closed, the Assistant Assessor provided the Board with an update on the Town's valuation, including all classes of real estate.

7:41 PM ROUTINES

- **Warrant #2010 and Warrant #2011:** Town Administrator Andy Sheehan provided a brief review of #2010 (Payroll: \$714,817, Bills Payable: \$1,003,274), and #2011 (Payroll: \$872,926, Bills Payable: \$3,388,998), noting that the Town Accountant had reviewed the warrant and requested the Board's approval. After a brief discussion, the Board took the following action:
On a **MOTION** made by **Prentakis**, second by **Moreschi**, the Board of Selectmen **VOTED** unanimously to accept the warrants, as presented.

7:44 PM The Chair noticed there were some in the audience who may have been in attendance for agenda items that they had already voted on and invited anyone in the audience to speak, if they desired. Maria Schena met with the Board of Selectmen to provide them with some of her background and interest in serving on the Recreation Commission. The Board thanked her for her enthusiasm and advised her that she was appointed to the position earlier in the meeting.

7:47 PM ROUTINES (continued)

- **Minutes:**
 - **October 22, 2019 and November 5, 2019:** After a brief review of the minutes of October 22, 2019 and November 5, 2019, the Board took the following action:
On a **MOTION** made by **Prentakis**, second by **Moreschi**, the Board of Selectmen **VOTED** unanimously to accept the minutes as presented.
- **Town Administrator's Report:** Town Administrator Andy Sheehan provided the Board with updates and information on the following:
 - **Home Rule Petition Regarding Voting Places:** Sheehan advised the Board that the Home Rule Petition passed two weeks ago and the Governor signed it, which allows Middleton to move voting to places that would otherwise be prohibited as voting places, such as the DoubleTree, the Legion, etc. Sheehan expressed his appreciation to Senator Tarr, and Representatives Speliotis and Jones for their work and advocacy to get the bill through.

- **Master Planning Process:** Sheehan advised the Board that the planning charrette went well on Saturday. HKT presented four conceptual layouts for review. That feedback resulted in two options. HKT will fine-tune those layouts and present them to the Committee on Monday, December 2. They will present the recommended plan at a public input session on Wednesday, December 4.
- **Culvert on North Liberty Street:** Sheehan advised that the culvert is in, and the street is expected to open in mid-December.
- **Senator Tarr's Toy Drive:** Sheehan advised the Board that Senator Tarr is holding his annual Toy Drive on December 12th, from 9AM-10AM at the Flint.
- **Turkey Trot:** Sheehan announced that the Turkey Trot will take place on Thanksgiving Day at 8AM, beginning at the Flint parking lot. More information can be found at high5em.com, or by emailing info@high5em.com.
- **Middleton Rail Trail Alliance 501C3 Designation:** Sheehan reported that the Middleton Rail Trail Alliance has been designated as a 501C3 non-profit organization, making all donations to the organization tax-deductible.
- **State Match Set at 14.1%:** Selectman Prentakis advised the Board that the State is distributing funds, based on a 14.1% match, adding that Middleton's budget was based on a 10% match. Next year the match should be up in the 30's, reflecting the higher registry fees that were adopted.
- **School Enrollments Declining:** Selectman Prentakis reported that Middleton's enrollment at Masco dropped by 4.44% as of 10/1/19, adding that that's what will be in effect for the FY21 calculation. Town Administrator Sheehan added that the Essex Tech enrollment is down as well.

7:52 PM Follow-up Discussion on the November 5, 2019 Special Town Meeting: Sheehan thanked everyone who attended as there was some concern about a quorum. A brief discussion ensued on the questions residents had on the Town Meeting. Chair Houten publicly thanked Assistant Town Administrator Tanya Stepasiuk for her work on the dog bylaw language.

7:59 PM Review Calendar for March 24, 2020 Special Town Meeting: The Town Administrator explained that HKT, the designers, will make a formal presentation to the Board on their final plan in early March. The Town Meeting would be for the appropriation of the design for the first building.

8:04 PM Review Calendar for FY2021 Budget and May 12, 2020 Annual Town Meeting: Town Administrator Sheehan provided the Board with a FY2021 calendar and meetings planned to prepare for the Annual Town Meeting on May 12, 2020.

8:05 PM Town Administrator Contract Negotiations: Chair Houten reported to the Board that he has appointed two selectmen to the subcommittee charged with negotiating with the Town

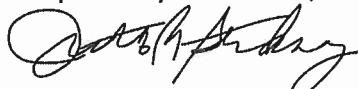
Administrator. Houten added that Selectman Kosta Prentakis and Selectman Brian Cresta were appointed to the subcommittee.

8:07 PM ADJOURN

With no further business, on a **MOTION** made by **Prentakis**, the Board of Selectmen's meeting of November 19th adjourned at 8:07 PM.

Upcoming Meetings: December 3 and 17; January 14 and 28

Respectfully submitted,



Judith A. Stickney, Minutes Secretary

Todd Moreschi, BOS Clerk

Documents either distributed to the Board of Selectmen before the meeting in a packet or at the meeting:

- Agenda: November 19, 2019
- Warrant: #2010 (Payroll: \$714,817, Bills Payable: \$1,003,274)
- Warrant #2011 (Payroll: \$672,205, Bills Payable: \$1,118,159)
- Minutes:
 - November 5, 2019
- Public Meeting Notice: Tax Classification Hearing
- Letter from Assistant Assessor/Appraiser to Board of Selectmen, Re: FY 2020 Classification Hearing and Departmental Report for the Selectmen, 11/19/19
- Property Tax Classification Hearing Packet, prepared by the Board of Assessors
- Letter from Town Administrator to Board of Selectmen, Re: Verizon Cable Franchise Renewal, 11/15/19
- Resume and Talent Bank Application: Maria Schena: Recreation Commission
- E-Mail from Senator Bruce Tarr's office to Board of Selectmen, Re: 2019 North Shore Toy Drive, 11/5/19
- Letter from Executive Office of Public Safety & Security State 911 Department to Capt. LeColst, Re: Thank You for Presentation, 11/7/19

- Letter from Masconomet Regional School District Capital Improvement Task Force to Board of Selectmen, Re: Short and Long-Term Capital Plan & Funding, 11/7/19
- Letter from Office of the Governor to Town Administrator, Re: Community Compact Best Practices, 10/22/19
- Press Release: Ferncroft Tower Food Pantry Fundraiser
- Letter from Internal Revenue Service to Middleton Rail Trail Alliance, Re: Federal Income Tax Exemption, 10/28/19
- News Editorial: Solid Waste Problem Demands Innovative Solutions, Chronicle-Transcript, 11/7/19
- Press Release: Essex Southern District Registry of Deeds Notice of Statewide Recording Fee Changes, effective 12/31/19
- VIDEOGRAPHY AND BROADCAST OF PUBLIC MEETINGS POLICY ADOPTED NOVEMBER 19, 2019
- CALENDAR TUESDAY, MARCH 24, 2020 SPECIAL TOWN MEETING
- CALENDAR FY2021 OPERATING AND CAPITAL BUDGETS MAY 12, 2020 ANNUAL TOWN MEETING – MAY 19, 2020 ANNUAL TOWN ELECTION
- Letter from Council on Aging to Board of Selectmen, Re: Donation to Food Bank, 10/30/19

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Chapter 68 Personnel

**[HISTORY: Adopted by the Annual Town Meeting of the Town of Middleton 3-11-1969 by Art. 19.
Amendments noted where applicable.]**

Article I Application and Definitions

**§ 68-1 Application.
[Amended 5-10-1977 ATM by Art. 4]**

All Town departments and all positions in the Town service, other than the School Committee, Municipal Light Department, and positions under their control, and any persons covered by other contracts or agreements, shall be subject to the provisions of this bylaw; provided, however, that the compensation of elected officers of the Town shall be established annually by vote of the Town Meeting, in conformity with the requirements of MGL c. 41, §§ 108, 108A, 108B, 108C and 108D.

§ 68-2 Definitions.
As used in this bylaw, the following words and phrases shall have the following meanings unless a different construction is clearly required by the context or by the laws of the commonwealth:

CIVIL SERVICE LAW

Chapter 31 of the General Laws of the commonwealth, as amended, and all rules and regulations made thereunder; and any special law enacted by the General Court regulating the classification, compensation and conditions of employment of officers and employees of the Town under Chapter 31.

