

**DEDHAM
FINANCE AND WARRANT COMMITTEE**



**REPORT & RECOMMENDATIONS FOR THE
FALL ANNUAL TOWN MEETING
MONDAY, NOVEMBER 26, 2018 AT 7:00 P.M.**

DEDHAM HIGH SCHOOL AUDITORIUM

TABLE OF CONTENTS

MODERATOR’S LETTER TO TOWN MEETING REPRESENTATIVES AND THE CITIZENS OF DEDHAM I

FINANCE COMMITTEE CHAIR’S LETTER TO TOWN MEETING REPRESENTATIVES AND THE CITIZENS OF DEDHAM II

FALL ANNUAL TOWN MEETING ARTICLES AND RECOMMENDATIONS 1

1. **LINE ITEM TRANSFERS FOR CURRENT FISCAL YEAR 1**

2. **APPROPRIATION FOR PRIOR YEARS BILLS 2**

3. **PERSONNEL BY-LAW CHANGES AND COLLECTIVE BARGAINING AGREEMENTS 2**

4. **ADDITIONAL APPROPRIATION FOR AMES BUILDING..... 3**

5. **APPROPRIATION FOR PURCHASE & DEMOLITION OF 10 BRYANT STREET 4**

6. **SPECIAL PURPOSE STABILIZATION FUNDS, DEPOSIT FUNDS 4**

7. **APPROPRIATION FOR RESTORATION OF VILLAGE CEMETERY 5**

8. **APPROPRIATION FOR SCHOOL CIRCULATION STUDY 5**

9. **APPROPRIATION FOR IMPROVEMENTS TO RUSTCRAFT ROAD PUMP STATION..... 6**

10. **APPROPRIATION FOR COLLABORATOR FOR WIGWAM POND ACCESS 6**

11. **APPROPRIATION FOR FY’19 ASSESSMENT FROM RETIREMENT BOARD 6**

12. **AUTHORIZATION FOR TWO YEAR CONTRACT EXTENSION FOR EMERGENCY AMBULANCE SERVICES WITH FALLON AMBULANCE 7**

13. **APPROVAL OF COMPREHENSIVE CONCEPT PLAN – 219 LOWDER STREET 7**

14. **ZONING BY-LAW: AMENDMENT TO MIXED USE DEVELOPMENTS..... 8**

15. **BY LAW AMENDMENT – DEPARTMENTAL REVOLVING FUNDS 9**

16. **BY LAW AMENDMENT – PROPOSED NEW BY LAW “NUISANCES” 11**

17. **BY LAW AMENDMENT – FIREWORKS AND WEAPONS 17**

18. **BY LAW AMENDMENT – OPEN SPACE AND RECREATION 19**

19. **BY LAW AMENDMENT – TOWN MEETINGS (BY LAW REVIEW COMMITTEE) 20**

20. **PROPOSED LEGISLATION AUTHORIZING ADDITIONAL LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES ON PREMISES AT LEGACY PLACE 20**

21. **PROPOSED LEGISLATION AUTHORIZING AN ADDITIONAL LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES ON PREMISES IN DEDHAM SQUARE..... 22**

22. **GENERAL COURT PETITION FOR CHARTER AMENDMENT 23**

23. **PROPOSED MORATORIUM ON DEVELOPMENT OF PARCEL 109-2 24**

24. **PROPOSAL REGARDING APPLICATION/SUBMISSION OF GRANTS ON BEHALF OF THE TOWN OF DEDHAM 25**

APPENDICES

MEMORANDUMS OF UNDERSTANDING (MOU'S) A-1

SUPPORTING DOCUMENTS FOR ARTICLES 30

SUPPORTING DOCUMENTS FOR ARTICLE 3 30

PERSONAL WAGE AND SALARY ADMINISTRATION PLAN 30

SECTION 4. COMPENSATION SCHEDULE TO DEFINE SALARIES 31

SECTION 6. NEW HIRES, PROMOTIONS, DEMOTIONS, TRANSFERS 31

SECTION 7. SIX-MONTH PROBATIONARY PERIOD FOR NEW HIRES 31

SECTION 13. OTHER POLICIES APPLYING TO TOWN EMPLOYEES 43

SUPPORTING DOCUMENTS FOR ARTICLE 4 46

CHAPTER 44: SECTION 20. PROCEEDS FROM SALE OF BONDS; RESTRICTIONS ON USE; DISPOSITION OF PREMIUMS 59

SUPPORTING DOCUMENTS FOR ARTICLE 5 60

SUPPORTING DOCUMENTS FOR ARTICLE 12 61

SUPPORTING DOCUMENTS FOR ARTICLE 15 61

CH 44, MUNICIPAL FINANCE, §53E1/2, REVOLVING FUNDS 61

SUPPORTING DOCUMENTS FOR ARTICLE 16 69

MGL CH. 139 SECTION 1: ORDERS ADJUDGING BUILDINGS, STRUCTURES OR VACANT LAND TO BE NUISANCES; NOTICE, HEARING AND SERVICE OF COPY OF ORDER 69

MGL CH. 139 SECTION 2: APPEAL TO SUPERIOR COURT; TRIAL BY JURY; COSTS 69

MGL CH. 139 SECTION 3: ABATEMENT OR REMOVAL OF NUISANCE BY ALDERMEN OR SELECTMEN .. 70

MGL CH. 139 SECTION 3A: DEMOLITION OR REMOVAL OF BUILDING OR STRUCTURE OR SECURING OF VACANT LAND; OWNER'S LIABILITY 70

MGL CH. 40 SECTION 32: VALIDATION OF BY-LAWS; PROCEDURE 72

SUPPORTING DOCUMENTS FOR ARTICLE 18 76

SUPPORTING DOCUMENTS FOR ARTICLE 19 77

SUPPORTING DOCUMENTS FOR ARTICLES 20 AND 21 77

MUNICIPAL FINANCE TERMINOLOGY 90

Moderator's Letter to Town Meeting Representatives and the Citizens of Dedham



TOWN OF DEDHAM

Dear Town Meeting Representative and Citizens of Dedham:

It's time for the Fall 2018 Annual Town Meeting. It is fair to say that this Annual Town Meeting does not include any one article that has generated the outburst of public controversy that we have seen in recent Meetings. Nonetheless there are some articles in this Warrant that deserve your attention.

You will be asked to vote on the acquisition of a parcel adjacent to the current Town Hall. The much debated traffic study for the Whiting Avenue school campus area is back for a vote. During the Rail Trail debate some proposed that the Town look more closely at Wigwam Pond as a recreation area. There is an article to do just that.

There are articles dealing with Mixed Use Developments, which have become more prevalent in Dedham, and with a lessor used approach called the Planned Residential Development.

You will also be asked to decide on a proposal to rename the Board of Selectmen to the Select Board.

Dedham has become a destination for restaurant dining of all types. Should we encourage this trend by offering additional liquor or beer/wine licenses? That is on our agenda as well.

Please review this Warrant and be prepared to get the answers you need to make a good decision. If I can be of any help, please feel free to contact me at 617-510-1797 or by email at Djdriscoll29@gmail.com.

Thank you,

Dan Driscoll
Moderator

Finance Committee Chair's Letter to Town Meeting Representatives and the Citizens of Dedham



TOWN OF DEDHAM
Finance and Warrant Committee

Dear Town Meeting Representative and Citizens of Dedham:

The Fall Town Meeting this year will consider what action should be taken on twenty-four Warrant Articles. Twenty-two of those Articles fall within the jurisdiction of the Finance and Warrant Committee (FWC) (Articles Thirteen and Fourteen fall within the jurisdiction of the Planning Board).

The Committee conducted public hearings at which we heard from both proponents and any opponents of each Article. In many instances we sought further information from Town officials, particularly the Town Manager, Assistant Town Manager and Finance Director. In several cases, we sought assistance from Town Counsel. In each case, we received full cooperation.

Presented here for your consideration are the recommendations of the FWC on nineteen of those twenty-two Articles. You will receive our recommendations on the remaining three Articles under separate cover, at or before Town Meeting (Articles Three, Five and Eight).

The recommendation of the FWC on each Article is contained at the end of each Article. There is one however that I would highlight.

Article Six proposes to resolve a seeming discrepancy between a vote taken by Town Meeting in November of 2017 concerning the new Public Safety Building and a vote take by Town Meeting in May of this year.

Last November, Town Meeting Members were presented with detailed written and

oral information regarding the proposed Public Safety Building. The information was presented both at the Warrant Review Meeting (known as Mini Town Meeting) and Town Meeting in addition to various public presentations leading up to the Town Meeting vote. Included in both the written, oral and audio visual presentations was a specific plan by which the building would be financed. That plan proposed that the bulk of the costs would be financed with funds from the Robin Reyes Capital Stabilization Fund which would be supplemented by an added contribution to that Fund made possible by the fact that our “catch-up” program of road and sidewalk repair and replacement had made sufficient progress so as to enable us to gradually revert to a regular rather than an expedited schedule and appropriation for those items. The financing plan called for redirecting \$700,000 of those funds to the Robin Reyes fund in the first year with the figure increasing somewhat in future years. Those contributions, according to projections presented in writing to Town Meeting Members, would enable the Robin Reyes Fund to remain solvent and in a position to handle at least the bulk of the costs of our next major capital need (most likely a school).

Town Meeting approved the new Public Safety building by a large majority and there was not a word of dissent at Town Meeting or the Mini with the financing plan laid out. The first payment under that plan was \$700,000 due in FY 2019.

At the Spring Town Meeting, that payment was included in the unanimous recommendation of the Finance and Warrant Committee (Article Nine on the Spring 2018 Warrant). At that meeting, opposition to the already approved financing plan emerged for the first time. The discussion was wide-ranging and, at least in my view a little confused. At the end of debate, Town Meeting voted to not fund the first payment due under the financing plan.

The Town is now in the position of having authorized the expenditure of \$45 Million dollars but having rejected one of the two methods for paying for it. The consequence of this action is that absent a change in course, the Robin Reyes Fund will run out of Funds in 2023 and the Town’s obligations for major capital expenditures will exceed the Fund’s annual income thereafter.

If nothing is done, the Town will, in less than five years, experience a substantial hit on its operating budget that will directly impact the tax rate and will have reduced its ability to substantially offset the impact of future major capital projects on the tax rate.

It is for these reasons that the Finance and Warrant Committee has voted unanimously to recommend that Town Meeting restore the \$700,000 contribution to the Robin

Reyes Fund outlined in Article Six.

Sincerely,

Kevin Preston
Chairman, Finance and Warrant Committee

Fall Annual Town Meeting Articles and Recommendations

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

1. LINE ITEM TRANSFERS FOR CURRENT FISCAL YEAR

ARTICLE ONE: *By the Finance Committee:* To see what sum of money the Town will vote to raise and appropriate, or transfer from available funds to meet additional expenses of the current fiscal year not adequately funded under Article Three of the 2018 Spring Annual Town Meeting or any other article thereof; or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That the following sums of money, totaling \$193,127, be transferred from current appropriations as scheduled on the following chart to meet additional expenses for the current fiscal year:

Line Item Transfers

	From Dept/ Source			To Department		
	Line item	Amount		Line Item	Amount	
1	11505700/573000	HR Dues	\$ 250	11505100/519110	HR Def Comp	\$ 250
2	11505700/530160	HR Prof Services	\$ 14,377	11505100/510725	HR Clerical	\$ 14,377
3	19105700/517060	TW Health Ins	\$ 10,000	11205700/534003	TM Printing	\$ 10,000
4	19105700/517060	TW Health Ins	\$ 40,000	11205700/574010	TM Insurance	\$ 40,000
5	11305100/510135	FN Acct Salary	\$ 22,000	11305700/530160	FN Prof Serv	\$ 62,000
	12205100/510223	FI Firefighter Sal	\$ 40,000			
6	11755100/510175	PL Planner Sal	\$ 11,500	11755700/530250	PL Prof Serv	\$ 11,500
7	14655100/511433	TFC Trades Sal	\$ 30,000	14655700/524043	TFC HVAC Repair	\$ 30,000
8	66314223/511433	SFC Trades Sal	\$ 25,000	66314234/524043	SFC HVAC Repair	\$ 25,000
			<u>\$193,127</u>			<u>\$193,127</u>

Notes for Line Item Transfers

1. Transfer (Human Resources) dues to deferred compensation salary line item.
2. Transfer (Human Resources) professional services to clerical salaries to support part-time assistance.
3. Transfer (Town Benefits) health insurance budget to cover additional printing in Town Administration.
4. Transfer (Town Benefits) health insurance budget to cover additional property insurance for Town.
5. Transfer (Finance and Fire) salaries to cover accounting services for the Town.
6. Transfer (Planning) salaries to cover additional professional services for that department.
7. Transfer (Town Facilities) salaries to HVAC repair line to accommodate reliance on outside vendors.
8. Transfer (School Facilities) salaries to HVAC repair line to accommodate reliance on outside vendors.

Article 1 transfers money from one municipal account to another for the payment of additional expenses in the current fiscal year ending June 30, 2019.

2. APPROPRIATION FOR PRIOR YEARS BILLS

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

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That the following sums of money be authorized from Free Cash to pay outstanding bills of prior fiscal years: Dedham Times \$41.20; Weston & Sampson \$4,800.00; Northeast Office Systems \$377.55; Richard Mark Fenton \$3,750.00

Article 2 approves payment for bills of prior fiscal year(s).

3. PERSONNEL BY-LAW CHANGES AND COLLECTIVE BARGAINING AGREEMENTS

ARTICLE THREE: *By the Board of Selectmen:* To see if the Town will vote to adopt changes in Schedule A (Classification Schedule), or Schedule B (Compensation Schedule), or Schedule C (Fringe Benefits) of the Personnel Wage and Salary Administration Plan; to act upon the recommendations of the Town Manager as to actions he deems advisable and necessary in order to maintain a fair and equitable pay level and compensation policy; to implement potential collective bargaining agreements listed below, the funding for which is included in a salary reserve budget line under Article Three of the May 21, 2018 Annual Town Meeting, and, as may be necessary, to authorize the Finance Director to appropriately allocate such amounts:

1. AFSCME, Local #362 (Library Staff Unit)
2. Dedham Police Patrolman's Association, Massachusetts Coalition of Police, Local #448, AFL-CIO
3. Dedham Police Association (Lieutenants & Sergeants)
4. Dedham Firefighter's Association, Local 1735
5. AFSCME, Local #362 (DPW- Unit A)
6. AFSCME, Local #362 (DPW-Unit B)
7. AFSCME, Local #362 (Town Hall)
8. AFSCME, Local #362 (Parks)
9. AFSCME, Local #362 (Civilian Dispatchers)

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

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE:
Recommendation to follow.

Article 3 provides for the salaries and benefits of all Town employees and necessary expenditures to provide Town services.

4. ADDITIONAL APPROPRIATION FOR AMES BUILDING

ARTICLE FOUR: *By the Town Manager.* To see what sum of money the Town will vote to raise and appropriate, transfer from available funds or borrow to be added to the amounts appropriated under Article 19 of the April 12, 2014 Annual Town Meeting for the purpose of improvement, renovation, demolition, construction/reconstruction, and equipping of the Ames Building, 450 Washington Street, and for all incidental and related costs, and to authorize the Board of Selectmen to apply for, accept, and expend any grants or loans in connection herewith, to enter into all agreements, execute any and all documents, and take all action necessary to carry out this project, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: that the sum of \$875,632.00 be appropriated and added to the amounts appropriated under Article 19 of the May 14, 2014 Annual Town Meeting for the purpose of improvement, renovation, demolition, construction/reconstruction, and equipping of the Ames Building, 450 Washington Street, and for all incidental and related costs; and to meet this appropriation, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum pursuant to G.L. c.44, §§7 or 8 or any other enabling authority and issue bonds and notes of the Town therefor; and further, that any premium received upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; and further to authorize the Board of Selectmen to apply for, accept, and expend any grants or loans in connection herewith, to enter into all agreements, execute any and all documents, and take all action necessary to carry out this project.