CLASS or GRADE

A group of positions in the Town service sufficiently similar in respect to duties, responsibilities and authority thereof that the same descriptive title may be used to designate each position allocated to the class, that the same requirements as to education, experience, capacity, proficiency, knowledge, ability, and other qualifications shall be required of the incumbents, that the same tests of fitness may be used to choose qualified employees and that the same scale of compensation can be made to apply with equity.

CONTINUOUS EMPLOYMENT

Employment uninterrupted except for required military service and for authorized vacation leave, sick leave, bereavement leave, court leave or other leave of absence.

DEPARTMENT

Any department, board, committee, commission, or other agency of the Town subject to this bylaw.

DEPARTMENT HEAD

The officer, board, or other body having immediate supervision and control of a department; in the instance of a department serving under the supervision and control of the Selectmen, the officer, board,

or other body immediately responsible to the Board of Selectmen for the administration of the department.

EMERGENCY EMPLOYEE or EMERGENCY APPOINTEE

An employee or appointee retained on emergency employment or emergency appointment to serve for a period not exceeding three calendar weeks.

EMERGENCY EMPLOYMENT or EMERGENCY APPOINTMENT

Employment or appointment made for a specified time without requisition, or without the prior approval of the Personnel Board, to cover an unforeseen emergency.

FULL-TIME EMPLOYEE

An employee retained on full-time employment.

FULL-TIME EMPLOYMENT

Employment for not less than seven hours per diem for five days a week for 52 weeks per annum, minus legal holidays and authorized military leave, vacation leave, sick leave, bereavement leave, court leave and leave of absence.

HOLIDAY

The Lord's Day and all days on which legal holidays are observed in Essex County pursuant to MGL c. 4, § 7; provided, however, that the phrase "holiday" shall not include the Lord's Day for purposes of holiday pay.

HOLIDAY PAY

Extra pay authorized pursuant to § 68-24.

OVERTIME

Time in excess of the normal number of hours or days of working time in the workweek of the department.

PART-TIME EMPLOYEE

An employee not on full-time employment or permanent part-time employment.

[Added 5-10-1983 ATM by Art. 3]

PART-TIME EMPLOYMENT

Employment for less than full-time employment or less than permanent part-time employment.

[Added 5-10-1983 ATM by Art. 3]

PERMANENT EMPLOYEE or PERMANENT APPOINTEE

- A. Any employee retained on a continuing basis in a permanent position, as defined above;
- B. Any employee holding a permanent appointment under the Civil Service Law to a position deemed permanent within the meaning of said law.

PERMANENT PART-TIME EMPLOYEE

An employee retained on permanent part-time employment.

[Added 5-10-1983 ATM by Art. 3]

PERMANENT PART-TIME EMPLOYMENT

Employment for not less than 20 hours per week 52 weeks per annum as budgeted within a specific line item of a departmental personal services budget.

[Added 5-10-1983 ATM by Art. 3]

PERMANENT POSITION

Any position in the Town service which has required or which is likely to require the services of an incumbent without interruption for a period of more than six calendar months, either on a full-time or part-time employment basis.

POSITION

An office or place of employment in the Town service with duties and responsibilities calling for the full-time or part-time employment of one person in the performance and exercise thereof.

PROMOTION

A change from a position of lower class and compensation to a position of higher class and compensation and greater responsibilities.

TEMPORARY EMPLOYEE

- A. An employee retained in a temporary position as defined above;
- B. Any employee holding a temporary appointment under the Civil Service Law who does not also have permanent status thereunder;
- C. An employee retained in a position in a class the title of which contains the adjective "temporary."

TEMPORARY POSITION

Any position in the Town service which is not permanent, but which requires or is likely to require the services of one incumbent for a period not exceeding six calendar months.

TOWN

The Town of Middleton.

VETERAN

A person who is a veteran within the meaning of MGL c. 31, § 1, as amended.

[Amended 11-29-2005 STM by Art. 15]

§ 68-3 Civil service and veterans laws.

Nothing in this bylaw shall be construed to conflict with the Civil Service Law or with the laws pertaining to the employment of war veterans by the Town. (In the year 1970, and at least once every five years thereafter, the Town Counsel shall review the provisions of the bylaw for compliance of the same with the foregoing laws, and shall recommend to the Personnel Board such revisions of the bylaw as, in his judgment, are

necessary to comply with provisions of said laws applying to the Town.)

Article II **Personnel Board**

§ 68-4 Membership.

[Amended 3-14-1972 ATM by Art. 3]

- A. There is hereby established a Personnel Board consisting of five members to be appointed by the Board of Selectmen, and each such member shall serve for a term of three years; provided, however, that of the members originally appointed, one shall serve for a term of one year, two for a term of two years, and two for a term of three years, as designated by the Board of Selectmen.
- B. If any member of the Personnel Board shall resign or otherwise vacate his office before the expiration of his term, his successor shall be appointed, as provided above, to serve for the balance of the unexpired term.
- C. No person shall serve upon the said Personnel Board who is at the same time an employee of the Town, or who holds an elective office (Town) other than Town Meeting membership, or who is a member of any other permanent Town committee, board or commission. However, nothing herein shall be deemed to prohibit the Chairman of the Personnel Board from designating a member of the Board to serve ex officio as representative of the Personnel Board on a study committee of the Town Meeting, or to affect the tenure of said member on the Personnel Board.
- D. Original appointments to the Personnel Board shall be made not later than May 1, 1969, and subsequent appointments shall be made within 30 days following the expiration of the term of the Board member to be replaced.

§ 68-5 Officers and proceedings.

- A. The Personnel Board shall, annually in May, elect its own Chairman and Clerk. The Board shall keep a record of its official proceedings and actions, may establish its own rules of procedure and may, subject to appropriations therefor, make such expenditures as may be necessary to the performance of its duties.
- B. The Personnel Board shall meet regularly at least once in every month, as it shall determine in its rules, for the transaction of business under this bylaw, and it may hold such special meetings as may be called by the Chairman, or directed by vote of the Board. A majority of the total membership of the Board shall constitute a quorum for the transaction of the business of the Board, and the affirmative vote of a majority of said total membership shall be necessary for any official act of the Board.
- C. The Selectmen shall furnish the Personnel Board with such office space as it may require for the performance of its duties and the storage of its property, and upon application of the Board shall provide it with an adequate place for the holding of public hearings.

§ 68-6 Staff.

The Personnel Board may, subject to appropriation therefor, employ such clerical, technical and other assistance as it deems necessary.

§ 68-7 Administrative authority.

- A. The Personnel Board is hereby authorized to administer the provisions of this bylaw, except for such

duties as may be specifically assigned by statute or bylaw to other Town officers, boards or committees, and it shall have the authority to decide all questions relating to the application of this bylaw.

- B. Appeals may be taken from the decisions of the Personnel Board to the Town at the next Annual Town Meeting.
- C. The Personnel Board may from time to time issue, amend, or revoke administrative orders for the purpose of giving effect to the provisions of this bylaw, and for the purpose of giving effect to the provisions of such other bylaws and votes of the Town, pertaining to personnel administration, as said Board may be responsible for administering and/or enforcing. Each such order shall be numbered in sequence, and said Board shall maintain in its office a file of all such orders issued, said file to be open to public inspection.
- D. Except as otherwise provided by law, the Personnel Board shall have access to all facts, figures, records, and other information relating to the personnel of Town departments other than the School and Light Departments, and the same shall be furnished forthwith by any such department whenever so requested by the Personnel Board, in such form as said Board may require.

§ 68-8 Annual report.

The Personnel Board shall file an annual report of its activities to the Town, including recommendations on any matters related to the bylaw which it feels should be considered by the Town.

Article III
Personnel Records

§ 68-9 Personnel records and reports.