Article 4 appropriates additional funds to complete the renovation project, including costs associated with services provided by the Owner's Project Manager and Architect.

5. APPROPRIATION FOR PURCHASE & DEMOLITION OF 10 BRYANT STREET

ARTICLE FIVE: *By the Town Manager.* To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain all or a portion of the land and improvements thereon located at 10 Bryant Street, and shown as Lot 108 on Assessors' Map 82 [and described in the deed recorded with the Norfolk County Registry of Deeds in Book 35884, Page 186] , for general municipal [and parking lot] purposes, and further to see what sum of money the Town will vote to raise and appropriate, transfer from available funds or borrow for such acquisition and for improvement, renovation, demolition, and site preparation of said real property, and to authorize the Board of Selectmen to apply for, accept, and expend any grants or loans in connection herewith, to enter into all agreements, execute any and all documents, and take all action necessary to carry out the vote taken hereunder, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: Recommendation to follow.

Article 5 would authorize the acquisition of the property known as 10 Bryant Street to provide additional parking adjacent to the Municipal Campus site.

6. SPECIAL PURPOSE STABILIZATION FUNDS, DEPOSIT FUNDS

ARTICLE SIX: *By the Town Manager.* To see what sum of money the Town will vote to raise and appropriate or transfer from available funds to one or more special purpose stabilization funds, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That the Town vote to raise and appropriate the sum of \$700,000 to the Robin Reyes Major Capital Facilities Stabilization Fund.

Article 6. The Town Manager is recommending an appropriation of \$700,000 in to the special purpose stabilization fund for the purpose of paying the debt service for previously authorized and future building projects.

7. APPROPRIATION FOR RESTORATION OF VILLAGE CEMETERY

ARTICLE SEVEN: *By the Town Manager.* To see what sum of money the Town will vote to raise and appropriate, transfer from available funds or borrow for purposes of restoration of the historic Village Avenue Cemetery, including all incidental or related expenses, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That the Town appropriate the sum of \$25,000 from Free Cash for purposes of restoration of the historic Village Avenue Cemetery, including all incidental or related expenses.

Article 7 authorizes an appropriation toward the ongoing restoration of the historic Village Avenue Cemetery.

8. APPROPRIATION FOR SCHOOL CIRCULATION STUDY

ARTICLE EIGHT: *By the School Committee.* To see what sum of money the Town will vote to raise and appropriate, transfer from available funds or borrow for purposes of funding of a circulation study to be undertaken under the direction of the School Committee, of the access road through the High School and Avery Elementary School, and public byways within and surrounding the area of the High School, Middle School and Avery Elementary School campus, including Whiting Avenue from the intersection of East Street and Eastern Avenue to the intersection of Walnut Street, East Street from the intersection of High Street to the intersection of Walnut Street, High Street from the intersection of East Street to the intersection of Bussey and Milton Streets, Walnut Street from the intersection of Milton Street to the intersection of East Street, Eastern Avenue from the intersection of East Street to the intersection of the driveway servicing BJ's, Best Buy and Papa Gino's plaza, and Mount Vernon Street from the intersection of High Street to the intersection of Walnut Street, and other roadways as deemed necessary, such study to address school hours and non-school hours during the school year and the summer months, and include recommendations for potential mitigation within the three-school campus as well as surrounding neighborhoods, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: Recommendation to follow.

Article 8 would appropriate funds for a circulation study under the direction of the School Committee, to include the locations listed in the article above.

9. APPROPRIATION FOR IMPROVEMENTS TO RUSTCRAFT ROAD PUMP STATION

ARTICLE NINE: *By the Town Manager.* To see what sum of money the Town will vote to raise and appropriate, transfer from available funds or borrow for the purpose of designing upgrades/improvements to the existing Rustcraft Road Pump Station, including all incidental or related expenses, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: that the Town appropriate the sum of \$270,000 from Sewer Enterprise Retained Earnings for the purpose of designing upgrades/improvements to the existing Rustcraft Road Pump Station, including all incidental or related expenses.

Article 9 would appropriate funds from Sewer Enterprise Retained Earnings to design upgrades/improvements to the existing Rustcraft Road Pump Station.

10. APPROPRIATION FOR COLLABORATOR FOR WIGWAM POND ACCESS

ARTICLE TEN: *By Selectman Dennis J. Teehan, Jr. and Environmental Coordinator Virginia LeClair.* To see what sum of money the Town will vote to raise and appropriate, transfer from available funds or borrow for the purpose of engaging a professional collaborator to assess and design a collaborative process around the creation of a vision for improved access to Wigwam Pond, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

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

Article 10 would appropriate funds to engage a collaborator to establish a process around the creation of a vision for improved access to Wigwam Pond.

11. APPROPRIATION FOR FY'19 ASSESSMENT FROM RETIREMENT BOARD

ARTICLE ELEVEN: *By the Town Manager.* To see what sum of money the Town will vote to raise and appropriate, transfer from available funds or borrow for the purpose of meeting the Fiscal Year 2019 Assessment from the Dedham Retirement Board, or

take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That the Town vote to appropriate the sum of \$3.7 million from Free Cash for the Fiscal Year 2019 Assessment from the Dedham Retirement Board.

Article 11 appropriates \$3.7 million to pay the Town's assessment from the Dedham Retirement Board for Fiscal Year 2019.

12. AUTHORIZATION FOR TWO YEAR CONTRACT EXTENSION FOR EMERGENCY AMBULANCE SERVICES WITH FALLON AMBULANCE

ARTICLE TWELVE: *By the Town Manager.* To see if the Town will vote, in accordance with Chapter 73 "Purchasing," and specifically, Section 73-5 "Contracts not to extend more than three years unless authorized," to authorize a two year extension to a contract with Fallon Ambulance to provide Emergency Ambulance Services for the Town of Dedham for the period January 1, 2019 to December 31, 2021, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

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

Article 12 would authorize the first of two, two year extensions with Fallon Ambulance to provide Emergency Ambulance Services to the Town of Dedham.

13. APPROVAL OF COMPREHENSIVE CONCEPT PLAN - 219 LOWDER STREET

ARTICLE THIRTEEN: *By the Planning Board.* To see if the Town will vote to approve the "Comprehensive Concept Plan", reviewed by the Dedham Planning Board, and on file in the Office of the Town Clerk, for a Planned Residential Development ("PRD") at 219 Lowder Street (Dedham Assessor's Map 89, Lot 37) submitted by Collis, LLC and shown on the Plan entitled "Plan of Land, 219 Lowder Street, Assessor's Map 89, Lot 37, Dedham, Massachusetts 02026 - PRD Concept" (Sheet C3), dated August 1, 2018, prepared by Henderson Consultant Services Inc. with the following conditions: (a) the PRD shall have a maximum of seven (7) dwelling units; (b) the minimum dedicated open space within the PRD shall be 21 percent of the total area; and (c) subject to a comprehensive review of the site development plan by the Planning Board, or take any other action relative thereto. *Referred to Planning Board for study and report.*

RECOMMENDATION OF THE PLANNING BOARD: Voted 5-0 that it be so voted.

Article 13 – Please refer to the Report of the Planning Board.

14. ZONING BY-LAW: AMENDMENT TO MIXED USE DEVELOPMENTS

ARTICLE FOURTEEN: *By Planning Board Member Michael A. Podolski and District 4 Town Meeting Representative Carmen E. Dello Iacono, Jr.* To see if the Town will vote to amend the Zoning Bylaws, Section 7.4 entitled “*MIXED USE DEVELOPMENTS*,” as follows:

Item 1. Insert a new section 7.4.1.5, as follows: In order to establish a Mixed Use Development, a comprehensive concept plan, including identification of all special permits that may be required, shall be submitted to the Planning Board for review. If approved by the Planning Board, the Planning Board shall then recommend the concept plan to Town Meeting for its approval; if the plan is the subject of a petitioned article, it shall be referred to the Planning Board for its review and the Planning Board shall provide a recommendation prior to or at Town Meeting. If the concept plan is approved by Town Meeting, any special permits or site plans approved by the Planning Board hereunder shall conform to such concept plan.

Item 2. Amend Section 7.4.2.1 by inserting the following underlined language:
A Mixed Use Development may be allowed only upon issuance of a Special Permit by the Planning Board and after Town Meeting approval of the concept plan submitted under Section 7.4.1.5

Item 3. Amend Section 7.4.2.2 by inserting the following underlined language:
If a concept plan is approved by Town Meeting under Section 7.4.1.5 and such Mixed Use Development application or project also requires other Special Permits, the Planning Board shall be the Special Permit Granting Authority (SPGA) for all such Special Permits.

Item 4. By inserting a new Section 7.4.3.5 as follows:
A detailed site development plan conforming to the approved concept plan shall be submitted to the Planning Board and shall show and identify all work to be performed and construction to be undertaken with such detail as is required for site plans, including all elevations, and use of all buildings. The procedure for the review and approval of the detailed development plans shall follow, so far as apt, the approval regulations and procedures for a definitive subdivision plan,

including the requirement for a covenant or security to guarantee the performance of all work in accordance with the plan and the schedule approved by the Planning Board.

or take any other action relative thereto.
Referred to Planning Board for study and report.

RECOMMENDATION OF THE PLANNING BOARD: The recommendation of the Planning Board will be provided in a supplemental mailing as part of the Planning Board's report to Town Meeting.

Article 14 – Please refer to the Report of the Planning Board.
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15. BY LAW AMENDMENT – DEPARTMENTAL REVOLVING FUNDS

ARTICLE FIFTEEN: *By the Town Manager.* To see if the Town will vote pursuant to the provisions of G.L. c.44, §53E½, as most recently amended, to amend the General Bylaw entitled, “Departmental Revolving Funds,” approved under Article 14 of the May 15, 2017 Annual Town Meeting to change the purposes of and/or delete certain revolving funds and to address, in turn, how the monies in such revolving funds should be treated, and further, to amend the fiscal year expenditure limits for such funds as approved under Article 12 of the May 21, 2018 Annual Town Meeting, with such amended expenditure limitations to remain applicable from fiscal year to fiscal year until such time as they are later amended, or take any other action relative thereto. *Referred to By Law Review Committee and Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That §39-39 of the Town Bylaws, entitled, “Revolving Funds Established”, be amended by deleting the rows for the Sustainability Fund, Ames Building, and Youth Commission revolving funds in their entirety and close out any funds remaining in such revolving funds to the General Fund;

And, further, by amending the vote taken under Article 12 of the May 21, 2018 Annual Town Meeting to delete the rows for the specified revolving funds in their entirety, and to increase the Board of Health Programs revolving fund annual expenditure limit from \$15,000 to \$25,000, with such amended expenditure limitations to remain applicable from fiscal year to fiscal year until such time as they are later amended, as shown below (text to be deleted shown in strikethrough and text to be inserted shown in bold underline).

Revolving Fund (Program or Purpose)	FY Spending Limit
Pool Fund (Operation and maintenance of Dedham Pool)	\$225,000
Firearms Fee Fund (Pay share of State fees/Balance to be expended for needs of Police Department)	\$5,000
Police Cruiser Fee Fund (Police cruiser maintenance, repairs and fuel)	\$20,000
Surplus Vehicle and Equipment Fund (Paying costs and expenses of surplus sales and replacement vehicles and equipment)	\$75,000
Board of Health Programs (Paying costs and expenses associated with health clinics, educational programs, and Tobacco enforcement)	\$15,000 \$25,000
Council on Aging Programs (Paying costs and expenses related to said programs)	\$8,000
Recreation (Paying costs and expenses related to said programs)	\$190,000
Sustainability Fund (Paying costs and expenses associated with educational and outreach events)	\$2,500
Veterans' Fund (Paying costs and expenses related to said programs)	\$5,000
Ames Building (Paying costs and expenses related to building maintenance and construction; provided that the monies in said fund as of June 30, 2017 shall remain in said fund and be available for expenditure for the purposes described herein)	\$125,000
Avery School (MBACC) (Paying costs and expenses related to building maintenance)	\$2,500
Youth Commission (Paying costs and expenses related to said programs or events)	\$25,000

Article 15 amends the Bylaw by deleting revolving accounts for Sustainability, Ames and Youth Commission and authorizing a spending limit increase for Board of Health Programs from \$15,000 to \$25,000.

16. BY LAW AMENDMENT – PROPOSED NEW BY LAW “NUISANCES”

ARTICLE SIXTEEN: *By the Board of Selectmen at the request of Selectman James A. MacDonald.* To see if the Town will vote to amend the General Bylaws to include a new bylaw entitled, “Nuisances”, as set forth below, and to authorize the Town Clerk, in accordance with Section 1-5 of such Bylaws, to make any changes to numbering or otherwise as needed to provide for consistent and appropriate sequencing and numbering, or take any other action relative thereto.

Section __ - 1 PURPOSE

Pursuant to the Town’s Home Rule powers under the Massachusetts Constitution, and the specific powers granted by G.L. c.139, §§1-3A, this Bylaw is adopted for the prevention of future nuisances and the removal of existing nuisances within the Town that constitute a hazard or blight, or adversely affect property values.

Section __ - 2 DEFINITIONS

- A. Blight - Any condition that seriously impairs the value, condition, strength, durability or appearance of real property, whether occupied or vacant.
- B. Building - A “Structure”, as defined herein, whether portable or fixed, with exterior walls or firewalls and a roof, built, erected or framed, of a combination of any materials, to form shelter for persons, animals, or property.
- C. Dilapidated - A condition of decay or partial ruin by reason of neglect, misuse, or deterioration. The term includes, but is not limited to: property with deteriorated roofs, foundations or floors, including broken or inadequately secured windows or doors; and personal property that is broken, rusted, worn, partially or wholly dismantled or otherwise due to deterioration is unsuitable for the purpose for which designed.
- D. Nuisance - Any substantial interference with the common interest of the general public in the maintaining decent, safe, and sanitary structures that are not dilapidated, and neighborhoods, when such interference results from the hazardous or blighted condition of private property, land or buildings. Any substantial interference with any public place, street or private way to include the placement of snow, ice and any other debris that interferes with safe passage on any public roadway or sidewalk. The fact that a particular structure or use may be permitted under the Zoning Bylaw does not create an exemption from the application of this bylaw. The term includes but

is not limited to:

- (I) burned structures not otherwise lawfully habitable or usable,
- (II) dangerous or unsafe structures or personal property,
- (III) dilapidated structures or property,
- (IV) overgrown vegetation which may harbor rats and vermin, conceal pools of stagnant water or other nuisances, or which is otherwise detrimental to neighboring properties or property values,
- (V) dead, decayed, diseased or hazardous trees, debris or trash,
- (VI) signs that block or obscure the line of sight for vehicular and/or pedestrian traffic
- (VII) personal property that is exposed to the elements without protection against deterioration, rust or dilapidation,
- (VIII) vehicles, machinery or mechanical equipment or parts thereof that are located on soil, grass or other porous surfaces that may result in the destruction of vegetation or contamination of soil.

E. Occupant - A person who occupies real property with the consent of the owner as a lessee, tenant at will, licensee or otherwise. The singular use of the term includes the plural when the context so indicates.

F. Owner - Every person who alone or jointly or severally with others: (i) has legal title to any building, structure or property subject to this Bylaw; (ii) has care, charge, or control of any such Building Structure or property in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title;; (iii) is a mortgagee in possession of such property; or (iv) is an agent, trustee or other person appointed by the courts and vested with control of such property; or (v) is an officer or trustee of the association of unit owners of a condominium.

G. Structure - A combination of materials, whether wholly or partially level with, above or below the surface of the ground, whether permanent or temporary, assembled at a fixed location to give support, shelter or enclosure such as a Building, framework, retaining wall, stand, platform, bin, fence of a height at any point of six feet or greater above grade, parking area sign, flagpole, or mast for an antenna or the like.

Section __-3 NUISANCES PROHIBITED

All property in the Town of Dedham, whether occupied or vacant, shall be maintained in good repair and in a safe and sanitary condition. No owner, or in the case of real property, occupant, of property shall create, permit or maintain a condition or activity on their property that creates blight or a nuisance as those terms are defined herein.

Section __-4 ADMINISTRATION AND ENFORCEMENT

A. Enforcement Generally - This bylaw may be enforced in accordance with Section 1-6 of the General Bylaws, and the election of one remedy shall not preclude enforcement through any other lawful means. If enforced through non-criminal disposition, the following fine schedule shall apply: First violation - \$50.00; Second violation - \$100.00; Third and subsequent violations - \$300. This Bylaw shall be enforced by the Building Inspector or Code Enforcement Officer, or their designees, the Police Department, the Fire Department, or the Board of Health or its designee, as appropriate ("Enforcement Authority"). Nothing herein shall preclude the Enforcement Authority from providing a warning or seeking to resolve any violation informally.

B. Notice to Owner and Occupant - Except in the case of an emergency posing an immediate threat to the public health and safety or as otherwise provided herein, the Enforcement Authority shall seek to provide immediate notice in writing to the Owner and Occupant of a property being maintained in violation of this Bylaw, outlining such violation in general terms and providing a reasonable deadline for taking corrective action ("Enforcement Order"). The Enforcement Authority may, if the Owner or Occupant fails to comply with such Enforcement Order, seek to enforce such order as set forth herein.

C. Removal of Nuisance by Town - If the Owner or Occupant fails to timely remedy the violation in accordance with an Enforcement Order, the Town may cause the nuisance to be removed in accordance with the provisions of G.L. c. 139, §§1-3A or otherwise in accordance with a court order for such purposes.

D. Complaints by Interested Parties - Persons who own or occupy property directly or diagonally across the street, or who are abutters to abutters within 300 feet of the property line, of a property being maintained in violation of this Bylaw may submit a complaint to the Enforcement Authority, and, if so submitted, shall be provided with copies of any notices or written orders provided to the Owner or Occupant of such property and of any pleadings filed in court with respect thereto.

E. Reports by Enforcement Authority - The Building Inspector or other official specified by the Town Manager shall file with the Town Manager every six months, or at such other longer interval as the Town Manager shall require, a report that shall include all complaints of nuisance or enforcement actions initiated under this bylaw during that period, which report shall include the location of the premises at issue, summary of the nature of the complaint, the name(s) of the Owner and Occupant, and any action taken.

Section __- 5. Interaction with Other Laws

This Bylaw is intended to further the objectives of and to act in concert with any existing federal, state or local laws concerning the maintenance of property and the abatement of nuisances, and nothing herein shall be deemed to limit or restrict Town

officials whatsoever from acting in accordance with such laws.

Section __ - 6. Severability

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

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

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That the Town vote to amend the General Bylaws to include a new bylaw entitled, "Nuisances", as set forth below, and to authorize the Town Clerk, in accordance with Section 1-5 of such Bylaws, to make any changes to numbering or otherwise as needed to provide for consistent and appropriate sequencing and numbering; provided, however, that such bylaw shall take effect 120 days after it has been posted or published as required by the provisions of G.L. c.40, §32.

Section __ - 1 PURPOSE

Pursuant to the Town's Home Rule powers under the Massachusetts Constitution, and the specific powers granted by G.L. c.139, §§1-3A, this by-law is adopted for the prevention of future nuisances and the removal of existing nuisances within the Town that constitute a hazard or blight, or adversely affect property values.

Section __ - 2 DEFINITIONS

- A. Blight - Any condition that seriously impairs the value, condition, strength, durability, or appearance of real property, whether occupied or vacant.
- B. Dilapidated - A condition of decay or partial ruin by reason of neglect, misuse, or deterioration. The term includes, but is not limited to: property with deteriorated roofs, foundations, or floors; broken or inadequately secured windows or doors; and personal property that is broken, rusted, worn, partially or wholly dismantled or otherwise due to deterioration is unsuitable for the purpose for which designed.
- C. Nuisance - Any substantial interference with the common interest of the general public in maintaining decent, safe, non-dilapidated and sanitary Structures and neighborhoods, when such interference results from the hazardous or Blighted condition of private property, land, or buildings. Any substantial interference with any public place, street or private way to include the placement of snow, ice, and any other debris that interferes with safe passage on any public roadway or sidewalk. The fact that a particular Structure or use may be permitted under the Zoning Bylaw does not create an exemption from the application of this bylaw. The term includes but is not

limited to:

- i. burned structures not otherwise lawfully habitable or usable;
 - ii. dangerous or unsafe Structures or personal property;
 - iii. Dilapidated Structures or property;
 - iv. overgrown vegetation which may harbor rats and vermin, conceal pools of stagnant water or other threats to the public health, or which is otherwise detrimental to neighboring properties or property values;
 - v. dead, decayed, diseased, or hazardous trees, debris or trash;
 - vi. signs that block or obscure the line of sight for vehicular and/or pedestrian traffic;
 - vii. personal property that is exposed to the elements without protection against deterioration, rust, or Dilapidation;
 - viii. vehicles, machinery, or mechanical equipment or parts thereof that are located on soil, grass, or other porous surfaces that may result in the destruction of vegetation or contamination of soil.
- D. Occupant - A person who occupies real property with the consent of the owner as a lessee, tenant at will, licensee, or otherwise.
- E. Owner - Every person who alone or jointly or severally with others:
- i. has legal title to any building, Structure, or property subject to this Bylaw; or
 - ii. has care, custody, or control of any such building, Structure or property in any capacity including but not limited to agent, executrix, administratrix, trustee, or guardian of the estate of the holder of legal title; or
 - iii. is a mortgagee in possession of such property; or
 - iv. is an agent, trustee, or other person appointed by the courts and vested with control of such property; or
 - v. is an officer or trustee of the association of unit owners of a condominium.
- G. Structure - A combination of materials, whether wholly or partially level with, above, or below the surface of the ground, whether permanent or temporary, assembled at a fixed location to give support, shelter, or enclosure such as a building, framework, retaining wall, stand, platform, bin, fence of a height at any point of six feet or greater above grade, parking area sign, flagpole, mast for an antenna, or the like.

Section __-3 NUISANCES PROHIBITED

All property in the Town of Dedham, whether occupied or vacant, shall be maintained in good repair and in a safe and sanitary condition. No owner, or in the case of real property, Occupant, of property shall create, permit, or maintain a condition or activity

on their property that creates Blight or a Nuisance as those terms are defined herein.

Section __-4 ADMINISTRATION AND ENFORCEMENT

- A. This bylaw may be enforced in accordance with Section 1-6 of the General Bylaws, and the election of one remedy shall not preclude enforcement through any other lawful means. Nothing herein shall preclude the enforcing person from providing a warning or seeking to resolve any violation informally.
- B. Except in the case of an emergency posing an immediate threat to the public health and safety or as otherwise provided herein, the enforcing person shall seek to provide immediate notice in writing to the Owner and Occupant of a property being maintained in violation of this Bylaw, outlining such violation in general terms and providing a reasonable deadline for taking corrective action (“Enforcement Order”). The enforcing person may, if the Owner or Occupant fails to comply with such Enforcement Order, seek to enforce such order as set forth herein.
- C. If the Owner or Occupant fails to timely remedy the violation in accordance with an Enforcement Order, the Town may cause the Nuisance to be removed in accordance with the provisions of G.L. c. 139, §§1-3A or otherwise in accordance with a court order for such purposes.
- D. Persons who own or occupy property directly or diagonally across the street, or who are abutters to abutters within 300 feet of the property line, of a property being maintained in violation of this Bylaw may submit a complaint to the enforcement person, and, if so submitted, shall be provided with copies of any notices or written orders provided to the Owner or Occupant of such property and of any pleadings filed in court with respect thereto.
- E. The Building Inspector or other official specified by the Town Manager shall file with the Town Manager every six months, or at such other longer interval as the Town Manager shall require, a report that shall include all complaints of Nuisance or enforcement actions initiated under this bylaw during that period. Said report shall include the location of the premises at issue, summary of the nature of the complaint, the name(s) of the Owner and Occupant, and any action taken.

Section __- 5. Interaction with Other Laws

This Bylaw is intended to further the objectives of and to act in concert with any existing federal, state, or local laws concerning the maintenance of property and the abatement of Nuisances, and nothing herein shall be deemed to limit or restrict Town officials whatsoever from acting in accordance with such laws.

Section __ - 6. Severability

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

issued.

Article 16 creates a Bylaw to help prevent future nuisances and remove existing nuisances within the Town that constitute a hazard or blight, or adversely affect property values.

17. BY LAW AMENDMENT – FIREWORKS AND WEAPONS

ARTICLE SEVENTEEN: *By Police Chief Michael d'Entremont.* To see if the Town will vote to amend Chapter 154 “Fireworks and Weapons” by deleting in their entirety Sections 154-3 “Possession of toy pistols on public ways prohibited” and 154-4 “Sale of imitation handguns regulated,” and inserting in place thereof the following new section, and to authorize the Town Clerk, in accordance with Section 1-5 of such Bylaws, to make any changes to numbering or otherwise as needed to provide for consistent and appropriate sequencing and numbering:

Section 154-3 Regulation of Replica Handguns

Section 1 - Definitions

The term “*Replica Firearm*” shall mean any toy, imitation, facsimile or replica pistol, revolver, shotgun, rifle, air rifle, B-B gun, pellet gun, machine gun, or other similar simulated weapon which, because of its color, size, shape, or other characteristics, can reasonably be perceived to be a real firearm capable of firing a bullet or other projectile.

Section 2 - Regulation

A. No person shall sell, offer to sell, possess, use, display or give away, any Replica Firearm on a public property, including but not limited to public buildings and the land on which they sit, parks, playgrounds, cemeteries, or public ways, unless:

- (I) The entire exterior surface of the Replica Firearm is colored white, bright red, bright orange, bright yellow, bright blue, bright pink, or bright purple, either singly or as the predominant color in combination with other colors in any pattern; or
- (II) The Replica Firearm is constructed entirely of transparent or translucent materials which permits unmistakable observation of the Replica Firearm's complete contents; and
- (III) The barrel of the Replica Firearm, other than the barrel of a water gun, is closed with a blaze orange plug, permanently affixed, of the same material of which the Replica Firearm is made, for a distance of not less than one-half inch from the front

end of said barrel; and

(IV) The Replica Firearm had legibly stamped thereon, the name of the manufacturer or some trade name, mark or brand by which the manufacturer can be readily identified; and

(V) The Replica Firearm does not have a laser pointer attached

B. No firm or business shall sell or offer for sale, possess or use or attempt to use or give away any Replica Firearm unless:

(I) The entire exterior surface of the Replica Firearm is colored white, bright red, bright orange, bright yellow, bright blue, bright pink, or bright purple, either singly or as the predominant color in combination with other colors in any pattern; or

(II) The Replica Firearm is constructed entirely of transparent or translucent materials which permits unmistakable observation of the Replica Firearm's complete contents; and

(III) The barrel of the Replica Firearm, other than the barrel of a water gun, is closed with a blaze orange plug, permanently affixed, of the same material of which the Replica Firearm is made, for a distance of not less than one-half inch from the front end of said barrel; and

(IV) The Replica Firearm had legibly stamped thereon, the name of the manufacturer or some trade name, mark or brand by which the manufacturer can be readily identified; and

(V) The imitation firearm does not have a laser pointer attached.

It shall not be a violation of this section to possess an imitation pistol or revolver for use in a theatrical or television production.

Section 3. Enforcement

A. This bylaw may be enforced in accordance with Section 1-6 of the General Bylaws, and the election of one remedy shall not preclude enforcement through any other lawful means. Violations of Section 2(A), if enforced through non-criminal disposition shall be subject to the schedule set forth in Section 1-6(B) and violations of Section 2(B) shall be subject to a penalty of \$300.00 per violation, with each Replica Firearm sold or offered for sale, possessed, used or attempted to be possessed or used, or given away or offered to be given away, constituting a separate offense. This Bylaw shall be enforced by the Police Department. Nothing herein shall preclude any police officer of the Town from providing a warning or seeking to resolve any violation informally.

B. In the event of a violation of Section 2 (A), in addition to any penalty assessed in accordance with Section 1-6, the following shall apply:

- (I) For a first violation by any individual under eighteen (18) years of age, the Police Officer shall confiscate the Replica Firearm and bring it to the station for safekeeping. The Police Officer shall then contact the individual's parent or guardian to inform them that the individual has been found with a Replica Firearm on public property, and inform them that they may retrieve the Replica Firearm at the Dedham Police Station after twenty-four (24) hours has passed. For a second or subsequent violation, the Replica Firearm shall be forfeited.
- (II) For a first violation by any individual over eighteen (18) years of age, the Police Officer shall confiscate the Replica Firearm and inform the individual that they may retrieve the Replica Firearm at the Dedham Police Station after twenty-four (24) hours has passed. For a second or subsequent violation, the Replica Firearm shall be forfeited.
- (III) Any Replica Firearm confiscated under this section as a result of a first violation not retrieved within 30 days of the violation shall be destroyed.

Section 4. Severability

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

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

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

Article 17 amends the Bylaw where it pertains to replica hand guns.

18. BY LAW AMENDMENT – OPEN SPACE AND RECREATION

ARTICLE EIGHTEEN: *By District 6 Town Meeting Representative Georganna Woods.*

To see if the Town will vote to amend Chapter 12 “Boards, Committees and Commissions,” Article V “Open Space and Recreation,” and specifically Section 12-18 “Establishment” by deleting strikethrough text and inserting the underlined text, as follows:

There is hereby established an Open Space and Recreation Committee consisting of seven persons including a member of the Board of Selectmen or its designee, a member of the Planning Board, a member of the Conservation Commission, a member of the Park and Recreation Commission, an engineer and two members at large appointed by the Board of Selectmen and ~~two members at large to be appointed by the Moderator,~~ or take any other action relative thereto. *Referred to By Law Review Committee and Finance and Warrant Committee for study and report.*

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

Article 18 amends the Bylaw with respect to at-large appointments.

19. BY LAW AMENDMENT – TOWN MEETINGS (BY LAW REVIEW COMMITTEE)

ARTICLE NINETEEN: *By District 2 Town Meeting Representative Russell Poole.* To see if the Town will vote to amend Chapter 85 “Town Meetings”, and specifically Section 85-31(A) by deleting the strikethrough text as follows:

There shall be a standing committee on by-laws, appointed by the Moderator. The committee shall consist of no fewer than five voters of the Town, one of whom shall be an attorney and ~~another of whom shall be a district chair~~; provided, however, that a majority of the committee shall be Town representatives, or take any other action thereto. *Referred to By Law Review Committee and Finance and Warrant Committee for study and report.*

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

Article 19 amends the Bylaw by not requiring a district chair appointment.

20. PROPOSED LEGISLATION AUTHORIZING ADDITIONAL LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES ON PREMISES AT LEGACY PLACE

ARTICLE TWENTY: *By Attorney and District 7 Town Meeting Representative Peter A. Zahka, II, on behalf of Legacy Place, LLC.* To see if the Town will vote to petition the

General Court to adopt the following legislation, provided, however, that the Legislature may reasonably vary the form and substance of the requested legislation subject to the approval of the Board of Selectmen, which Board is hereby authorized to approve amendments within the scope of the general public objectives of this petition.

AN ACT AUTHORIZING THE TOWN OF DEDHAM TO GRANT ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Notwithstanding Section 17 of Chapter 138 of the General Laws, or any other general or special law to the contrary, the licensing authority of the Town of Dedham may grant three (3) additional licenses for the sale of all alcoholic beverages to be drunk on the premises under Section 12 of said Chapter 138. The licenses shall be subject to all of said Chapter 138, except said Section 17.

Section 2. Notwithstanding Section 17 of Chapter 138 of the General Laws, or any other general or special law to the contrary, the licensing authority of the Town of Dedham may grant three (3) additional licenses for the sale of wine and malt beverages to be drunk on the premises under Section 12 of said Chapter 138. The licenses shall be subject to all of said Chapter 138, except said Section 17.