[Amended 11-29-2005 STM by Art. 15]

- A. A personnel record of all Town employees, including both elected and appointed employees, shall be kept by the Town Accountant in his office. Said record shall contain all the vital statistics and other pertinent data of each and every person employed by the Town. It shall be the duty of each Town officer and employee to furnish to the Town Accountant forthwith, upon his request, all data needed for the completion of this record and such personnel records and reports as the Personnel Board may require.
- B. Each department head shall submit to the Town Accountant on Monday of each week, in such form as the Personnel Board shall prescribe, a report of all employees of the department absent from duty during the calendar week immediately preceding, specifying on each case whether the employee was absent on vacation leave, on leave of absence, on occupational sick leave, on nonoccupational sick leave, on court leave, or on military leave or specifying the nature of his or her absence if it was not for one of the foregoing reasons.

§ 68-10 Standardization of forms and records.

The Personnel Board, in consultation with other Town officers and agencies concerned, shall have the authority to standardize the administrative forms and records used in Town personnel administration, other than those whose format is regulated by statute or by state agencies supervising municipal administration.

Article IV **Hours, Days and Weeks of Work**

§ 68-11 Hours of work.

[Amended 10-21-1969 STM by Art. 6; 3-12-1970 ATM by Art. 21; 3-9-1971 ATM by Art. 3; 5-13-1975 ATM by Art. 3; 5-10-1977 ATM by Art. 4]

- A. Employees in jobs for which rates are shown on an hourly basis shall be paid at the applicable hourly rate for all hours, or proportionately for fraction of hours, worked.
- B. The hours of duty of all employees of the Town shall be established by the Board of Selectmen, but in no event to exceed 40 hours per week, unless authorized by the department head and approved by the Personnel Board. [Amended 11-29-2005 STM by Art. 15]

§ 68-12 Overtime.

[Added 3-12-1970 ATM by Art. 21; amended 3-9-1971 ATM by Art. 3; 3-13-1973 ATM by Art. 4; 5-10-1977 ATM by Art. 4; 11-29-2005 STM by Art. 15]

All hours worked beyond the normal scheduled work week, as shown above or established by the Board of Selectmen, shall be paid for at 1 1/2 times the regular normal hourly rate, or compensated for with equivalent time off at the discretion of the employing authority.

§ 68-13 Emergency call-back.

[Added 3-12-1970 ATM by Art. 21; amended 11-29-2005 STM by Art. 15]

Any full-time employee of the Town, with the exception of the Police and Fire Departments, called back to work on the same day after having completed his/her assigned work and left his/her place of employment, and before his/her next regular scheduled starting time, shall be paid at 1 1/2 times his/her regular rate of pay for all hours worked on the call-back and shall be guaranteed a minimum of two hours straight-time pay.

Article V **Employment, Promotion and Transfer**

§ 68-14 Non-civil-service personnel.

[Amended 11-29-2005 STM by Art. 15]

The employment, promotion and transfer of Town personnel not subject to the provisions of the Civil Service Law shall be according to the following conditions:

- A. The Town Clerk or, in the absence or incapacity of the Town Clerk, the Acting Town Clerk shall promptly notify the Personnel Board when a person duly and lawfully elected to a paid elective office of the Town has qualified to perform and has entered upon the duties of said office, and upon receipt of said notice the Board shall deem such person to be properly employed and shall authorize the payment to him of the emoluments of his office. The Town Clerk, or in the absence or incapacity of the Town Clerk, the Acting Town Clerk shall promptly notify the Personnel Board when the incumbent of a paid elective office of the Town has resigned from or has otherwise vacated the same, and upon receipt of said notice the Board shall deem said incumbent to be separated from Town service.
- B. Except for emergency employees and when not in conflict with the laws of the commonwealth, no employment in or transfer to a paid appointive position in the Town service not subject to the Civil Service Law shall take effect until the same has been approved by the Personnel Board as being in

compliance with the requirements of the Classification Plan, Compensation Plan and other provisions of this bylaw, and if such employment or transfer is in compliance as aforesaid, the Personnel Board shall approve the same, and may make such approval retroactive. In the case of an emergency declared by the elected officer or board having supervision of a department, said department may, subject to the limitations of its appropriation and to such requirements as the Personnel Board may determine, employ emergency employees without requirement of prior approval by said Board.

- C. No employment or promotion hereunder shall become effective until such time as the appropriation or other monies out of which the compensation is to be paid shall be adequate.
- D. No proposed promotion to a position subject to this section shall be approved by the Personnel Board until it shall have first been approved by the elected officer or elected board having the supervision and control of the department in which the employee is employed.

§ 68-15 Personnel subject to Civil Service Law.

[Amended 11-29-2005 STM by Art. 15]

No person shall be appointed, transferred, or promoted to any position in the Town service which is subject to the Civil Service Law unless such appointment, transfer, or promotion shall be in compliance with the provisions of said law and the rules and regulations made thereunder. Before making any such appointment, transfer or promotion the appointing authority shall notify the Personnel Board, in such form as it may require, of his intent to appoint, transfer or promote an employee subject to the Civil Service Law.

§ 68-16 Medical examinations of job applicants.

Every applicant for permanent appointive employment by the Town shall be certified by a practicing physician, designated by the Town, as to his or her physical fitness to perform the duties of the position to which such applicant seeks appointment, and as to any physical condition of the applicant which might adversely affect the insurance coverage of the Town under MGL c. 152 or the group insurance coverage of other Town employees. If the Personnel Board deems such action necessary to the protection of the Town, it may require any applicant for temporary appointive employment by the Town who is to be employed for 30 days or more, or any temporary appointive employee who has been employed by the Town for 30 days and has not been so certified, to be certified by a physician, designated by the Town, as to his or her physical fitness to do the work required by the Town, and as to the presence of any condition detrimental to the insurance coverage hereinbefore described. The certification required hereunder shall be in such form as the said Board shall determine. The cost of any physical examination required by this section shall be paid by the Town and shall be charged to the appropriation of the department in which the position is for which such application was made or temporary employment authorized, or shall be charged to such special appropriation as the Town may make for the purpose of this section.

Article VI
Classification Plan

§ 68-17 Establishment of Classification Plan.

- A. Sections **68-17** through **68-20**, inclusive, shall constitute the Classification Plan of the Town within the meaning of MGL c. 41, § 108A.
- B. The positions of all officers and employees of the Town, other than the positions of officers elected by the Town and positions in the service of the School Department and/or the Electric Light Department, are hereby classified by titles in groups listed in the following schedule:

Class Title	Pay Grade
Clerical	
Clerk-Typist	2-S
Junior Clerk	4-S
Senior Clerk	6-S
Administrative	
Assessor	18-A
Health Agent	15-AF
Town Accountant	24-A
Inspection	
Inspector-Building	15-AF
Inspector-Gas	7-AF
Inspector-Plumbing	9-AF
Inspector-Wire	13-AF
Library	
Clerk-Typist	2-S
2nd. Assistant Librarian	6-S
1st. Assistant Librarian	7-S
Head Librarian	22-A
Highway	
Laborer (Temp)	9-S
Laborer (P.T.)	10-S
Laborer	12-S
Forestry	
Laborer (Temp)	9-S
Laborer (P.T.)	10-S
Laborer	12-S
Tree Climber	25-S
Cemetery	
Laborer (Temp)	9-S
Laborer (P.T.)	10-S
Laborer	12-S
Superintendent of Burial	3-A
Park	
Laborer (Temp)	9-S
Laborer (P.T.)	10-S
Laborer	12-S
Public Safety	
Patrolman-Special	10-S
Fireman-Private (Call)	10-S
Fireman-Private	11-S
Fireman-Lieutenant (Call)	13-S
Patrolman	14-S
Deputy Fire Chief	17-S
Police Sergeant	19-S
Fire Chief	80-A
Police Chief	90-A
Miscellaneous	
Custodian-Dump	3-M
Custodian-Town Hall	20-M
Custodian-Library	23-M
Custodian-Memorial Hall	24-M
Dog Officer	14-M

Class Title	Pay Grade
Inspector of Animals	12-M
Inspector of Slaughtering	8-M
Veterans Agent	28-M
Town Counsel	45-M
Registrar of Voters (except Chairman)	8-M
Registrar of Voters-Chairman	10-M
Clerk for Selectmen	22-M
Clerk-Planning Board	4-M
Clerk-Personnel Board	4-M
Clerk-Board of Appeals	6-M
Clerk-Water Commission	4-M

§ 68-18 Classification of existing and new positions.