Section 3. The licensing authority shall restrict the licenses granted under Sections 1 and 2 above to entities located in the open-air life-style shopping center operated under the common scheme and current name of Legacy Place in Dedham, Massachusetts. The Licenses issued pursuant to this Act shall be nontransferable to any other locations, persons, corporations, or organizations.

Section 4. Notwithstanding Sections 12 and 77 of Chapter 138 of the General Laws, the licensing authority for the Town of Dedham may restrict the licenses issued pursuant to this Act to holders of common victualer licenses.

Section 5. The additional licenses authorized by this Act shall be subject to an original application fee of \$5,000.00 more than the annual fee for existing alcoholic beverages licenses in the Town of Dedham. The additional \$5,000.00 fee shall be deposited into an economic development account in the Town of Dedham and expended consistently with the purposes of such account.

Section 6. The licenses granted under this Act if revoked or no longer in use, may be granted by the licensing authority to new applicants who meet the criteria of this Act.
Section 7. This Act shall take effect upon its passage.

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

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

Article 20 proposes special legislation to grant additional alcohol licenses for the property known as Legacy Place.
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21. PROPOSED LEGISLATION AUTHORIZING AN ADDITIONAL LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES ON PREMISES IN DEDHAM SQUARE

ARTICLE TWENTY-ONE: *By District 6 Town Meeting Member Amy Haelsen on behalf of the Dedham Square Circle.* To see if the Town will vote to petition the General Court to adopt the following legislation provided, however, that the Legislature may reasonably vary the form and substance of the requested legislation subject to the approval of the Board of Selectmen, which Board is hereby authorized to approve amendments within the scope of the general public objectives of this petition.

AN ACT AUTHORIZING THE TOWN OF DEDHAM TO GRANT ONE ADDITIONAL LICENSE FOR THE SALE OF BEER & WINE TO BE DRUNK ON THE PREMISES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding Section 17 of Chapter 138 of the General Laws, or any other general or special law to the contrary, the licensing authority of the Town of Dedham may grant one (1) additional license for the sale of beer and wine to be drunk on the premises under Section 12 of said Chapter 138. The licenses shall be subject to all of said Chapter 138, except said Section 17.

SECTION 2. The licensing authority shall restrict the license granted under Section 1 above to a site specific location at 573 High Street in Dedham Square. License issued pursuant to this Act shall be non-transferable to any other location, persons, corporations, or organizations.

SECTION 3. Notwithstanding Sections 12 and 77 of Chapter 138 of the General Laws, the licensing authority for the Town of Dedham may restrict the licenses issued pursuant to this Act to holders of common victualler licenses.

SECTION 4. The additional licenses authorized by this Act shall be subject to an original application fee of \$5,000.00 more than the annual fee for existing alcoholic beverages licenses in the Town of Dedham. The additional \$5,000.00 fee shall be deposited into an economic development account in the Town of Dedham and expended consistently with the purposes of such account.

SECTION 5. The license granted under this Act if revoked or no longer in use, may be granted by the licensing authority to new applicants who meet the criteria of this Act.

SECTION 6. This Act shall take effect upon its passage.

or take any other action relative thereto.

Referred to Finance and Warrant Committee for study and report.

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

Article 21 proposes special legislation to grant an additional alcohol license for the property known as 573 High Street in Dedham Square.
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22. GENERAL COURT PETITION FOR CHARTER AMENDMENT

ARTICLE TWENTY-TWO: *By District 1 Town Meeting Representatives Martha A. Abdella, Eldon R. Clingan, Margaret R. Duncan, Elizabeth B. Emery, Andrea M. Gilmore, Elizabeth Martin, Susan U. McIntosh, Alix O’Connell, Howard Ostroff, Amy Paxson, Elizabeth Reed; District 2 Town Meeting Representative Diane Barry-Preston, Sunshine Millea, Kathleen O’Neil; District 3 Town Meeting Representatives Maria Chase Davey, Steven R. Davey, Molly Uppencamp; District 4 Town Meeting Representative Ann Louise Mercer; District 5 Town Meeting Representative Jonathan Pape; District 6 Town Meeting Representatives Margaret Adams, Joseph C. Borsellino, Sharna Small Borsellino, Michael N. Cocchi, Virginia M. Hickey, Steven M. Mammone, Margaret Matthews, Paul A. Reynolds, Allison M. Staton, Georganna Woods, Jean Ellen Zeiler, Martha L. Zeolla and District 7 Town Meeting Representative Mark A. Reilly.* To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to amend the Town Charter to delete the words “Board of Selectmen” in each instance in which they appear and to insert in place thereof the words, “Select Board”, and to make any

other ministerial changes needed in connection therewith; and, to authorize the General Court to make clerical and editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and the Board of Selectmen shall be authorized to approve amendments which shall be within the scope of the general public objectives of the petition, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

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

Article 22 would change the name of the Board of Selectmen to the Select Board.

23. PROPOSED MORATORIUM ON DEVELOPMENT OF PARCEL 109-2

ARTICLE TWENTY-THREE: *By District 4 Town Meeting Representative Carmen E. Dello Iacono, Jr.* To see if the Town will vote to enact the following:

Temporary Moratorium on the Town owned land Tax Parcels: 109-2

A five year temporary moratorium will give the Town time to study the best use as well as to address the possible impact to the neighborhoods abutting the mentioned property. The proposed temporary moratorium would be in effect from November 2018 to November 2023.

During the time of the proposed moratorium the Town will study:

- The best use for the land if any
- Impact to neighborhoods abutting the property
- Investigate and clarify the status of ownership of the property
- investigate and clarify the soil conditions of the property

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

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

Article 23 would impose a five year moratorium on development of Parcels 109-2 to allow for a study of the best use of the property.
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24. PROPOSAL REGARDING APPLICATION/SUBMISSION OF GRANTS ON BEHALF OF THE TOWN OF DEDHAM

ARTICLE TWENTY-FOUR: *By District 6 Town Meeting Representative Lindsay Barich.* To see if the Town will vote to require any and all grant applications for the benefit of the Town of Dedham submitted by either Town employees, volunteer groups, or consultants, as well as grants to be submitted for the benefit of the Town by persons or entities unaffiliated with the Town government to first be approved by the Town Manager, and, also at the Town Manager's sole discretion, the Department Head for the department for which the grant will be sought, and the Board of Selectmen so as to verify accuracy of data and contents, determine if it is an appropriate request for funding and use for a specified project, identify potential conflicts of interest, reduce redundancy and improve collaboration among departments; and further to request that approved grant applications be posted on the Town's website in a single location, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

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

Article 24 would require a change in filing and an added layer of oversight to the grant application process.

APPENDICES

MEMORANDUMS OF UNDERSTANDING (MOU'S)

MEMORANDUM OF AGREEMENT
□ BETWEEN THE □
TOWN OF DEDHAM
□ AND THE □
DEDHAM POLICE ASSOCIATION
Lieutenants and Sergeants

October 23, 2018

NOW COMES the Town of Dedham ("the Town") acting by and through its Board of Selectmen ("the Board") and the Dedham Police Association, Lieutenants and Sergeants Bargaining Unit ("the Union") and for good and valuable consideration hereby agree as follows:

WHEREAS, the Town and the Union are parties to a Collective Bargaining Agreement with a term that ended on June 30, 2017 ("the Previous Agreement");

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

NOW, THEREFORE, it is agreed as follows:

1. Article XII, Rates of Pay: A new salary schedule shall be prepared and inserted into the Successor Agreement reflecting an increase in wages of 2.5% effective July 1, 2017.

2. Article XXII, Specialty Stipends: This Article shall be amended to read as follows:

An annual \$2500 stipend will be paid to the Administrative Commander, an annual \$1,200 stipend will be paid to the Prosecutor and Detective Supervisor, and a \$2500 stipend will be paid to the Accreditation Manager, all on a pro rated biweekly basis (these stipends shall be retroactive to October 1, 2017). A \$500 stipend will be paid to those employees who are department certified in one or more of the following specialties: fingerprinting, photography, identikit. Compensation will be paid to only those employees who seek and

receive certification with prior departmental authorization. A defibrillator stipend in the amount of \$1,500 will be paid to those employees certified in the use of a defibrillator.

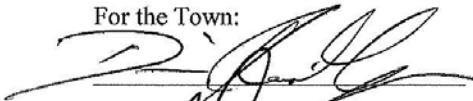



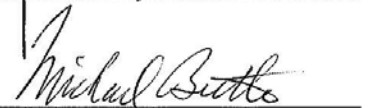
3. Article XXVIII, Effect of Agreement: The Previous Agreement shall be modified to reflect a July 1, 2017 start date and a June 30, 2018 end date in paragraph (E) and the date in paragraph (F) shall be changed to June 30, 2018.

4. Except as modified in accordance with this Memorandum of Agreement, the Successor Agreement shall be identical in all respects to the Previous Agreement.

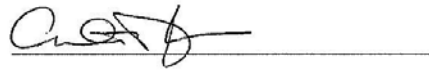

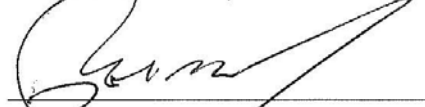


5. The cost items of this Agreement are subject to approval by Town Meeting.

6. The parties agree to continue to bargain in good faith towards another successor agreement for a term commencing on July 1, 2018 and ending on a date to be determined by the parties.

For the Town:

For the Union:

POLICE SUPERIOR OFFICERS UNIT

Effective July 1, 2017 (FY2018) 2.5% COLA

		<u>Step 1</u>	<u>Step 2</u>
Lieutenants	Hourly \$	41.65 \$	47.38
	Weekly	3,332.00	3,790.40
	Annual	86,632.00	98,550.40
Sergeants	Hourly \$	33.28 \$	36.85
	Weekly	2,662.40	2,948.00
	Annual	69,222.40	76,648.00

**MEMORANDUM OF AGREEMENT
BETWEEN THE
TOWN OF DEDHAM
AND
AFSCME COUNCIL 93, LOCAL 362
ON BEHALF OF THE
DEDHAM PARKS AND RECREATION BARGAINING UNIT**

October 23, 2018

NOW comes the Town of Dedham ("the Town") acting by and through its Board of Selectmen ("the Board") and AFSCME Council 93, Local 362 (Parks Unit) ("the Union") and for good and valuable consideration hereby agree as follows:

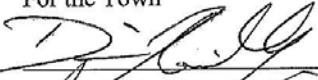
WHEREAS, the Town and the Union were parties to a collective bargaining agreement with a term that ended on June 30, 2018 ("the Previous Agreement");

WHEREAS, the Town and the Union, having collectively bargained, are desirous of entering into a successor agreement to the Previous Agreement;

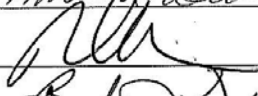
NOW, THEREFORE, it is agreed as follows:

1. The parties agree to enter into a successor collective bargaining agreement as set forth in **Attachment A**.
2. The cost items of this successor collective bargaining agreement are subject to approval/appropriation by Town Meeting.

For the Town



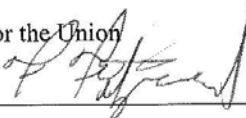
Michael Burt



Robert King

for the Town

For the Union



ATTACHMENT A

This Agreement entered into by the Town of Dedham hereinafter referred to as the EMPLOYER and Local #362, State Council #93, American Federation of State, County and Municipal Employees, AFL-CIO, the "Parks Unit" here-in-after referred to as the UNION, has as its purpose the promotion of harmonious relations between the EMPLOYER and the UNION, the establishment of an equitable and peaceful procedure for the resolution of differences, and the establishment of rates of pay, hours of work and other conditions of employment.

ARTICLE I RECOGNITION

The EMPLOYER will not aid, promote or finance any labor group or organization which purports to engage in collective bargaining for such employees, or make any agreement with any such group or individual for the purposes of undermining the UNION or changing any condition contained in this Agreement.

ARTICLE II MANAGEMENT RIGHTS

The EMPLOYER recognizes the UNION as the sole and exclusive bargaining agent for the purposes of negotiating salaries, wages, hours and other conditions of employment for all employees of the Parks and Recreation Department, excluding administrative assistants. Except where such rights, powers and authority are specifically relinquished, abridged or limited by the provisions of this Agreement, the management of the Parks & Recreation Department and the direction of the working forces shall be vested solely in the EMPLOYER.

ARTICLE III ADHERENCE TO LAW

The EMPLOYER and the UNION shall recognize and adhere to state labor laws, rules and regulations relative to seniority, promotions, transfers, discharges, removals and suspensions.

The UNION further reserves the right to represent employees under any such established procedure. Any employee not covered by any statute relative to the above matters shall have recourse to the grievance procedure contained herein.

ARTICLE IV UNION DUES/AGENCY FEE

Employees shall tender monthly membership dues by signing the Authorization of Dues form. During the life of this Agreement and in accordance with the terms of the Form of Authorization for

Check-Off of Dues hereinafter set forth, the EMPLOYER agrees to deduct UNION membership dues levied in accordance with the Constitution of the UNION from the pay of each employee who executes or has executed such form and remit the aggregate amount to the Treasurer of the UNION, along with a list of employees who have had said dues deducted.

In accordance with the provision of Chapter 150E of the General Laws, all employees in the Bargaining Unit shall, as a condition of employment, pay to the UNION, the exclusive Bargaining Agent and Representative, an agency fee.

In consideration of the municipal EMPLOYER entering into this Collective Bargaining Agreement, which Agreement includes an Agency Service Fee Provision, the UNION hereby agrees to indemnify the said EMPLOYER and hold it harmless from any and all claims, liabilities or costs of the EMPLOYER which arise out of entering into or enforcement of said provisions which arise out of the payroll deduction of agency service fees. This provision shall go into effect as of the date that this contract is executed.

ARTICLE V DISCRIMINATION AND COERCION

There shall be no discrimination by either UNION or EMPLOYER against any employee because of his activity, membership or non-membership in the UNION. The EMPLOYER agrees that there will be no discrimination against any member for his adherence to any provision of this Agreement or his/her refusal to comply with any order which would violate this Agreement.

ARTICLE VI UNION REPRESENTATIVES

The EMPLOYER shall be furnished the names of the UNION stewards immediately after their designation, and the UNION shall notify the EMPLOYER of change.

The above shall be granted reasonable time off at the discretion of management during working hours to investigate and to settle grievances. The parties agree that there shall be every attempt to settle each and every grievance as expeditiously as possible.

The Local Chapter Chairman or other elected delegate shall be granted three (3) working days each year to attend Council 93 State Conventions provided they are held during working hours and that he is a delegate.

An employee elected to the Executive Board of Council 93 shall be granted five (5) working days with compensation each year to attend meetings or perform duties designated by the Executive Board provided they occur during working hours.

The Shop Steward, if needed, shall be provided a maximum of two (2) hours per week to investigate and process employee grievances and related labor-management matters.

ARTICLE VII
GRIEVANCE AND ARBITRATION PROCEDURE

Any grievance or dispute which may arise between the parties, including the application, meaning or interpretation of this Agreement, shall be settled in the following manner

- STEP 1. The UNION steward and/or representative, with or without the aggrieved employee, shall take up the grievance or dispute in writing with the employee's immediate supervisor within three (3) working days of the date of the grievance or his knowledge of its occurrence. The supervisor shall attempt to adjust the matter and shall respond to the steward within three (3) working days of the receiving of the grievance.
- STEP 2. If the grievance has not been settled, it shall be presented in writing to the Director within three (3) working days after the supervisor's response is due. The Director shall conduct a hearing allowing all interested parties to be heard and to call and cross examine witnesses and shall respond to the steward in writing within ten (10) working days.
- STEP 3. If the grievance still remains unadjusted, it shall be presented to the Town Manager in writing within three (3) working days after the response of the Director is due. The Town Manager shall conduct a hearing allowing all interested parties to be heard and to call and cross examine witnesses and shall respond in writing within ten (10) days.
- STEP 4. If the grievance is still unsettled, either party may, within fifteen (15) working days after the reply of the Town Manager is due, by written notice to the other, request arbitration.

In the case of arbitration proceedings, the services of the American Arbitration Association or another arbitration service, mutually agreed to by the parties, shall be used. The decision of the arbitrator shall be final and binding on the parties, and the arbitrator shall be requested to issue his decision within thirty (30) days after the conclusion of testimony and argument.

Grievances involving disciplinary action shall be processed beginning at STEP 3. If the case reaches arbitration, the arbitrator shall have the power to direct a resolution of the grievance up to and including restoration to the job with all compensation and privileges that would have been due the employee.

The aggrieved may waive the right of a hearing at any step in the grievance procedure.

ARTICLE VIII
SENIORITY

The length of service of the employee in the service of the Town shall determine the seniority of the employee.

The principal of seniority shall govern and control in all cases of hours of work, and decrease or increase of the working force and vacations.

ARTICLE IX
JOB POSTING AND BIDDING

When a position covered by this Agreement becomes vacant, such vacancy shall be posted in a conspicuous place listing the pay, duties and qualifications. This notice of vacancy shall remain posted for seven (7) days. Employees interested shall apply in writing within the seven (7) day period. Within ten (10) days of expiration of the posting period, the EMPLOYER will award the position based on qualifications. Where qualifications are relatively equal for two or more employees, seniority shall be the determining factor. Selections shall not be made arbitrarily or capriciously and shall be subject to the grievance and arbitration procedure as set forth in Article VII.

The parties agree that in-service promotional opportunities should be fostered. To make such a policy effective, the parties agree to cooperate in establishing in-service training programs to improve the present capabilities of employees and to qualify them for advancement.

ARTICLE X
JOB REDUCTION, LAYOFF AND RECALL

In the case of a layoff or a reduction of work, the layoff and reduction of employees within each job classification or position assignment shall be determined by the length of continuous service within the bargaining unit.

Employees in a particular classification may elect to bump into a lower classification provided they are qualified to perform the duties of that position.

The employee with the least seniority shall be laid off first. Rehiring within each job classification or position assignment shall be in reverse order of seniority, that is, the person with the highest seniority shall be rehired or reinstated first.

ARTICLE XI
HOURS OF WORK

The normal hours of work shall be as follows:

Labor Forces Regular Shift: 7:00 A.M. - 3:00 P.M. from April 1 through and including September 30 and 7:30 A.M. - 3:30 P.M. from October 1 through and including March 31 of each year.

The normal work week shall consist of five (5) consecutive eight (8) hour shifts, Monday through Friday, a total of forty (40) hours per week inclusive of a paid, thirty (30) minute lunch period. Employees have the option of working through their lunch period and leaving thirty (30) minutes earlier from their shift with the approval of their supervisor.

The work day of employees shall consist of eight (8) hours for each shift. Work hours will not be changed for the purpose of avoiding overtime payment.

ARTICLE XII
MEAL PERIODS

The EMPLOYER shall grant a meal period to any employee who is requested to and performs work beyond his/her regular shift. Employees must work a minimum of four (4) consecutive hours beyond his/her regular shift before qualifying for a meal period. A twenty (20) minute meal period shall be granted after the initial four hours of additional work and after every additional four hour interval thereafter. Meal periods are not allowed to occur during the employee's regular shift.

Employees eligible to receive a meal period shall also be granted meal compensation at the rate of ten dollars (\$10.00) for every meal period allowed.

ARTICLE XIII
REST PERIODS

All employee's work schedules will provide for a fifteen (15) minute rest period during the first one-half (½) shift and a fifteen (15) minute rest period during the second one-half (½) shift. The rest period shall be scheduled at the middle of each one-half (½) shift whenever this is feasible.

ARTICLE XIV
CLEAN UP TIME

Employees shall be granted a fifteen (15) minute personal clean-up period prior to the end of each work shift.

ARTICLE XV
OVERTIME

Employees covered by this Agreement shall be paid overtime at the rate of one and one-half times his regular rate of pay for work in excess of eight (8) hours in one (1) day and forty (40) hours in one (1) week. All work performed on Sunday shall be paid at the rate of double the regular rate of pay. Authorized vacation leave, personal leave, military leave, jury duty leave, business leave, and sick leave will count towards the minimum requirements to work eight (8) regular hours in each workday and forty (40) regular hours in each workweek in order to be eligible for overtime pay. Any time lost in a pay period (workweek) for which an employee is charged with being absent without leave, suspended, docked, on worker's compensation leave, and/or on a leave of absence shall not count towards the minimum eight (8) hour workday nor forty (40) hour workweek for the purpose of calculating overtime pay.

Any employee 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 the rate of time and one-half for all hours worked on recall. He/she will be guaranteed a minimum of four (4) hours pay at time and one-half. This guarantee of four hours shall not apply if the employee is called back to work within the four-hour period immediately prior to the starting time of his/her shift. ***Scheduled overtime will be paid at one and one-half times the hourly rate for the actual time worked.***

An employee who is working on overtime shall continue to be compensated at the overtime rate through the next regular shift (provided the overtime shift began before midnight) until he/she has been relieved from duty or otherwise terminates that continuous work period.

Overtime wherever possible shall be equally and impartially distributed among personnel in each area who ordinarily perform such related work in the normal course of their work week.

An officer or Executive Board member shall be on duty for all overtime during snow or inclement weather conditions.

ARTICLE XVI
VACATIONS

All regular, full-time employees of the unit are entitled to periods of vacation with pay. Vacation entitlement for individual employees will be computed from the original date of hire provided such service has been continuous, without interruption except by authorization of the Town Manager. Entitlement will be calculated and accrued for no longer than one year at a rate of days, and/or fractions thereof, per month during the year commencing with the anniversary of original hire.

The Vacation Year shall be the same as the fiscal year of the Town, from July 1 through June 30 of the following year; and all vacations will be taken during this period in accordance with department scheduling procedures. ***During the months of March and April, no more than five days of***

vacation per employee will be allowed and no more than one employee at a time will be allowed. Vacation time may not be accumulated beyond the Vacation Year. Compensation in lieu of vacation will not be approved. It is the responsibility of the Director to insure that vacations are taken within the "Vacation Year". Employees record all time off requests in the Employee Self Service system within 7 days from the time requested is taken.

A) Vacation entitlements shall be based on the following table:

<u>Years of Service</u>	<u>Vacation Allowed</u>
<i>6 months through 4 years</i>	<i>2 weeks</i>
<i>5 years to 9 years</i>	<i>3 weeks</i>
<i>10 years to 19 years</i>	<i>4 weeks</i>
<i>19 years or more</i>	<i>5 weeks</i>

Vacation entitlement shall be determined as of July 1 of each year. If an employee's anniversary date in a given fiscal year would put that employee into a new accrual level, the employee shall be entitled to that accrual as of the start of that fiscal year.

Upon the retirement, termination, or death of an employee, any unused accrued vacation leave will be paid to the employee or beneficiary (or estate) as the circumstances indicate."

ARTICLE XVII
HOLIDAYS

The following days will be recognized as paid legal holidays:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Presidents' Day	Veterans' Day
Patriots' Day	Thanksgiving Day
Memorial Day	Christmas
Independence Day	

The foregoing eleven (11) paid holidays will be granted regardless of when they fall. Any employee who works on one of these holidays will be paid at the rate of time and one-half plus his normal pay for each hour worked, except on *New Year's Day, Memorial Day, Fourth of July, Thanksgiving* and Christmas Day when the employee will be paid at the rate of double time plus his normal pay for each hour worked.

ARTICLE XVIII
SICK LEAVE AND HEALTH INSURANCE

Each employee shall be credited with one and one-fourth (1-1/4) day's sick leave starting the first month and each succeeding month of his employment with a maximum *three hundred and fifty (350) days*. Sick leave credit shall be calculated from the month in which the employee is in the

employ of the Town on the first working day of the month. *It is given to the employee at the end of each month worked. The Department Head may at his/her discretion demand proof of illness and such demand shall be for reasonable cause.*

In cases of over usage of sick time resulting in time taken without any accrued time available, the following will apply:

1st offense results in a verbal warning and docked pay for the time uncovered.

2nd offense results in a written warning, docked pay for the day plus three day suspension without pay.

3rd offense results in termination of employment.

If any employee with a record of such offenses goes a full year without an offense, then one offense level will be removed.

In the case due to an industrial accident, the EMPLOYER agrees to make up the difference between his/her regular wages and the amount received by Worker's Compensation.

The amount of such difference shall be charged to sick leave. Any employee whose personal illness extends beyond the period compensated for above shall be granted a leave of absence without pay for up to six (6) months. *Notification of accumulative sick leave is available through the Employee Self Service (ESS) system. Employees record all sick leave used no later than 7 days after the time taken in ESS.*

Two working days each year for each employee may be charged against sick leave and one working day each year not charged to sick leave may be used for personal leave with 24 hours notice. Personal leave may be *utilized in four hour increments* with the approval of the Parks Director.

In the event that an employee voluntarily terminates employment, except for reasons of retirement or death, there shall be no monetary value attached to accrued sick leave. All full-time employees having accumulated 50 sick days will be paid fifty dollars (\$50.00) per day upon retirement or death to a maximum of one hundred (100) days beyond the accumulated 50 days, or a maximum five thousand dollars (\$5,000).

The Employer agrees to continue to provide for the term of this agreement, group, hospital, surgical and medical insurance coverage to the extent provided under the present policies. The Employees electing coverage under indemnity plans shall pay 50% of the total monthly premium cost for the duration of the agreement.

In addition, all employees hired after July 1, 2006 will contribute no less than *20% of the cost of the plan of their choice.*

Employees shall be eligible to participate in an annual sick leave incentive plan. In any quarter of the fiscal year an employee does not use a sick day, the employee shall receive the sum of one hundred

dollars (\$100.00). In the event an employee does not use any sick days during an entire fiscal year, the employee shall receive an additional one hundred dollars (\$100.00).

A Sick Leave Bank ("Bank") for use by employees of this bargaining unit who have exhausted their own sick leave is established.

The Committee shall be composed of three (3) members, the Department Director, the HR Director and the Union Steward. The Committee shall determine the eligibility for use of the Bank and the amount of leave to be granted. The criterion for granting of such leave from the Bank shall be demonstrated and need supported by adequate medical evidence of illness or injury and the employee's prior attendance record. The initial grant of sick leave by the Committee shall be upon written application and shall not exceed ten (10) days. Upon completion of the initial ten (10) day grant, the Committee may extend the period of entitlement for additional periods not to exceed thirty (30) days. The grants of sick leave are also determined by how much is available. As the application for sick leave from the Sick Leave Bank are received, employees of this unit will be asked for voluntary donations.

If the number of sick days in the Bank is exhausted, it may be renewed by the contribution of additional days of sick leave from each employee to be deducted from each employee's accumulated sick leave.

Applications for sick leave from the Sick Leave Bank should be made to the HR Director.

ARTICLE XIX FUNERAL LEAVE AND DEATH OF AN EMPLOYEE

In case of a death in an employee's immediate family, a permanent employee may be granted a leave of absence with pay for the workdays falling between the time of death and the day next following the day of the funeral in accordance with the following schedule:

- Four (4) days shall be granted for an employee's spouse, child, step-child, foster-child, father, mother, or active step-parent (meaning presently married to parent),
- Three (3) days shall be granted for an employee's sister or brother,
- Two (2) days shall be granted for an employee's grandmother, grandfather, grandchild, mother-in-law, father-in-law, or relative living in the employee's household, and
- One (1) day shall be granted for bother-in-law, aunt or uncle.

In certain rare and special circumstances, the Town Manager may grant an extension of leave to the leave of absence, not to exceed 10 workdays total, if such extension is deemed to be in the best interest of the employee and the Town of Dedham.

In the event a member of the collective bargaining unit who, in the performance of his/her duties, is

killed or sustains injuries, which result in his/her death, the Town shall pay reasonable expenses, not exceeding six thousand dollars (\$6,000.000) of the funeral and burial of such employee.

ARTICLE XX
MILITARY LEAVE

A military leave of absence without compensation shall be granted to any employee called to active duty with the United States Armed Forces. United States military service incurred by a Town employee, after the onset of his employment with the Town, shall be credited as time served in the Town's employ provided he/she applies for reinstatement within ninety (90) days of discharge or release to inactive duty.

Any employee required to serve on annual tours of duty with some United States Reserve component, shall be paid an amount equal to the difference between the compensation received for such service and his regular pay.

ARTICLE XXI
JURY DUTY

Any employee required to serve as a juror shall be paid an amount equal to the difference between the compensation received for such service and his/her regular pay.

ARTICLE XXII
LEAVE OF ABSENCE

The Employer agrees that it, in relation to leaves of absence, will comply with the Massachusetts General Laws affecting the same.

As required, Family Medical Leaves will be given to employees who qualify having a serious medical condition, a family member with a serious medical condition, a family member in the armed services injured in the line of duty or called to active duty and needs your support, or for the birth, adoption or placement of a foster child. The Town uses the rolling back twelve month basis for calculating eligibility. These FMLA leaves of absence are unpaid but run concurrently with paid time off using accrued time. If available, employees must use accrued paid time off concurrently with FMLA leave. Employees are responsible for completing and returning necessary documentation as requested.

In the case of the birth, adoption or placement of a foster child, either parent may apply for an FMLA leave of absence. If both parents work within the bargaining unit, leave does not run concurrently but both may use FMLA within the first year of the child being in the family.

If a parent does not qualify for FMLA in the case of the birth, adoption or placement of a child, they may receive Parental Leave under the Massachusetts law. This time is not paid but will run concurrently with paid time off using accrued time.

An Employee shall give at least two (2) weeks' notice of his/her intended departure and expected date of return for planned leave of absence. The Chief may require that any Employee produce medical certification that s/he is physically able to resume work before returning.

A leave of absence, without pay, may be granted to an employee at the discretion of the Parks and Recreation Commissioners for a period of not more than six (6) months. Seniority and time off benefits shall not accumulate during this time of absence. The Town's contribution toward health insurance will be suspended for this time of unpaid leave.

ARTICLE XXIII
UNIFORMS, PROTECTIVE CLOTHING, AND LICENSES

All uniforms, protective clothing or protective devices shall be furnished to the employee by the EMPLOYER and shall be worn during working hours. The cost of maintaining the uniform or protective clothing in proper working condition shall be paid by the EMPLOYER. Replacement uniforms will be granted at the rate of one (1) complete set per year. The standards for the uniforms will be established by a Joint Labor/Management Committee. All employees will be required to wear safety shoes. *A combined clothing and boot stipend will be provided at a rate of six hundred fifty dollars (\$650) per employee per year less usual and customary tax and other payroll deductions. It is expressly agreed that the Director retains all management rights in setting and enforcing dress policies for the Department.*

“For any Parks SMEO & Craftsperson who obtains a CDL license and who performs work as required by the DPW Director, that person(s) will be paid the equivalent of no less than the first step of the current DPW SMEO Operator I rate of pay. However, if the Parks Operator’s rate is greater than the first step of the current DPW SMEO Operator I rate, at the time that the work is performed, the Parks employee will be paid at the next closest step of the DPW SMEO Operator I range that would result in a one-step increase for the employee.

For any Working Forman of the Parks Unit who obtains a CDL license and who performs work as required by the DPW Director, that person(s) will be paid no less than Step 1 of the DPW Working Forman’s rate of pay. However, if the Parks Forman’s rate is greater than the first step of the current DPW Working Forman’s rate, at the time that the work is performed, the Parks employee will be paid at the next closest step of the DPW Working Forman’s range that would result in a one-step increase for the employee.”