- A. The title of each class, as established by the Classification Plan, shall except as otherwise provided herein, be the official title of every position allocated to the class and the official title of each incumbent of a position so allocated and shall be used to the exclusion of all others on the payrolls, budget estimates and other official records and reports pertaining to the position.
- B. If, in the instance of any position subject to the Civil Service Law, a different title for the position shall be established by the Director of Civil Service, such title shall be the official title of the incumbent of said position and shall be used, in lieu of the title described in the first sentence, on all payrolls, budget estimates, and other official reports and records pertaining to the position.
- C. Except for paid elective positions and except for positions allocated to their appropriate class by the Director of Civil Service pursuant to the Civil Service Law, each position in the Town service, other than those under the supervision and the control of the School Department and/or the Electric Light Department, shall be allocated by the Personnel Board to a class established by the Classification Plan.
- D. Whenever a new position is established or the duties of an existing position are so changed as in effect to create a new position, upon presentation of substantiating data satisfactory to the Personnel Board the said Board shall so allocate such new or changed position to its appropriate class. No such position shall be reclassified until the Personnel Board has determined that such reclassification will be consistent with the Classification and Compensation Plans.

§ 68-19 Job descriptions and qualifications.

- A. The Personnel Board shall establish, maintain and amend from time to time, as it deems necessary, written definitions or job descriptions for each class of positions established pursuant to § 68-17 and for each class of paid elective positions. Said definition or job description shall describe the essential character of the duties and responsibilities of positions properly allocated to the class, with illustrative examples of work where desirable, setting forth the minimum qualifications for entrance to positions of the class. Such definitions or job descriptions shall be descriptive only and, except as provided herein with respect to minimum qualifications, not restrictive. They shall serve to define the scope of the several classes and not to prescribe in detail the duties or lines of promotion of any individual position.
- B. In the instance of paid elective positions, the minimum qualifications for employment shall be:
 - (1) Lawful election to the position; and

- (2) Compliance with any special qualification prescribed by state law for such position.
- C. In the instance of classes of positions subject to the Civil Service Law, the minimum qualifications and specifications of employment shall be those approved by the Director of Civil Service.
- D. In the instance of all classes of positions, the minimum qualifications for allocation thereto shall be prescribed by the Personnel Board and shall be based upon:
 - (1) The minimum qualifications recommended to said Board for classification purposes by department heads;
 - (2) An examination by the Personnel Board of the work content of positions allocated to the class; and
 - (3) The Personnel Board's study of comparable positions in private employment, in the service of other municipalities and in the state service.

§ 68-20 Emergency classifications and compensation.

In the case of urgent necessity the Personnel Board, after consultation with the appointing authority, and subject to the approval of the Director of Civil Service when required by law, may anticipate formal action by the Town Meeting by establishing new classes of positions, and compensation therefor, subject to subsequent early ratification by the Town at a Town Meeting.

Article VII
Compensation Plan

§ 68-21 Establishment of Compensation Plan.

- A. A Compensation Plan shall be established, and from time to time be amended, by vote of the Town at an Annual Town Meeting. Said plan shall provide minimum and maximum salaries, or single rate salaries, or pay on an hourly rated basis, for the groups of positions in the Classification Plan established by § 68-17. The salary range, wage range, or rate of a group shall be the salary range, wage range, or rate, for all positions in the group.
- B. The Personnel Board shall administer the provisions of the Compensation Plan and shall establish such policies, procedures and regulations as it deems necessary for the administration thereof, subject to the requirements of § 68-7.
- C. Upon recommendation of a department head, supported by evidence in writing of special reasons and exceptional circumstances satisfactory to the Personnel Board, said Board may authorize an entrance rate higher than the minimum rate for a position established by vote of the Town, and such other variances in the Compensation Plan as it may deem necessary for the proper functioning of the services of the Town.

§ 68-22 Salary and wage adjustment reserve.

Each department head shall include in the budget of his department a salary and wage adjustment reserve to provide funds for anticipated salary and wage adjustments of personnel of the department during the year. Expenditures shall be made from such reserve only in accordance with the Compensation Plan and with the approval of the Personnel Board.

§ 68-23 Special provisions relative to certain officers and positions.

The salaries which shall be paid to Town officers elected by the people shall be recommended by the Personnel Board and established by vote of the Town, as required by MGL c. 41, § 108, as amended. Jurisdiction is retained of temporary positions established in connection with elections and decennial census.

§ 68-24 Holiday pay.

[Amended 5-13-1975 ATM by Art. 3; 5-10-1977 ATM by Art. 4]

- A. Regular, full-time, permanent employees of the Town shall be paid one day at regular straight-time pay in accordance with § 68-11 for the following holidays: New Year's Day; Washington's Birthday; Patriots Day; Memorial Day; Independence Day; Martin Luther King Day (state-adopted holiday); Labor Day; Columbus Day; Veterans Day; Thanksgiving Day; and Christmas Day.
- B. For a full-time, permanent employee to be eligible for holiday pay he must work his regular scheduled workday before and after the holiday or have an acceptable excuse approved by the department head.
- C. All other provisions and practices relative to holiday pay shall be as prepared and established under the direction of the Personnel Board.

§ 68-25 Entrance into Compensation Plan.

Each regular full-time employee subject to the plan shall have been in the employ of the Town for one year's continuous service as of April 1, 1969, in order to be eligible for Step 1 rates of compensation.

§ 68-26 Operation of standard rates of compensation.

[Amended 5-13-1975 ATM by Art. 3]

- A. The Personnel Board shall approve as the rate of compensation for entrance into any position where a range is established only the minimum rate in the scale for the class to which the position has been allocated.
- B. Increases in compensation under the Compensation Plan are permissive and are not mandatory, and no increase shall become effective unless the appropriation made according to law, to which it is chargeable, is sufficient for the purpose and unless it is in compliance with Articles VI and VII. No change in the title of a class of positions shall have the effect of reducing the compensation of incumbents serving in positions allocated to the class at the time of the change.

§ 68-27 Compensation Plan for Town employees.

[Amended 11-29-2005 STM by Art. 15]

The current Compensation Plan for Town employees as adopted by the Town Meeting is on file in the office of the Town Clerk.

§ 68-28 Benefits for permanent part-time employees.

[Added 5-10-1983 ATM by Art. 3]

A permanent part-time employee shall be granted vacation leave, sick leave, personal leave and holidays on a prorated basis according to the following schedule: five days of paid vacation leave at four hours per day; seven days of paid sick leave at four hours per day; one day of paid personal leave at four hours per day; and all holidays listed in § 68-24 at four hours per day.

§ 68-29 Additional benefits for full-time (nonunion) clerical/library employees.

[Added 5-10-1983 ATM by Art. 3; amended 5-11-2004 ATM by Art. 4]

Commented [1]: Editor's Note: Original § 7.07, Superior Court time, which immediately followed this section, added 3-12-1970 ATM by Art. 21, was deleted 3-14-1972 ATM by Art. 3.

A permanent full-time clerical or library employee whose pay is authorized by the Town's Personnel Compensation Plan under § 68-27 shall be granted longevity according to the following schedule:

Years of employment	
5 to 10	\$550
11 to 15	\$675
16 to 18	\$800
19 to 25	\$1,400
26 and up	\$1,800

Article VIII

Continuing Study of Employees' Pay, Hours and Working Conditions

§ 68-30 Studies by Personnel Board.

- A. The Personnel Board from time to time, of its own motion, shall review and investigate the work content and standard rates of compensation of all positions in the Town service other than those under the supervision and control of the School Committee and the Municipal Light Department and any persons covered by other contracts and agreements. [Amended 5-10-1977 ATM by Art. 4]
- B. The Personnel Board may take such other investigations of the conditions of employment of Town employees as it deems necessary and proper, and may investigate any complaint relative to such conditions as may be filed with the Personnel Board by any department head, Town employee or other person or organization (excluding School Department and Municipal Light Department).
- C. The Personnel Board shall make such recommendations to the regular Annual Town Meeting relative to the amendment of this bylaw as the Board deems necessary and proper, but shall report out no recommendations to a Special Town Meeting other than a recommendation authorized by § 68-20.