ARTICLE XXIV
CLASSIFICATION PLAN AND PAY RATES
Dedham Parks Unit Classification and Compensation Schedule

Effective July 1, 2020 (FY2021) 2% COLA

		<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>
Grade I	Hourly	\$ 19.86	\$ 20.56	\$ 21.30	\$ 22.02	\$ 22.79	\$ 23.59
Laborer	Bi-Weekly	1,588.80	1,644.80	1,704.00	1,761.60	1,823.20	1,887.20
	Annual	41,308.80	42,764.80	44,304.00	45,801.60	47,403.20	49,067.20
Grade II	Hourly	\$ 26.02	\$ 26.91	\$ 27.87	\$ 28.83	\$ 29.82	\$ 30.88
SMEO & Craftperson	Bi-Weekly	2,081.60	2,152.80	2,229.60	2,306.40	2,385.60	2,470.40
	Annual	54,121.60	55,972.80	57,969.60	59,966.40	62,025.60	64,230.40
Grade III	Hourly	\$ 29.22	\$ 30.20	\$ 31.27	\$ 32.36	\$ 33.51	\$ 34.70
Working Foreman	Bi-Weekly	2,337.60	2,416.00	2,501.60	2,588.80	2,680.80	2,776.00
	Annual	60,777.60	62,816.00	65,041.60	67,308.80	69,700.80	72,176.00

Effective July 1, 2019 (FY2020) 2% COLA

		<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>
Grade I	Hourly	\$ 19.47	\$ 20.16	\$ 20.88	\$ 21.59	\$ 22.34	\$ 23.13
Laborer	Bi-Weekly	1,557.60	1,612.80	1,670.40	1,727.20	1,787.20	1,850.40
	Annual	40,497.60	41,932.80	43,430.40	44,907.20	46,467.20	48,110.40
Grade II	Hourly	\$ 25.51	\$ 26.38	\$ 27.32	\$ 28.26	\$ 29.24	\$ 30.27
SMEO & Craftperson	Bi-Weekly	2,040.80	2,110.40	2,185.60	2,260.80	2,339.20	2,421.60
	Annual	53,060.80	54,870.40	56,825.60	58,780.80	60,819.20	62,961.60
Grade III	Hourly	\$ 28.65	\$	\$	\$	\$	\$

			29.61	30.66	31.73	32.85	34.02
Working	Bi-Weekly	2,292.00	2,368.80	2,452.80	2,538.40	2,628.00	2,721.60
Foreman	Annual	59,592.00	61,588.80	63,772.80	65,998.40	68,328.00	70,761.60

Effective July 1, 2018 (FY2019) 2% COLA

			<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>
Grade I	Hourly	\$ 19.09	\$ 19.76	\$ 20.47	\$ 21.17	\$ 21.90	\$ 22.68	
Laborer	Bi-Weekly	1,527.20	1,580.80	1,637.60	1,693.60	1,752.00	1,814.40	
	Annual	39,707.20	41,100.80	42,577.60	44,033.60	45,552.00	47,174.40	
Grade II	Hourly	\$ 25.01	\$ 25.86	\$ 26.78	\$ 27.71	\$ 28.67	\$ 29.68	
SMEO &	Bi-Weekly	2,000.80	2,068.80	2,142.40	2,216.80	2,293.60	2,374.40	
Craftperson	Annual	52,020.80	53,788.80	55,702.40	57,636.80	59,633.60	61,734.40	
Grade III	Hourly	\$ 28.09	\$ 29.03	\$ 30.06	\$ 31.11	\$ 32.21	\$ 33.35	
Working	Bi-Weekly	2,247.20	2,322.40	2,404.80	2,488.80	2,576.80	2,668.00	
Foreman	Annual	58,427.20	60,382.40	62,524.80	64,708.80	66,996.80	69,368.00	

Effective July 1, 2017 (FY2018)

			<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>
Grade I	Hourly	18.72	19.37	20.07	20.75	21.47	22.24	
Laborer	Bi-Weekly	1,497.60	1,549.60	1,605.60	1,660.00	1,717.60	1,779.20	
	Annual	38,937.60	40,289.60	41,745.60	43,160.00	44,657.60	46,259.20	
Grade II	Hourly	24.52	25.35	26.25	27.17	28.11	29.10	
SMEO &	Bi-Weekly	1,961.60	2,028.00	2,100.00	2,173.60	2,248.80	2,328.00	
Craftperson	Annual	51,001.60	52,728.00	54,600.00	56,513.60	58,468.80	60,528.00	

Grade III	Hourly	27.54	28.46	29.47	30.50	31.58	32.70
Working	Bi-Weekly	2,203.20	2,276.80	2,357.60	2,440.00	2,526.40	2,616.00
Foreman	Annual	57,283.20	59,196.80	61,297.60	63,440.00	65,686.40	68,016.00

Any employee hired after the initial effective date of this Agreement who has worked in a pay grade for less than thirty (30) weeks before July 1 of a year will be eligible for a step raise on the following January 1 and subsequent anniversaries of January 1. Otherwise, all step raises for employees covered by this Agreement will occur on July 1 of each year.

The Working Foreman employed as of August 16, 2018 will receive an additional forty cents (\$.40) per hour in addition to the wage indicated in the chart above for FY19. This will be compounded by the two percent COLA and another forty cents in FY20 and FY21. The Working Foreman will attend a minimum of six (6) hours of training each fiscal year.

ARTICLE XXV
LONGEVITY

There shall be a longevity plan as follows:

- \$375.00 for five (5) years of service
- \$465.00 for ten (10) years of service
- \$555.00 for fifteen (15) years of service
- \$645.00 for twenty (20) years of service
- \$735.00 for twenty-five (25) years of service
- \$825.00 for thirty (30) years of service

The above will be paid on the employee's anniversary date.

ARTICLE XXVI
MISCELLANEOUS PROVISIONS

1. Bulletin Board - Announcements shall be posted in a conspicuous place. Parties to this Agreement, both of whom may use the bulletin boards for notices of routine nature, agree that it would be improper to post denunciatory or inflammatory written material on such bulletin boards. *Whenever appropriate, announcements may be posted in Employee Self Service (ESS.) Employees agree to furnish an email for the system to notify them of such announcements.*
2. Should any provision of this Agreement be found to be in violation of any federal or state law by a court of competent jurisdiction, all other provisions of this Agreement shall remain in full force and effect for the duration of this Agreement.

3. No Discrimination - The parties to this Agreement agree that they shall not discriminate against any person because of race, creed, color, sex, or age and that all covered employees shall receive the full protection of this Agreement.
4. Access to Premises - The EMPLOYER agrees to permit representatives of the American Federation of State, County and Municipal Employees, AFL-CIO and/or State Council #93 and/or Local #362 to enter the premises at reasonable times for individual discussion of working conditions with employees, provided such representatives do not interfere with the performance of duties assigned to the employees.
5. In the event an employee reports to his/her place of work at his/her regularly scheduled time and is sent home for lack of work, he/she shall be paid for eight (8) hours at the rate to which he/she would be entitled for his/her shift.
6. In the event that an employee is assigned temporarily to perform the work of a higher classification, the employee shall be paid the hours actually worked at the minimum rate for that higher classification, or, if the employee's current rate is above that minimum, at the lowest step rate which is next highest to the employee's current rate.
7. For the safety of employees working on heavily traveled or dangerous roads, as determined by the Director, a police detail or flag man will be used. If a flag man is used, his/her only duty on that job will be to insure the safety of the employees on that crew.
8. Pay Checks- All paychecks will be issued by direct deposit. Any employee who is not currently paid via direct deposit will have 30 days from the effective date of the signing of the contract to set up an account for this purpose. All pay stubs will be delivered electronically.

ARTICLE XXVII
DRUG AND ALCOHOL TESTING

The parties agree to adopt the "Drug and Alcohol Testing Policy" shown as an attachment to this Agreement.

ARTICLE XXVIII
EFFECT OF AGREEMENT

1. Effective Date - This Agreement by the authorized representatives of the UNION and the EMPLOYER shall become effective on the *first day of July, 2018*.
2. Termination - This Agreement will remain in effect until June 30, 2021 unless renewed in writing by both parties.
3. Changes - Should either party to this Agreement wish to inaugurate collective bargaining

discussions over changes it may wish to introduce into this Agreement for the year succeeding the termination of this contract, it is agreed that notice of the substance of the changes and the language with which such desired changes are to be expressed, shall be mailed by Registered Mail to the authorized parties signatory to the Agreement by October 1st prior to the date of expiration of the Agreement. The parties receiving such notice of desired changes shall forthwith seek establishment of a meeting for purposes of discussion and negotiating of the desired changes.

Nothing in this paragraph shall preclude either party from modifying any previous proposals during the course of the negotiations.

4. In the event the Town agrees in the course of 2018 collective bargaining to an increase in wages higher than that reflected in Article XXIV, above, with any collective bargaining unit (exclusive of school bargaining units), the parties agree to reopen contract negotiations as to wages only, provided the Union requests the same in writing to the Town Manager no later than 30 days from the date the Union knows, or should know, of the agreement as to a higher wage increase with another bargaining unit.

This Agreement, entered into on the ____th day of October 2018, is subject to funding by the Town Meeting.

Board of Selectmen

Local 362, Parks Unit, State Council
No. 93, American Federation
of State, County and
Municipal Employees, AFL/CIO

PARKS & RECREATION DEPARTMENT
DRUG & ALCOHOL TESTING POLICY

INTRODUCTION

In light of the fact that employees of the Parks & Recreation Department continually perform safety sensitive activities such as the operation of Town-owned motor vehicles and work in confined areas, it is critically important that such Employees not use illegal drugs and controlled substances, or abuse alcohol. As a result, the parties to this collective bargaining agreement agree to implement the Drug & Alcohol Testing Program as follows:

PROHIBITED BEHAVIOR

Drugs: An employee covered by this policy shall not report for duty or remain on duty when he/she uses any Drugs, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely perform his duties as a Parks & Recreation Department employee.

The prohibited drugs are the following substances or derivatives thereof (herein "Drugs"):

- Amphetamines
- Cocaine
- Marijuana
- Opiates
- Phencyclidine

Alcohol: This policy also prohibits the misuse of Alcohol from any source during the required hours of compliance defined herein. Misuse is defined as having an Alcohol Concentration of 0.04 or greater (herein "positive for Alcohol). Alcohol Concentration (or Breath Alcohol Concentration) means the amount of Alcohol in a volume of breath expressed in terms of grams of Alcohol per 210 liters of breath. This measurement is intended to be equivalent to the percent of "blood alcohol concentration" commonly used in "driving while intoxicated" situations. Herein, Alcohol Concentration (or BAC or Breath Alcohol Concentration) is defined as grams of Alcohol per 210 liters of breath. If other Alcohol concentration measurement procedures are used (e.g. Saliva) this measurement term will be equivalent. Herein BAC will be used to define "Alcohol concentration."

Alcohol means the intoxicating agent in beverage Alcohol, ethyl Alcohol, or other low molecular weight alcohols including methyl and isopropyl Alcohol.

REQUIRED HOURS OF COMPLIANCE

The required hours of compliance for prohibited behavior (as defined above) relating to Drug and/or Alcohol use are as listed below:

Drugs: An Employee is prohibited from the use of the defined Drugs at any time on or off the job.

Alcohol: An Employee must not consume Alcohol while:

- Four (4) hours prior to being scheduled to perform Parks-related duties.
- While performing his/her duties as a Parks employee.
- Immediately after performing his duties as a Parks employee (to allow for Alcohol testing immediately after a shift), and
- Up to eight (8) hours following an automobile accident while on duty or until the employee undergoes a post-accident Alcohol test, whichever occurs first.

CIRCUMSTANCES FOR DRUG AND/OR ALCOHOL TESTING

Employees will be required to submit to approved Drug and Alcohol tests in the circumstances listed below:

Random: Employees are subject at any time to random Drug and/or Alcohol testing while on duty. When notified, employees will proceed immediately to the collection site. Random selection shall be by a system, to be agreed to by the Union, in which selection is made by a neutral or blind criteria in which the identity of the Employees is not known as part of the selection process.

Reasonable Suspicion: If, based on the observations of at least one supervisor or manager, the Department has reasonable suspicion to believe that an Employee is impaired while on duty by Drug use and/or Alcohol misuse, the Employee shall be required to submit to immediate Drug and/or Alcohol testing based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors or breath odors of the Employee. These managers and supervisors will be trained to identify actions, appearance, conduct, etc. which indicate the possible use of a Drug or misuse of Alcohol in advance of the implementation of this policy. An Employee sent out for a "reasonable suspicion" test will be required to accept Town arranged transportation, or arrange for independent transportation home at the expense of the Employee.

Post-Accident: After involvement in an automobile accident while on duty, an Employee will be subject to post accident Drug and Alcohol testing if any one of the following conditions is met:

- A fatality has occurred within 32 hours of the accident.
- A motor vehicle citation was received by the Employee within 32 hours of the accident.
- The Employer determines from eyewitness reports and/or other observations that reasonable suspicion exists which indicate the possible use of a Drug or misuse of Alcohol by the Employee involved in the accident.

Return to Duty: A Return to Duty Drug and/or Alcohol test is required after assessment by a Substance Abuse Professional (SAP) and completion of treatment, if any is required, when an Employee tests positive for any reason in a Drug and Alcohol testing program, before that Employee is allowed to perform his regular Parks duties. To pass, an Alcohol test must a result of less than

0.02 Alcohol concentration and a Drug test must be a verified negative test result. Without a successful test result, that individual is not medically qualified to continue to perform Parks-related functions.

TESTING PROCESS INTEGRITY

Drugs: The actual Drug test analysis will be conducted only at laboratories that are certified by the Department of Health and Human Services. Vendors utilized in connection with Drug testing will comply with all Department of Transportation regulations intended to insure the accuracy and confidentiality of test results and the fair and respectful treatment of persons being tested. There are various testing result thresholds of the presence of Drugs before they will be reported as a presumed positive to the Medical Review Employee (MRO).

A urine sample which is identified as positive on an initial test will be confirmed using gas chromatography/mass spectrometry techniques before results are sent by the laboratory to the MRO. The testing service will send known specimens to the laboratories used in a "Blind Specimen" program to periodically test the integrity of the laboratory. These blind specimens are both known positives and known negatives. Individuals tested will be in direct visual contact with their specimen until the collection process is complete. There will be tamper proof seals on the collection containers, initialed by the donor, and the specimens will be sealed in tamper proof containers with chain of custody paperwork. There will be a rigorous "chain of custody" process that directly follows a specimen from initial collection through final testing. If there are irregularities in this process, the test is declared a "broken chain of custody" and it is canceled. All individuals who are tested will be identified via picture identification or by authorized Department personnel to assure that the individuals tested are the correct individuals. Social security numbers will be used to track the identification process.

Alcohol: An initial Alcohol screening test will measure the BAC of the Employee at the time of the test. A second test on the evidential testing device will be required to reconfirm the initial result before it is a Final Test Result. Before the confirmation test is completed, a 15 to 20 minute wait period will be required to reduce the impact of mouth Alcohol. The confirming testing process will only be performed on evidential breath testing equipment utilizing air blanks to assure that ambient conditions are not negatively affecting the testing process. In addition, the Alcohol breath testing equipment will be periodically checked and calibrated with samples containing known Alcohol concentrations.

COLLECTION PROCEDURES

Upon notification, the Employee will be required to proceed to the assigned collection site without delay and with appropriate picture identification. Approved collection procedures will be used to collect urine specimens for Drug tests, including a split specimen. Certain situations may require that a specimen be discarded and a new collection may be initiated. During the collection process, individuals may only consume fluids in permitted quantities.

REFUSAL TO SUBMIT

“Refusal to Submit” to a test is prohibited. Behavior that constitutes “Refusal to Submit” includes:

1. Direct refusal to take a Drug or Alcohol test.
2. Failure to provide sufficient quantities of urine within the policy’s time limit, or the failure to provide sufficient quantities of breath or other fluids without a valid medical explanation.
3. Tampering with or attempting to adulterate the specimen.
4. Engaging in conduct that obstructs the testing process.
5. Failure to notify the Department that the Employee was in a post accident situation requiring testing or not being immediately available for post accident testing without a valid reason.
6. Not reporting directly to the collection site after notification.