§ 68-31 Request for studies of bylaw and changes therein.

[Amended 3-12-1970 ATM by Art. 21]

Requests by department heads, individuals or groups of individuals for changes in the classification of personnel, for changes in the Classification and Compensation Plans, or for revisions of this bylaw shall be filed with the Personnel Board by the requesting parties not later than the first day of November immediately preceding the next Annual Town Meeting.

Article IX

Expense Allowance

§ 68-32 Rules and regulations.

Town officers and employees shall be reimbursed for expenses incurred by them in the performance of their duties, subject to rules and regulations governing such expense to be prescribed by the Personnel Board with approval of the Finance Committee and the Board of Selectmen. Such rules and regulations shall be of uniform application.

Article X

Fees of Town Officers

§ 68-33 Payment into treasury.

On and after April 1, 1969, all Town officers, except Constables, shall pay all fees received by them by virtue

of their office into the Town treasury.

Article XI Vacation Provisions

§ 68-34 General requirements.

- A. Each department head shall annually, after the first day of January in each year, develop a vacation schedule for all employees of his department who are eligible to receive vacation leave during said year, and he shall submit the same, in such form as the Personnel Board may require, to the Town Accountant not later than May 1 of the said year. Said department head shall schedule vacations over as wide a period as possible in order to obviate the need for temporary increases in the personnel of his department. If in the course of such year it shall become necessary to amend said schedule, the department head shall notify the Town Accountant of such amendment not later than Wednesday of the week immediately preceding the week in which said amendment shall take effect.
- B. If an employee eligible to receive vacation leave shall absent himself from duty without leave, the amount of such absence may be deducted proportionally from the amount of vacation due to said employee during the year in which such absence from duty without leave shall have occurred. If the employee shall already have taken the vacation leave due to him in that year, such absence may be chargeable against his next succeeding vacation leave allowance.
- C. Vacation leave with pay shall not be granted to temporary or part-time employees.
- D. Vacation leave shall not be cumulative from one year to another; provided, however, that if the vacation leave of an employee, scheduled to take his or her vacation in the month immediately preceding the date on which said employee's earned vacation credits are due to expire, is canceled by the department to meet an emergency or to offset a critical shortage of personnel in the department during said month, the amount of such vacation leave may, with the approval of the Personnel Board, be added to the amount of vacation leave which said employee shall be eligible to receive in the next year immediately following.
- E. Additional vacation leave of one day at prorated vacation pay shall be allowed for each holiday occurring within a vacation period.
- F. The vacation for a given calendar year may be taken at any time during that calendar year, subject to the approval of the department head or other authority concerned, and further subject to giving at least one week's advance notice in writing to the Town Accountant.
- G. In the event of termination of employment which is caused through no fault of the employee or by reason of retirement, without his having been granted the vacation to which he is entitled under the Personnel Bylaw, the employee shall be paid, or entitled to time off with pay at the regular rate of compensation payable to him at the termination of his employment, an amount in lieu of vacation for each full month since the employee's preceding vacation, not to exceed two weeks' pay.
- H. The official head(s) of the department in which the employee is employed shall enter on the department payroll all amounts under this provision towards the employee's final paycheck. In the event of the death of an employee, any such accrued vacation pay shall be paid to his estate.

- I. Any employee who transfers from one department to another shall accrue vacation leave accumulated to the time of transfer. Compensation for such leave shall be apportioned against the budget of each department involved in the same proportion as the normal straight-time earnings of the employee from each department in the time worked since July 1 of the previous year.
- J. No employee may be compensated for more than his normal scheduled workweek hours for vacation in any one calendar workweek.
- K. An employee who is reinstated or reemployed following termination of employment through no fault or delinquency on his part shall be credited with previously earned vacation leave, when such reinstatement or reemployment occurs within two years of previous employment.

§ 68-35 Vacation leave for employees.

Vacation leave shall be granted to full-time permanent employees subject to the following provisions:

- A. Employees who have been employed by the Town for more than six months but less than 12 months, as of July 1 in the current year shall be granted vacation leave with full pay of one day for each month of continuous employment, provided that such vacation leave shall not exceed 10 days. Such vacation leave credit shall be calculated from the first day of employment.
- B. Vacation leave of two weeks with full pay shall be granted to any such employee who, as of July 1, has been employed by the Town for at least one year, but less than five years. **[Amended 3-12-1970 ATM by Art. 21]**
- C. Vacation leave of three weeks with full pay shall be granted to any such employee who, as of July 1, has been employed by the Town for at least five years, but less than 10 years. **[Amended 3-12-1970 ATM by Art. 21]**
- D. Vacation leave of four weeks with full pay shall be granted to any such employee who, as of July 1, has been employed by the Town for 10 years or more. **[Amended 3-12-1970 ATM by Art. 21]**
- E. Any such vacation leave shall be subject to such reduction as is provided in § 68-34.
- F. An employee provisionally appointed to a full-time permanent position shall be subject to the provisions of this section.
- G. Weekly vacation pay for full-time salaried employees is to be calculated by dividing the number of days in the year into the sum total of basic annual salary as of the time the vacation pay is drawn. Weekly vacation pay for full-time hourly paid employees is based on a normal scheduled workweek at the basic straight-time hourly wage rate at the time the vacation pay is drawn, unless the normal workweek is less than 40 hours and then such lesser number shall be used.

Article XII
Jury Leave

§ 68-36 When to be granted.

A full-time employee who is called to serve upon a jury shall be granted leave only for the period of such jury service. Such employee must present himself for work at his normal time and place of employment

when not sitting upon a jury. Upon application, by said employee, to his department head the Town agrees to pay an amount equal to the difference between his normal compensation and the amount (excluding any travel allowance) received from the court. Proof of the amount received from the court must be furnished by the employee.

Article XIII Selective Service and Military Leave

§ 68-37 General requirements.

- A. Full-time employees with a minimum of six consecutive months' employment with the Town who serve in the state or federal military training forces under orders shall be allowed full pay for not more than 10 working days and shall be granted a military leave of absence for the period of their required service with said forces in excess thereof.
- B. Military leave of absence with pay shall be granted to full-time employees of the Town on occasion of their appearance before local draft boards or draft appeal boards, or for physical examinations ordered by said boards, but no such leave shall be granted for a period of more than one day without the approval of the Personnel Board. Such leave shall be deemed a military leave of absence.
- C. A military leave of absence without pay shall be granted to any Town officer or employee called to active duty with the state or federal armed forces for purposes other than the routine annual tour of duty for training purposes.
- D. As used herein, the phrase "military training forces" or "armed forces" shall mean the United States Air Force, the United States Army, the United States Navy, the United States Marine Corps, the United States Coast Guard, the Massachusetts National Guard, the Massachusetts Air National Guard, and any and all components thereof.

Article XIV Sick Leave; Injury Leave

§ 68-38 Nonoccupational sick leave.

The granting of nonoccupational sick leave and the payment of compensation to persons on nonoccupational sick leave shall be subject to the following provisions:

- A. The head of each department shall investigate and ascertain the validity of any request of nonoccupational sick leave made by an employee of his department, and shall approve the same if he is satisfied as to the validity of such request. A physician's certificate may be required by the department head or by the Personnel Board in any case of nonoccupational sick leave claimed hereunder.
- B. Nonoccupational sick leave without pay may be granted to any temporary employee, but no such employee shall be entitled to nonoccupational sick leave with pay.
- C. In the instance of permanent employees and in the instance of employees provisionally appointed to a full-time permanent position, no nonoccupational sick leave with pay shall be granted during the first three months of employment, but nonoccupational sick leave without pay may be granted.
- D. A permanent employee, or a provisionally appointed employee to a full-time permanent position, who

has been employed by the Town for more than three months may be granted nonoccupational sick leave at the rate of 1 1/4 days per month of employment. [Amended 3-12-1970 ATM by Art. 21]

- E. Unused nonoccupational sick leave may be accumulated up to a period not to exceed 150 days. [Amended 3-9-1971 ATM by Art. 3; 5-14-1974 ATM by Art. 3]
- F. Any dispute as to the eligibility of an employee to nonoccupational sick leave payments hereunder or as to the amount of such payments may be taken to the Personnel Board by the employee concerned, by the employing authority or by the Town Accountant, and the decision of the Personnel Board as to such dispute shall be final.
- G. If the period of consecutive, nonoccupational sick leave granted under this section shall exceed 21 days, a physician's certificate shall be required by the department head and by the Personnel Board.
- H. All full-time Town employees in the employ of the Town on or before October 1, 1969, are hereby entitled to an additional 15 days' sick leave which in no way shall exceed the maximum number of days set forth in Subsection E above. [Added 3-12-1970 ATM by Art. 21]
- I. An examination by an impartial physician designated by department heads and Personnel Board may be requested at intervals. [Added 3-14-1972 ATM by Art. 3]

§ 68-38.1 Sick leave bank.