A “Refusal to Submit” shall be considered equivalent to a positive test result for that test.

OPPORTUNITY FOR RE-TESTS

Drugs: If an Employee has a positive Drug test result after the Medical Review Employee (MRO) review, the Employee will have the option to have the split specimen retested at any DHHS certified laboratory of his/her choice. The option cannot be selected after 72 hours from the time of notification by the MRO unless there is significant reason acceptable to the MRO why the individual was delay, such as an injury. If this option is selected, the Employee must verbally notify the Town’s laboratory or the MRO for the request of the re-test and send written notification to the laboratory with a statement that the Employee will accept any other DHHS certified laboratory, or the specified DHHS certified laboratory name, location, address, and telephone number, selected, if any. The Employee must provide a copy of this request to the Town’s Drug and Alcohol Program Manager.

If the Employee requests a re-test of the split portion of the Drug test urine sample, it will be at his/her expense unless the re-test does not reconfirm the original positive test result.

Alcohol: No will be no option available for an Alcohol split specimen collection, and therefore there will be no opportunity for an Alcohol re-test.

TESTING PROCEDURES

Drugs: This program will utilize the MRO, a licensed physician who has appropriate knowledge and medical training to interpret and evaluate an individual’s initial confirmed positive test result together with his or her medical history and any other relevant biomedical information. The MRO’s responsibility will include providing a review of the laboratory’s “chain of custody” documentation to ensure that it has properly tracked the handling and storage of the urine specimen. Before determining that an initial positive test result is a Final positive, a canceled test, or a negative test result, the MRO will rule out alternate medical explanations through reviewing the tested individual’s medical records, and will give the individual an opportunity to discuss the test result. It is the Employee’s responsibility to contract the MRO within 24 hours upon receiving a message

from the MRO to return a telephone call. Failure of the Employee to contact the MRO within this time frame will result in a Final determination of the result of the presumed positive Drug test without input from the Employee.

Alcohol: Alcohol testing will be performed utilizing approved testing equipment and techniques. Breath Alcohol Technicians (BATs) are those individuals who have completed mandatory training on required collection and testing procedures and on the proper operation of equipment and approved Alcohol testing procedures.

There will be two types of breath tests administered:

Initial Screening Test: This test will be administered using an authorized Alcohol testing device by approved collection personnel. Any result less than 0.04 BAC will be considered a negative test and no further screening will be conducted. If the initial screening test is 0.04 BAC or greater, and Alcohol confirmation test will be conducted.

Confirmation Test: If the initial screening test is 0.04 or greater, a confirmation test will be performed by a BAT on an Evidential Breath Testing (EBT) device following a specified procedure after a specified waiting period. The EBT will have the capability of printing out the evidential test result.

CONSEQUENCES FOR USE OF DRUGS AND MISUSE OF ALCOHOL

Drugs: In the event of a first positive Drug test result (or a refusal to submit as defined in this policy), the Employee will have the following consequences:

1. Be placed on vacation, sick, or personal leave to the extent such leave is available.
2. Be referred to a Substance Abuse Professional (SAP). The Town will be responsible for the expense of the SAP services to determine if the Employee needs help in dealing with a Drug test result, follow-up test monitoring, and additional required services after completion of a treatment program, if any. If any treatment is prescribed, any cost not covered by insurance, if any, will be at the expense of the Town.
3. Be required to complete prescribed treatment defined by the SAP, if any. If the Employee fails to complete the required treatment, the Town reserves the right to impose disciplinary action, up to and including dismissal.
4. Be required to pass a return to duty test (or tests if both a Drug and an Alcohol test is required by the SAP) before duties are resumed. The Town will pay for the return to duty test.
5. Be placed on a follow-up testing program until completed. The cost of all follow-up tests will be at the expense of the Town. This follow-up testing program will continue for up to 2 years.

In the event of a second positive Drug test result, the Employee will be medically unqualified to perform his/her job responsibilities and the Employee will be subject to discipline up to and including termination from employment. The individual will be advised of resources available in dealing with Drug and/or Alcohol issues.

Consequences Continued

Alcohol: In the event of a first positive Alcohol test result (BAC of 0.04 or greater, or a refusal to submit as defined in this policy), the Employee will have the following consequences:

1. Be placed on vacation, sick, or personal leave to the extent such leave is available..
2. Be referred to a SAP. The Town will be responsible for the expense of the SAP services to determine if the Employee needs help in dealing with a Drug or Alcohol test result, follow-up test monitoring, and additional required services after completion of a treatment program, if any. If any treatment is prescribed, any cost not covered by insurance, if any, will be at the expense of the Town.
3. Be required to complete prescribed treatment defined by the SAP, if any. If the individual fails to complete the required treatment, the Town reserves the right to impose disciplinary action, up to and including dismissal.
4. Be required to pass a return to duty test (or tests if both a Drug and Alcohol test is required by the SAP) before duties are resumed. The Town will pay for the return to duty test.
5. Be placed in a follow-up testing program until completed. The Town will pay for the follow-up tests.

In the event of a second positive Alcohol test result, the Employee will have the following consequences:

1. Be placed on an un-paid leave of absence.
2. Be referred to a SAP. The Town will be responsible for the expense of the SAP services to determine if the Employee needs help in dealing with a Drug or Alcohol test result, follow-up test monitoring, and additional required services after completion of a treatment program, if any. If any treatment is prescribed, any cost not covered by insurance, if any, will be at the expense of the Town.
3. Be required to complete prescribed treatment defined by the SAP, if any. If the individual fails to complete the required treatment, the Town reserves the right to impose disciplinary action, up to and including dismissal.
4. Be required to pass a return to duty test (or tests if both a Drug and Alcohol test is required by the SAP) before duties are resumed. The Employee will pay for the return to duty test.
5. Be placed in a follow-up testing program until completed. The Employee will pay for the follow-up tests.

In the event of a third positive Alcohol test result, the Employee will be medically unqualified to perform his or her job responsibilities and will be subject to discipline up to and including termination. The individual will be advised of resources available in dealing with Drug and/or Alcohol issues.

RECORDS

All Drug and Alcohol testing and medical records and information will be maintained in a confidential manner and their disclosure will be strictly limited to those with a need to know. Each Employee shall have the right to have a copy of his/her Drug and/or Alcohol test results upon written request.

NON-UNION MANAGEMENT & MANAGEMENT SUPPORT POSITIONS

Effective July 1, 2018 (FY2019) 2% COLA

<u>Grade</u>		<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>
M-1	Bi-Weekly	\$ 2,173.73	\$ 2,248.14	\$ 2,325.15	\$ 2,404.81	\$ 2,487.27	\$ 2,572.63	\$ 2,660.98
	Annual	56,516.98	58,451.64	60,453.90	62,525.06	64,669.02	66,888.38	69,185.48
M-2	Bi-Weekly	\$ 2,428.72	\$ 2,512.05	\$ 2,598.25	\$ 2,687.51	\$ 2,731.38	\$ 2,875.49	\$ 2,974.41
	Annual	63,146.72	65,313.30	67,554.50	69,875.26	71,015.88	74,762.74	77,334.66
M-3	Bi-Weekly	\$ 2,714.41	\$ 2,807.71	\$ 2,904.26	\$ 3,004.20	\$ 3,107.64	\$ 3,214.71	\$ 3,325.52
	Annual	70,574.66	73,000.46	75,510.76	78,109.20	80,798.64	83,582.46	86,463.52
M-4	Bi-Weekly	\$ 2,980.95	\$ 3,083.58	\$ 3,189.78	\$ 3,299.75	\$ 3,413.56	\$ 3,531.33	\$ 3,653.19
	Annual	77,504.70	80,173.08	82,934.28	85,793.50	88,752.56	91,814.58	94,982.94
M-5	Bi-Weekly	\$ 3,274.22	\$ 3,387.10	\$ 3,503.94	\$ 3,624.90	\$ 3,750.05	\$ 3,879.63	\$ 4,013.72
	Annual	85,129.72	88,064.60	91,102.44	94,247.40	97,501.30	100,870.38	104,356.72
M-6	Bi-Weekly	\$ 3,502.59	\$ 3,623.49	\$ 3,748.65	\$ 3,878.16	\$ 4,012.20	\$ 4,150.93	\$ 4,294.59
	Annual	91,067.34	94,210.74	97,464.90	100,832.16	104,317.20	107,924.18	111,659.34
M-7	Bi-Weekly	\$ 3,759.12	\$ 3,888.97	\$ 4,023.42	\$ 4,162.54	\$ 4,306.57	\$ 4,455.44	\$ 4,609.91
	Annual	97,737.12	101,113.22	104,608.92	108,226.04	111,970.82	115,841.44	119,857.66
M-8	Bi-Weekly	\$ 4,059.84	\$ 4,181.63	\$ 4,307.08	\$ 4,436.30	\$ 4,569.39	\$ 4,706.47	\$ 4,847.66
	Annual	105,555.84	108,722.38	111,984.08	115,343.80	118,804.14	122,368.22	126,039.16
MP	Bi-Weekly	\$ 5,964.38	\$ 6,143.31	\$ 6,327.61	\$ 6,517.44	\$ 6,712.96	\$ 6,914.36	
	Annual	155,073.88	159,726.06	164,517.86	169,453.44	174,536.96	179,773.36	
MS-1	Hourly	\$ 27.45	\$ 28.39	\$ 29.37	\$ 30.37	\$ 31.39	\$ 32.45	\$ 33.60
	Bi-Weekly	2,058.75	2,129.25	2,202.75	2,277.75	2,354.25	2,433.75	2,520.00
	Annual	53,527.50	55,360.50	57,271.50	59,221.50	61,210.50	63,277.50	65,520.00
MS-2	Hourly	\$ 21.04	\$ 21.79	\$ 22.44	\$ 23.11	\$ 23.80	\$ 24.51	\$ 25.26
	Bi-Weekly	1,578.00	1,634.25	1,683.00	1,733.25	1,785.00	1,838.25	1,894.50
	Annual	41,028.00	42,490.50	43,758.00	45,064.50	46,410.00	47,794.50	49,257.00
MS-3	Hourly	\$ 17.83	\$ 18.08	\$ 18.93	\$ 19.59	\$ 19.24	\$ 20.99	\$ 21.73
	Bi-Weekly	1,337.25	1,356.00	1,419.75	1,469.25	1,443.00	1,574.25	1,629.75
	Annual	34,768.50	35,256.00	36,913.50	38,200.50	37,518.00	40,930.50	42,373.50

SUPPORTING DOCUMENTS FOR ARTICLES

SUPPORTING DOCUMENTS FOR ARTICLE 3

PERSONAL WAGE AND SALARY ADMINISTRATION PLAN

(Adopted 59ATM) (Reenacted April 8, 1996 96ATM33) (Replaced April 8, 1996 96ATM66) (Amended April 9, 2001 01ATM42) Revised February 23, 2017

PART I - GENERAL

Section 1. Title of Plan

This chapter shall be known and cited as "The Personnel, Wage and Salary Administration Plan:" and is hereby adopted pursuant to the provisions of General Laws, Chapter 41, Sections 108A and 108C, as amended.

Section 2. No Conflict with Civil Service; Classification Schedule to Define Positions

Nothing in this chapter or in the Personnel, Wage and Salary Administration Plan which is hereinafter referred to, shall be construed to conflict with Chapter 31 or with any other section or chapter of the General Laws (in which case any such provision of this chapter shall be considered merely as information for the guidance of the voters of the Town of Dedham). Positions of officers and employees in the service of the Town which are subject to his chapter are hereby referred to by titles in Schedule A, which schedule is entitled Classification Schedule and which is attached hereto and made a part hereof.

Section 3. Employees to be Placed According to Classification Schedule

No person shall be appointed, employed, or paid as an employee in any position subject to the provisions of the classification plan except under a title appearing in Schedule A, entitled Classification Schedule. No person shall be appointed, employees, or paid as an employee or official in reference to any position subject to the provisions of this chapter except under a title of the job or position the duties of which are actually performed. The title shall be selected from Schedule A. or from Schedule A as it may be amended or modified from time to time by the appropriate body or persons. The job or position title arrived at according to the provisions of this chapter shall be the official title for all purposes having to do with the job or positions and shall be used to designate the job or position in all payrolls, budgets, budget estimates, official reports, and for official purposes of every kind; but any

abbreviation or code symbol approved by the Town Administration may be used in substitution for the title.

Section 4. Compensation Schedule to Define Salaries

A Compensation Schedule, identified as Schedule B, is to be established by vote of the Town in Town Meeting to provide minimum and maximum salaries, or single rate salaries, for the groups and positions in the Classification Schedule. The salary range, or rate, of a group shall be the salary range, or rate, for all positions classified in the group.

Section 5. Employees to be Paid According to Compensation Schedule

All present employees who come under this chapter shall be compensated according to Schedule B entitled Compensation Schedule attached hereto and made a part hereof.

Section 6. New Hires, Promotions, Demotions, Transfers

Except as hereinafter stated, new personnel shall be hired only at the appropriate rate in Schedule B, appearing for the appropriate classification in Schedule A, and likewise no personnel shall be paid on a new job or position as the result of a promotion, demotion, or transfer except at the rate in Schedule B, appearing for the appropriate classification in Schedule A, and likewise no personnel shall be paid on a new job or position as the result of a promotion, demotion, or transfer except at the rate in Schedule B appearing for the appropriate classification in Schedule A.

Section 7. Six-Month Probationary Period for New Hires

The first six months of employment for any new personnel shall be considered a probationary period, but nothing herein shall be construed to conflict with the provision of Chapter 31 of the General Laws of Massachusetts. If the employee's work is unsatisfactory, the employee shall be dismissed by the responsible appointing authority during the first six months. After the probationary period, the employee shall be considered a regular employee of the Town. A regular employee may be a full-time or part-time permanent employee as defined in Part V. (amended 6/17/91).

Section 8. Pay Adjustment Section in Budgets

Each department budget shall include Pay Adjustment Section to provide funds for anticipated pay adjustments during the year, expenditures there from to be made only in accordance with the Personnel, Wage and Salary Administration Plan with the approval of the Town Manager.

PART II - PLAN ADMINISTRATION

Section 1. Town Manager to Administer Plan

- a.) Except as otherwise provided, the Town Manager shall administer the Personnel, Wage and Salary Administration Plan and shall establish such policies, procedures and regulations as in the Administrator's judgment are necessary to administer the same.
- b.) The Town Manager shall have access to all facts, figures, records and other information relative to the personnel of the Town departments, except those positions under the control of the School Committee, and such information shall be furnished forthwith by any department upon request of the Town Manager and in such form as the Town Manager may require. Personnel records shall be maintained in a separate file in the Human Resources Department and shall be available for inspection by the Town Manager and the Town Manager's duly authorized agents or employees only.
- c.) The Town Manager shall have final authority to determine or approve abbreviations or code symbols used in substitution for job or position title classifications.

Section 2. Town Manager to Determine Job Classifications

- a.) The Town Manager shall have final authority to determine which "Position Title" or "Job Title," of those occupations subject to the Classification Schedule, is applicable to any employee or official. This section shall not be construed to give the Town Manager any authority, by order, promotion, transfer, or by any other means, to alter the duties of any employee or official not serving under the operating authority of the Administrator.
- b.) No employee shall be reclassified unless the Town Manager shall first be notified. If the Town Manager shall have reason to believe that such reclassification will not be consistent with the requirements of the Personnel, Wage, and Salary Administration Plan or with the duties actually to be performed, the Administrator shall so notify the appointing authority, who shall not make the reclassification unless, after investigation, the Administrator shall determine that such reclassification shall and will be consistent with the Personnel, Wage and Salary Administration Plan and the rates and schedule established there under.