[Added 5-8-2018 ATM by Art. 30]

A sick leave bank shall be established and maintained for the purpose of protecting benefitted employees against loss of income due to long-term illness, injury, disability, or quarantine. All benefitted employees covered by Chapter 68 or covered by a collective bargaining agreement may participate in the sick leave bank. Requirements and procedures shall be adopted by policy by the Board of Selectmen in its capacity as the Personnel Board.

§ 68-39 Injury leave.

[Added 3-14-1972 ATM by Art. 3]

- A. Leave allowed an employee from duty caused by an accident or injury on the job shall be called "injury leave."
- B. Since all employees are covered by Workmen's Compensation Insurance, the Town will supplement the payments if necessary, in order that the injured employee will receive his base weekly wage for the period of recuperation (said period not to exceed one year).
- C. Said employee will be required to produce evidence as to the amount of his insurance compensation benefit.

Article XV
Miscellaneous Leave Provisions

§ 68-40 Bereavement leave.

Bereavement leave without loss of pay, not to exceed three days as the department head may determine, may be granted by said department head to any full-time employee of the department on account of death in the

immediate family of such employee. For the purpose of this section the immediate family is defined as the employee's wife or husband, child, mother, father, mother-in-law, father-in-law, brother, sister or such other member of his family living under said employee's roof.

§ 68-41 Veterans' funerals.

Full-time Town employees, who are veterans, shall be granted leave, without loss of pay, to attend the funeral or memorial services of a veteran, when so authorized by the Selectmen, without loss of pay, conformable to MGL c. 41, § 111C.

§ 68-42 Leave without pay.

Except as otherwise provided in this bylaw, all leaves of absence shall be without compensation and shall be subject to the approval of the department head, and in the instance of any such leave exceeding two weeks, to the approval of the Personnel Board. Nothing in §§ 68-34 to 65-41 inclusive shall operate to reduce the compensation of officers elected by the Town.

§ 68-43 Personal leave.

[Added 5-9-1978 ATM by Art. 3]

Full-time employees, those not covered by collective bargaining agreements, shall be granted two days' leave per year nonaccumulative, without loss in pay, in order to transact any personal business which cannot be conducted during nonworking hours; said leave shall be granted only by permission of the department head.

Article XVI **Personnel Grievance Provisions**

§ 68-44 Personnel Board to administer grievances.

- A. The Personnel Board of the Town shall constitute the Personnel Relations Review Board of the Town and in that connection shall have the powers and duties, and perform the functions, assigned to such Personnel Relations Review Boards by MGL c. 40, § 21B, and said Board shall, in the performance of its duties as Personnel Relations Review Board, be subject to the limitations imposed by said § 21B and by the bylaws of the Town. Said Board may elect a Chairman who may or may not be Chairman of the Personnel Board.
- B. When sitting as a Personnel Relations Review Board, the Personnel Board shall keep a separate record of its proceedings, which shall not be open to public inspection except as may otherwise be required by law.

§ 68-45 Grievance procedure.

- A. There is established the following grievance procedure, available to those employees of the Town whose rights under the Classification Plan have, in their opinion, been prejudiced in any way, and covering all other grievances except those that would properly be under the jurisdiction of the Civil Service Commission or other duly established appeal board.
 - (1) The employee shall take up his grievance orally with his immediate supervisor who shall reach a decision and communicate it orally to the employee within two working days.
 - (2) If the grievance is not settled as above, the employee shall within five working days present his grievance in writing to his supervisor who shall forward it to the department head who shall hold a hearing within five working days if required. At this hearing there shall be present the employee, one representative if he requests it, his supervisor and/or the department head and the Chairman of the

Personnel Relations Review Board.

- (3) If the grievance is not settled as in Subsection A(2), it shall be reviewed before the Personnel Relations Review Board with the same group in attendance. The Board's decision in all such cases shall be final.
- B. As used in this section, the word "grievance" shall be construed to mean a dispute between an employee and his supervisors arising out of an exercise of administrative discretion by such supervisor or supervisors.

Article XVII Requisitions

§ 68-46 Requisitions for help.

The Personnel Board shall be notified of all requisitions for person or persons to fill positions or perform duties subject to Article VI and shall advise upon the appropriate classification to which such person or persons shall be assigned.

Article XVIII School and Municipal Light Department Employees

§ 68-47 Inclusion in plan.

Upon formal vote of the School and/or Light Department Boards/Commissioners, with written notification thereof to the Personnel Board, designated nonprofessional positions in the School Department and/or the Electric Light Department shall be included in and subject thereto to all the provisions of this plan, and shall remain subject thereto until the School Department and/or Electric Light Department shall notify the Personnel Board in writing that it/they has (have) withdrawn said positions from the Classification and Compensation Plan (Articles VI and VII).

Article XIX Amendments and Severance

§ 68-48 Amendments.

It shall be Town policy to amend this bylaw only at an Annual Town Meeting, unless amendment at an earlier time shall be made clearly imperative by a specific provision of state law. This bylaw shall not be amended at a Special Town Meeting except by a two-thirds vote of said Special Town Meeting.

§ 68-49 Severance clause.

The provisions of this bylaw are hereby declared to be severable, and if any such provision or the application of any such provision to any person or circumstances shall be held to be invalid, illegal or unconstitutional such invalidity, illegality, or unconstitutionality shall not be construed to affect the validity, legality, or constitutionality of any of the remaining provisions or the application of said bylaw to persons or circumstances other than those as to which it is held invalid, illegal, or unconstitutional.

Chapter 378 Oakdale Cemetery

[HISTORY: Adopted by the Board of Selectmen of the Town of Middleton 3-19-1991. Amendments noted where applicable.]

§ 378-1 General provisions.

- A. The adoption and enforcement of the following rules and regulations are necessary to maintain good order within the Cemetery, to protect the interests of proprietors and to preserve the beauty of the grounds. All persons are urgently requested to report immediately any act of courtesy or other breach of propriety.
- B. The Cemetery Commission reserves the right to temporarily suspend or modify a regulation, but such act shall not be construed as affecting the general application or enforcement of such rule.
- C. The rules and regulations and schedule of prices as established by the Cemetery Commission are subject to change without notice.
- D. All provisions of MGL c. 114 shall be adhered to, including penalties for infringement of the law.
- E. The Superintendent of Public Works is in full charge of the Cemetery and is responsible for the enforcement of the rules and regulations and for maintaining the Cemetery in conformance with the principals to which it was dedicated.

§ 378-2 Cemetery hours.

- A. The gates of the Cemetery will be open daily from 8:00 a.m. to 8:30 p.m., except from November 1 to March 1, when they will close at 4:30 p.m.
- B. Any unauthorized person found within the Cemetery outside the prescribed opening hours will be deemed a trespasser and as such will be liable to prosecution.
- C. The term "gate" as used herein shall mean any or all the established entrances to the Cemetery, whether or not equipped with moveable barriers.

§ 378-3 Office hours.

All business related to the Oakdale Cemetery may be done through the Superintendent of Burials whose office is located at the Department of Public Works office, 195 North Main Street, during normal business hours, Monday through Friday, 7:30 a.m. to 4:00 p.m. The office will be closed on all legal holidays and weekends.

§ 378-4 Sale of lots.

Sale of lots at Oakdale Cemetery shall be restricted to residents or former residents of the Town of Middleton, with the following restrictions to former residency purchases:

- A. Any former resident of the Town of Middleton must show proof of former residency before said sale of lot and be restricted to the sale of no more than a two-grave lot.
 - B. Former residency purchases shall be subject to the fee structure established by the Board of Selectmen/Cemetery Commissioners which may be adjusted from time to time. All graves are sold with perpetual care.
- (1) The fee structure is as follows:

- (a) Single-grave lot: \$600.
- (b) Double-grave lot: \$1,200.
- (2) All other interment fees shall apply at the time of interment.
- C. ~~Lots are sold for cash only and payment is to be made~~ Payment for sale of lots shall be payable to the Town of Middleton. The deed of a lot shall not be delivered, no stone or marker may be erected, and no work will be done on the lot until the purchase price is fully paid.
- D. A maximum of four graves may be purchased by any one household. Any requests for more than four graves must be first approved by the Board of Selectmen after a recommendation received in writing by the Superintendent of Public Works. **[Added 3-15-2016; amended 3-29-2016]**
- E. No lot or grave at the Oakdale Cemetery shall be sold to anyone who is not a current or former resident of the Town of Middleton at the time of such sale. Nonresidents may be interred if they are the owner of the lot or are related by blood or marriage to the owner of such lot or a member of the immediate family (parent, spouse, grandparent, sibling, daughter, son, grandchildren, son-in-law or daughter-in-law) of such owner. There is an additional charge for the interment of a nonresident. **[Added 3-15-2016; amended 3-29-2016]**

§ 378-5 Lots.

- A. Cemetery lots shall not be used for any other purpose than as a place of burial for the human dead, and all burials therein shall be under the personal charge of the Superintendent of Burials, to whom shall be paid such fees for opening a grave as shall be established by the Cemetery Commissioners.
- B. All lots will be defined by a suitable corner marker and numbered by the Department of Public Works, hereinafter referred to as the "Department," and it is unlawful for any person to remove or tamper with said marker.
- C. No lot will be deeded to more than one owner, nor will a lot be divided. No objections exist to an agreement between or among families as to the parts of the lots to be used by each, but the Department will not undertake to record or enforce such agreements.
- D. In case of the decease of a proprietor, it shall be the duty of the heirs or devisee to file with the Department satisfactory proof of ownership (MGL c. 114, § 29).
- E. If any monument or effigy or any structure whatsoever or any inscription is placed in or upon any lot which shall be determined by the Cemetery Commissioners to be improper or offensive, they shall have the right and it shall be their duty to instruct the Superintendent of Public Works to enter upon said lot and remove such improper or offensive objects.
- F. No fence, curbing, railing, wall, hedge, embankment, ditch or other lot enclosure shall, at any time, be erected or placed in or around any lot, and the establishment of the grade of any lot shall be subject to the approval of the Superintendent of Public Works, and the work of grading shall be done by employees of the Department.
- G. Residents purchasing new graves or lots must make said purchase in the section open for sale at that time, e.g., if purchase is for a two-grave lot, it must be made in the section and row being sold at that particular time. No exceptions will be made.
- H. No proprietor shall suffer the remains of any person to be interred within his lot for hire.
- I. All interments or other work shall be under the personal charge of the Superintendent or his assistants- designee(s).

- J. No sale, transfer or assignment of any lot shall be valid without the approval of the Cemetery Commission.
- K. Proprietors may erect a memorial structure on their lot subject to the regulations set forth under § 378-11, Memorial structures.
- L. Proprietors may cultivate plants on their lots subject to the approval of the Department, but if such planting becomes neglected or is deemed objectionable or detrimental, the Superintendent reserves the right to remove such planting. If done on lots under perpetual care, the owner must bear the expense of putting the ground in proper condition again.
- M. On lots or graves where no monument has been erected the sod under no condition shall be allowed to be broken.
- N. The Superintendent shall remove from lots and graves flowers or emblems whenever, in his opinion, the same have become so withered or decayed as to render their removal desirable. Floral emblems so removed will be put in a common dump and employees shall refuse to attempt to find them after they have been disposed of.
- O. The Cemetery Commission reserves the right to alter the plot of walks, avenues and unsold areas.
- P. No lights of any kind shall be allowed in the Cemetery.
- Q. Lot owners making improvements on lots that are under perpetual care will be charged with any necessary expense of putting lots in order, after such improvements are made.

§ 378-6 Trees and shrubs.

- A. If any trees or shrubs on any lot shall by means of their roots or branches, or otherwise, become detrimental to the adjacent lots, avenues or paths, or dangerous or inconvenient to passengers, it shall be the duty of the Department, for the time being, and it shall have the right to enter into said lot and remove said trees and shrubs or such part thereof as are thus detrimental, dangerous or inconvenient.
- B. No person shall trim or remove any tree or shrub, whether or not it is on his own lot. The Department will on request perform all such work at no cost.
- C. The Department will use constant care in examining trees, removing such parts thereof as appear to be dangerous or detrimental, but expressly disclaims responsibility for damage to either persons or property resulting from falling trees or parts thereof.
- D. No person shall plant a tree or shrub without approval of the Superintendent of Public Works, and all such work will be done by the Department. A tree or shrub may in a few years, because of its roots or branches, become a nuisance or render the ground unfit for burial purposes and no such planting will be allowed if in the opinion of the Superintendent it would be undesirable.

§ 378-7 Grounds.

- A. Operators of vehicles within the Cemetery must drive with care and at a low rate of speed because of poor visibility and sharp turns.
- B. On Memorial Day no vehicle except those accompanying and a part of a memorial procession will be allowed in the Cemetery before 12:00 noon.
- C. Motorcycles, bicycles, go-carts, three- or four-wheel all-terrain vehicles and snowmobiles are excluded from the Cemetery at all times.
- D. All persons are forbidden to injure or molest any bird or wild animal, or to molest its nest or other

habitation.

- E. The taking of firearms into the Cemetery is forbidden except by authorized persons on military occasions.
- F. No tree or shrub shall be removed, except by the Department, and all persons are forbidden to gather flowers, either wild or cultivated, or to break or injure any tree, shrub or plant.
- G. No employee of the Department will be allowed to receive any fee or other compensation whatsoever for service rendered to any person.
- H. Persons within the Cemetery conducting themselves improperly will be requested to leave and upon refusal will be compelled to do so.
- I. Dogs and horses are not allowed in the Cemetery at any time.
- J. All work done within the Cemetery shall be performed by employees of the Department or by permission of and under the supervision of the Superintendent.
- K. No hunting is allowed within the Cemetery property and no vehicles are to be left unattended within Cemetery property for the purpose of hunting on adjacent properties. Vehicles found violating this regulation will be towed at the owner's expense.
- L. No private vehicles will be allowed to plow out the Cemetery roads at any time. Any damage done to stones and/or the grounds, roads, trees, shrubs, etc., will be at the expense of the violator of this subsection.
- M. The Department reserves the right to open the Cemetery at a reasonable time after any winter storm.
- N. All water faucets located in the Cemetery are to be used for the sole purpose of filling buckets/jugs with water for the caring of flowers and shrubs on one's lot. In no instance is a hose or sprinkler to be hooked up to these faucets. Care in making sure water faucets are completely shut down after use is requested. Any misuse or damage to these faucets should be reported immediately to the Department of Public Works office.

§ 378-8 Funerals.

All funerals must enter the Cemetery through the main gate and upon entering shall be under the charge of the Superintendent or ~~his assistant~~designee(s).

§ 378-9 Interments.

- A. Undertakers are required to provide the Public Works Department with a minimum twenty-four (24) hour notice in advance of interment. Undertakers are required to have all interment orders signed by the proprietor or representative of a lot, or grave, and presented at the Department of Public Works office at least eight working hours before the time set for the interment.
- B. All interments must be made in permanent containers.
- C. The Department will receive telephone orders for opening a grave but disclaims liability of error in such cases. In no case will a grave which contains a body be opened until a properly signed order has been received and verified.
- D. No interment will be made without a regular order and burial permit.
- E. As the liability of error in names and dates is so great, undertakers must have all orders plainly and correctly written in ink. It is important that the proprietor should personally designate the grave to be

opened in a multigrave site.

- F. No interment will be made until all fees charged for the same have been paid.
- G. Not more than one interment will be permitted in any one grave site other than what is provided for under § 378-14, Cremation, of these rules and regulations.
- H. Interments will not be made on Sundays ~~or legal holidays~~. Interments on ~~Saturday~~ ~~Saturdays and legal holidays~~ will be charged extra.
- I. In case of emergency arising from extreme weather conditions or other cause beyond human control, or because of any other extenuating circumstances, the Superintendent may at his discretion postpone making a scheduled interment and shall deposit the body in the receiving tomb without charge until conditions permit interment.

§ 378-10 Receiving tomb.

- A. Bodies may be ~~placee~~ placed in the receiving tomb at any time, but the Superintendent reserves the right to remove and inter the body whenever it may be deemed necessary to do so.
- B. While bodies are deposited in the receiving tomb, the Superintendent is forbidden to allow any casket to be opened, except on written request from the immediate family of the deceased and in the presence of an undertaker. In no case will a casket be opened when in the opinion of the Superintendent the condition of the body is such as to render it improper.

§ 378-11 Memorial structures.

- A. Proprietors should consult with the Superintendent before placing orders for stonework, due to the fact that there are restrictions in various sections of the ground.
- B. All stonework must rest on a foundation of cement masonry which will be built by the Department. In no case will a foundation be built either in whole or in part over the remains of a previous interment.
- C. Applications for this work must be filed with the Department and shall give full particulars, including size.
- D. Monument Dimensions:

1. In single-grave sections, ~~single-stones~~ monuments shall not exceed two feet, six inches (2' 6") long by one foot, zero inches (1' 0") wide at the base ~~and two feet, six inches in height~~; ~~the~~ The base shall not ~~be higher than exceed~~ eight inches (8") in height. ~~The monument shall not exceed three feet, two inches (3'2") in overall height~~.
2. On two-grave lots, Double-stones ~~monuments~~ shall not exceed three feet, zero inches (3' 0") long by one foot, zero inches (1' 0") wide at the base. ~~The base shall not exceed eight inches (8") in height~~ and ~~two feet, six inches in height~~; ~~base stones shall not be higher than eight inches~~. The monument shall not exceed three feet, two inches (3'2") in overall height.
3. On four-grave lots, the stone ~~monuments~~ shall not exceed three feet, seven inches (3' 7") long by one foot, one inch (1' 1") wide at the base. ~~The base shall not exceed eight inches (8") in height~~. The monument shall not exceed three feet, two inches (3'2") in overall height and ~~two feet, six inches in height~~; ~~base stones shall not exceed eight inches in height~~.
4. All other monuments other than headstones or headstones greater than the dimensions stated must first receive approval of the Cemetery Commission.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

- E. No foundations will be constructed and no stonework will be set between ~~May 25 and June 1 or~~
~~between~~ November 15 and April 1, or when the ground is not in the proper condition for such work.
- F. No person shall deliver any material within the Cemetery except under the direction of the Superintendent or ~~his assistants~~designee(s).
- G. All work must be done during the normal working hours of the Cemetery, ~~and all~~ All contractors will be held responsible for the protection of other stones, paths, avenues, graves, trees and shrubs.
- H. Definitions. As used in this section, the following terms shall have the meanings indicated:

FOOT STONE

A stone to mark the locations of a particular grave and shall be set at or below ground level at the foot of the grave. No more than one foot stone measuring no more ~~that than~~ two feet, zero inches (2' 0") long by one foot, zero inches (1' 0") wide by eight inches (8") deep is allowed on each grave.

GRAVE MARKER

A one-piece stone set at one or all four corners of a lot to mark the location of a particular grave.
Grave markers are prohibited in single grave lots.

HEADSTONE

A stone to mark the location of a particular grave and shall be erected at the head of the grave.

MONUMENT

Any memorial structure other than a tomb, mausoleum, headstone, foot stone or grave marker.

- I. No raised letters or designs will be allowed on the base of any stonework where it can be damaged by grass-cutting implements.
- J. No more than one headstone or monument will be allowed on any one lot.

§ 378-12 Perpetual care.

The term "perpetual care" shall mean the maintenance of the lot or grave in reasonable condition. This include cutting the grass at proper intervals, pruning trees and shrubs, raking and cleaning the grounds and raising the sunken graves. Under this agreement the Department does not bind itself to maintain, repair or replace any structure erected thereon, nor plant ornamental flowers or shrubs, nor to regularly water the grass or flowers.

§ 378-13 Disclaimer.

The Department of Public Works will take every reasonable precaution to protect the private property of lot and grave owners within the Cemetery from loss or damage, but it disclaims all responsibility for loss or damage from causes beyond its control, especially from the acts of thieves, vandals, malicious mischief makers and from the acts of Providence, including wind, hail, snow and frost.

§ 378-14 Cremations.

- A. Six cremations will be allowed per single grave where the right of burial has not been used. Since the Commission feels that cremations do not disturb the remains of a person already interred it will allow up to six cremations to be placed around the headstone area.
- B. Cremations must be placed in permanent containers when delivered to the Cemetery via parcel post.

§ 378-15 Fees.
[Amended 3-15-2016; 3-29-2016]

- A. Grave openings:
 - (1) Residents: \$700.
 - (2) Nonresidents: \$2,000.
- B. Weekend funeral (excavation):
 - (1) Residents: \$1,400.
 - (2) Nonresidents: \$2,500.
- C. Cremation interment (with service):
 - (1) Residents: \$300.
 - (2) Nonresidents: \$900.
- D. Cremation interment (without service): \$50.
- E. Foundations: \$200.
- F. Flush markers: \$100.
- G. Compressor for frost: \$30.
- H. Single-grave lot: \$600.
- I. Double-grave lot: \$1,200.
- J. Four-grave lot: \$2,000.
- K. In addition to lot costs there is an additional fee of \$5 for recording of deed.



SERVING BOXFORD, MIDDLETON & TOPSFIELD • 20 ENDICOTT ROAD, BOXFORD, MASSACHUSETTS 01921

8.

TO: Boxford Board of Selectmen
Middleton Board of Selectmen
Topsfield Board of Selectman
Boxford Finance Committee
Middleton Finance Committee
Topsfield Finance Committee

FROM: Dan Volchok, Chair
Masconomet Regional School District Capital Improvement Task Force

CC: Alan Benson, Boxford Town Administrator
Andrew Sheehan, Middleton Town Administrator
Robin Crosbie, Topsfield Interim Town Administrator
Michael Harvey, Superintendent of Schools
Jeffrey Sands, Assistant Superintendent of Finance and Operations

DATE: November 7, 2019

The Masconomet District Capital Improvement Task Force would like to update you on our progress and plans regarding our short- and long-term capital plan and funding. As you know, the Habeeb report was produced in January 2017 and has been the guiding document for our capital planning needs. With a major change in leadership at Masco, we have a new set of eyes on both the Habeeb report and our approach to capital planning.

While the Habeeb report has been invaluable in determining the short- and long-term maintenance needs of our buildings, it is not a complete capital plan. It identified some immediate needs that needed attention, such as boiler issues, the roof, and safety and security. However, the report did not project future capital needs for future learning opportunities, that could include: furniture, technology infrastructure, equipment purchases, renovated learning spaces and changing educational opportunities. Thus, we have determined that we need to create a capital plan that encompasses current maintenance/infrastructure as well as future needs.

A fully-developed capital plan will take time to develop and finalize. The new leadership team (Superintendent, Assistant Superintendent, Principals, etc.), first need to understand the district and then embark on a comprehensive review of needs and opportunities. While this process has already begun, we believe that a realistic and attainable goal is to have a capital plan with an implementation timeline and initial fund requests, including financing options, developed for the Spring 2021 budget cycle (the FY 2021-22 budget). This coincides with a major reduction in current debt service assessment to the towns.

As you know, last year we requested and appreciate the support we received from the towns to increase our Stabilization fund. To the best of our knowledge, we anticipate that Stabilization, in conjunction with E&D, will be able to handle any emergencies that may come up.

Given this, the District Capital Improvement Task Force will be on hiatus until the capital project plan is developed. We appreciate your support of the Task Force and all of Masco's capital needs and look forward to working with you in the coming years.