- c.) Whenever a new position is contemplated, or the duties of an existing position changed, explanatory and substantiating data relative to the content of said new or changed position shall be submitted to the Town Manager in such form as the Town Manager may request, and no title or rate shall be assigned and no payment of salary or wage in any form made until the Town Manager has established a title and rate for said new or changed job or position.
- d.) Upon recommendation of an appointing authority, supported by evidence in writing, submitted in a form specified by the Town Manager, and submitted to said Town Manager, the Town Manager may authorize an entrance rate higher than that for the appropriate title in Schedule A according to the rate range or single rate in Schedule B entitled Compensation Schedule when an appropriation is available.

Section 3. Vacancies

Whenever a regular full time position becomes vacant, for whatever reason, the responsible appointing authority shall notify the Town Manager prior to any pre-employment interview, posting, publication or hiring to fill the vacant position. Such notification shall consist of:

- 1. Vacancy classification and salary scale.
- 2. Job description and duties.
- 3. Requested replacement classification and salary scale.
- 4. Any information, documents and pertinent data necessary to justify filling of the vacant position.

Upon receipt of such notification, the Town Manager shall notify the Affirmative Action Officer of the vacancy or replacement request. The Town Manager and Affirmative Action Officer may make any recommendation pertinent to the vacancy request to the responsible appointing authority.

Whenever any other position becomes vacant including part time and/or seasonal, for whatever reason, the responsible appointing authority shall notify the Human Resources Director prior to any pre-employment interview, posting, publication or hiring to fill the vacant position. Such notification shall consist of:

- 5. Vacancy classification and salary scale.
- 6. Job description and duties.

7. Requested replacement classification and salary scale.
8. Any information, documents and pertinent data necessary to justify filling of the vacant position.

Upon receipt of such notification, the Human Resources Director may make any recommendation pertinent to the vacancy request to the responsible appointing authority. The Human Resources Director will work with the responsible appointing authority to determine the hiring process.

PART III - INSTALLATION

Section 1. New Hires, Promotions, Demotions and Transfers

Whenever a range of rates is established herein and except as stated in Section 2 (d) of Part II, new personnel shall be hired only at the minimum rate in Schedule B appearing for the appropriate classification in Schedule A, and likewise no employee shall be paid on a new job or position as the result of a promotion or transfer except at the rate next higher than the employee's previous rate, the new rate from Schedule B appearing for the appropriate classification in Schedule A. However, the Town Manager may recognize longevity or special circumstances in a particular department by permitting interdepartmental promotion at a higher rate than the starting rate usually accorded to such new classification. In case of a demotion an employee shall receive the maximum rate for the new job or position as it is in Schedule B corresponding to the appropriate classification in Schedule A, unless such new rate is higher than the employee's previous rate. This section shall not be interpreted so as to conflict with procedures for step rate increases and shall not be interpreted to foreclose an employee's entitlement to said step rate increases.

Section 2. Progression by Steps

Each regular employee of the Town shall be progressed to the rate for the employee's job or position as per Schedule B, corresponding to the appropriate classification Schedule A consistent with the employee's years of continuous service from the date of the employee's last hiring, promotion or transfer to that job or position. Years of continuous service shall be counted from the date of hire by the Town, or the date of promotion or transfer as appropriate. Annual Step Rate Increases, as specified in Schedule B, will be based on the aforementioned dates without regard to the Annual Step Rate; holders of such jobs or positions shall be eligible for such increase as of the date of the beginning of the fiscal year. Unless otherwise disqualified, holders of such jobs or positions will not suffer any time adjustments within the applicable Step Rate progression.

Section 3. Positions to Continue Old Rates of Pay Until Reclassified

If at the time of the Annual Town Meeting certain positions have not been designated in Schedules A or B, such positions shall receive the same rate of pay as they received in the prior year until such time as these positions are included by the Town Manager in said schedules.

PART IV - FRINGE BENEFITS

Employees of the Town of Dedham who are subject to this chapter shall receive vacations, sick leave, overtime pay, holiday pay and such other benefits, in addition to their wage or salary, as are set forth in Schedule C attached hereto and made a part hereof.

PART V - PART-TIME EMPLOYEES

Certain employees of the Town are assigned duties, which do not require the full-time attention of one person per day or per week are referred to as permanent, part-time employees provided:

- i) they work eighteen and three-quarters (18.75) or more hours per week or nine hundred seventy-five (975) hours per year; and
- ii) their services are predictable and budgeted for the ensuing year.(amended 4/88)

PART VI - AMENDMENTS TO THE PLAN

Section 1. Town Manager to Review Classifications for Consistency, Equity

The Town Manager shall review or cause to be reviewed content and description of classified jobs and positions on a regular basis to ensure that descriptions and classifications are consistent with actual job content. The Town Manager shall also keep informed of pay rates and policies in practice outside of the service of the Town of Dedham, and shall recommend to the Town any action it deems advisable and necessary in order to maintain a fair, equitable pay level and compensation policy.

Section 2. Town Manager to Review Entire Plan

The Town Manager shall review the Plan in its entirety from time to time.

PART VIII - SEPARABILITY

If any provision of this chapter, or the application of such provision to any person or circumstances shall be held invalid or is changed, modified, deleted, or

otherwise affected, the remainder of this chapter, or the application of such provision to the persons or circumstances other than those as to which it is held valid, shall not be affected thereby.

**SCHEDULES A AND B
CLASSIFICATION AND COMPENSATION SCHEDULE FOR Management AND
Management Support Group NON-CONTRACTUALS**

**SCHEDULE C
FRINGE BENEFITS**

Section 1. Hours of Work

- a.) The regularly scheduled full-time workweek for Department Heads and for all full-time employees paid by the A.T.P. Compensation Schedule shall be thirty-seven and one-half (37 ½) hours and extend to whatever number of additional hours necessary.

- b.) The regularly scheduled full-time workweek for all full-time persons paid by the O.O. Compensation Schedule shall be thirty-seven and one-half (37 ½) hours. In calculating the hours in the regularly scheduled workweek, time scheduled for night meetings and board work shall be included. (amended 6/17/91)

Section 2. Deferred Compensation

The Town has set up a Deferred Compensation Plan allowing employer contributions to employee accounts that are not taxable income at the time they are made resulting in employee to defer compensation from taxes until a later date with the intention of choosing a date when the tax rate would be lower. They are typically used to supplement retirement income.

The employer contributions under this new benefit are dependent upon your years of service. The contributions are as follows:

0-5 years of service	\$300
6-10 Years	\$550
11-15 Years	\$800
16-20 Years	\$1,050
21-25 Years	\$1,300
26-30 Years	\$1,550

The contribution will be made annually on or around August 1st. An employee's

years of service used to determine the employer contribution will be the years of service you would have obtained within the coming year. So, if an employee would have moved to the next higher bracket in November of a fiscal year because s/he was hired in November, his/her allotment will be the higher bracket. This will be determined each year in July prior to sending the Town's contribution. (*amended 11/26/18*)

Section 3. Overtime

- a.) For positions classified under Management Support Group Compensation Schedule employees who work in excess of thirty-seven and one-half (37 ½) hours per week shall be paid for at the rate of time-and-one-half the regular rate.
- b.) No overtime shall be paid to Department Heads nor to persons employed in positions on the Management Schedule.
- c.) For the purpose of computing overtime, a regular paid holiday shall count as hours worked. No overtime will be paid to any members of any department because of participation in parades. Authorized sick leave will not count as hours worked for this purpose.

Section 4. Holidays

- a.) Regular employees shall not lose pay by reason of any of the following holidays: New Year's Day, Martin Luther King, Jr. Day, Presidents Day, Patriots Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day and Christmas. (*amended 6/17/91*)
- b.) Compensatory time off in lieu of holiday pay will not be granted.
- c.) Regular, full-time employees of the Town will be paid their normal daily rate for the holidays specified.

Section 5. Military Leave

Military leave and related issues of compensation, benefits, reemployment, and the like are governed by and afforded in accordance with federal and state law, including, without limitation and as applicable, the federal Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. 4301-4334; the Family and Medical Leave Act (FMLA); and M.G.L. c. 33, § 59, as the same may be amended from time to time.

Section 6. Bereavement Leave

In the event of a death in the immediate family of an employee, he/she will be granted leave with pay. Such leave shall not be charged to sick leave or vacation leave. Five (5) days shall be granted for an employee's spouse, child, father, mother or person living in the employee's household; three (3) days for the employee's **sister, brother**, mother-in-law and father-in-law **and grandchild**; two (2) days only shall be granted for grandmother, grandfather, son-in-law, or daughter in-law. One (1) day only shall be granted for brother-in-law, sister-in-law, aunt or uncle.

Section 7. Sick Leave Benefits

- a.) All regular full-time employees, as defined in section 7 or Part I, of the Town shall be eligible for sick leave in an amount not to exceed fifteen working days per year credited from the date of hire and may be allowed unlimited accumulation.
- b.) Sick leave with pay shall be granted to employees when they are unable to perform their duties because of sickness, personal injury not covered by Workmen's Compensation or quarantine by health authorities. Eight (8) working days in a calendar year but not more than four (4) working days for each case may be charged against sick leave in the event of serious illness in the immediate family. The immediate family shall include husband, wife, children, parents, mother-in-law and father-in-law. (amended 6/17/91)
- c.) Authority for the granting of sick leave, subject to the limitations described herein, and responsibility for the detailed accounting thereof, rests with the responsible appointing authority. Departmental payrolls submitted to Payroll will include as a separate item, sick leave granted during the payroll period, by employee name, and indicate the dates and reason(s) for such leave. If during the payroll period, no sick leave has been granted, paid or unpaid, it will be so noted on the payroll. When the payroll process is automated, it is the Department Head's responsibility to insure proper accounting of any time used.
- d.) The Town Manager may require such procedures as the Town Manager deems necessary for the proper administration of these sick leave provisions. When these procedures have been issued, sick leave shall not be granted under any circumstances not conforming to them. Sick leave in excess of two hundred thirty (230) days or in excess of any lesser amount accumulated

may be granted at the discretion of the Town Manager upon the recommendation of the appointing authority in charge of the employee requesting such sick leave.

In the event that an employee voluntarily terminates employment for reasons other than retirement or death, there shall be no monetary value attached to accrued sick leave. All full-time employees having accumulated **fifty (50)** unused sick days will be paid fifty dollars (\$50) per day on retirement or death to a maximum of one hundred (100) days beyond the **fifty (50)** accumulated sick days, or a maximum of five thousand (\$5,000) dollars.

- e.) A regular full-time employee, subject to forty-eight (48) hours prior notice and subject to the needs of the department, may use three working days in a fiscal year not charged to sick leave to attend to necessary personal matters which cannot be attended to outside of working time.
- f.) A Sick Leave Bank ("Bank") for use by eligible employees who have exhausted their own sick leave is established. Each employee shall contribute (1) day of sick leave from his/her accumulated sick leave for the establishment of the Bank. Any employee may request not to participate or to terminate participation in the Bank provided the employee notifies the Sick Leave Bank Committee ("Committee") of that choice. Any employee terminating his/her participation in the Bank will forfeit any sick leave contributed to the Bank. A non-participating employee will be ineligible for benefits from the Bank. A non-participating employee may request to participate in the Bank provided (1) such request is made in writing to the Committee within thirty (30) days of the start of the Fiscal Year and (2) the employee contributes one (1) day of sick leave to the Bank.

The Committee shall be composed of three (3) members, two (2) chosen by the employees governed by the Bylaw and one designated by the Town Manager. The Committee shall determine the eligibility for use of the Bank and the amount of leave to be granted. The criterion for granting of such leave from the Bank shall be demonstrated and need supported by adequate medical evidence of illness or injury and the employee's prior attendance record. The initial grant of sick leave by the Committee shall be upon written application and shall not exceed ten (10) days. Upon completion of the initial ten (10) day grant, the Committee may extend the period of entitlement for

additional periods not to exceed thirty (30) days. The maximum number of days that may be granted to an employee for a continuous illness shall not exceed seventy-five (75) days. The decisions of the Committee shall be final.

If the number of sick days in the Bank is exhausted, it may be renewed by the contribution of one (1) additional day of sick leave from each participating employee to be deducted from each employee's accumulated sick leave.

Section 8. Statutory Family, Medical, and Parental Leave

The Town of Dedham ("the Town") is committed to meeting its obligations to employees under the federal Family and Medical Leave Act (FMLA) and the Massachusetts Parental Leave Act (MPLA), as the same may be amended from time to time. A notice of employees' rights under these laws is posted on the bulletin board in Town Hall outside of Human Resources Department.

Individuals seeking to avail themselves of leave under the FMLA or the MPLA should contact: Human Resources Director.

Please note that the 12-month period utilized by the Town for FMLA purposes is a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave. Please note as well that the Town requires the use of available accrued paid leave concurrently with FMLA leave. Individuals on designated FMLA leave shall be required to update their status every 30 days. Further, where leave is taken for a reason specified in both the FMLA and MPLA, the leave may be counted simultaneously against the employee's entitlement under both laws. Finally, please note that it is the Town's policy to designate qualifying leave as FMLA once we have sufficient information to make this determination, *even if the employee does not request it.*

For any employee who is expecting the birth, adoption or placement of a new child with his/her family and is not eligible for FMLA, may be eligible for the eight week Parental leave under Massachusetts law. When an employee is eligible for both, they run concurrently. Parental Leave is an unpaid leave and an employee may choose to use any applicable accrued time off he/she may have available under the guidelines for the usage of that time off. If both employees work for the Town, they are only entitled to 8 weeks of leave in the aggregate for the birth or adoption of the same child.

While on FMLA leave, an employee may continue to participate in the health and life insurance in which s/he is enrolled provided that s/he contributes his/her

normal contribution toward the cost of the premium in a timely fashion.

Section 9. Vacations

All regular, full-time employees of the Town are entitled to periods of vacation with pay. Vacation entitlements for individual employees will be computed from the original date of hire provided such service has been continuous, without interruption except by authorization of the Town Manager.

It is the responsibility of the appointing authority to insure that vacations are taken within the "Vacation Year." Employees may accrue, but may not take, vacation time during the first six months of employment.

Vacation will be accrued each pay period the employee works any hours. The rate of vacation accrual for Management and Management Support shall be:

The rate of vacation accrual for Management shall be:

Months of Service	Annual Vacation	Payperiod Accrual
0-59 months	3 weeks	.5769 days
60-119 months	4 weeks	.7692 days
120-999 months	5 weeks	.9615 days

Effective 1/1/19 the rate of vacation accrual for Management Support Group shall be the same as Management. (amended 11/26/18)

The accrual cycle is continual. Once an employee reaches 150% of his/her annual vacation amount, the accrual will be suspended until the balance of accrued time dips below the 150% level when it will resume again until it hits the maximum allowed of 150% of the annual vacation amount. (amended 5/21/18)

Upon the recommendation of the Town Manager and with the approval of the Board of Selectmen, a new employee at the original time of hire may be granted vacation leave at a higher rate than provided in this Bylaw.

Upon the retirement, termination or death of an employee, any unused accrued vacation leave will be paid to the employee or beneficiary (or estate) as the circumstances indicate.

Section 10. Permanent Part-Time Benefits

- a.) Provided such employees meet the eligibility requirements defined in Part V of this chapter and requirements for regular, full-time employees with regard to length of service and satisfactory performance, they will be entitled to sick leave, vacation, personal and holiday benefits granted to regular full-time employees in the same proportion that their service bears to full-time service. (amended 6/17/91)
- b.) At the discretion of the Town Manager, exemption from the above guidelines may be made by specific reference to classes of employees whose work assignments are seasonal or do not require the minimum hours stipulated for part-time positions.

Section 11. Temporary Service in a Higher Position

Whenever an appointing authority or designee assigns an employee who is not covered by a collective bargaining agreement and whose position is included in Management or Management Support Group (MSG) to a position so classified, but at a grade higher than that of the employee's regular position to fill on a temporary full-time basis due to the illness, leave of absence, resignation or retirement of another employee, said reassigned employee shall be compensated in accordance with the following procedure:

1. Commencing with said employee's eleventh (11th) consecutive working day of actual service in the higher position, payment shall be made for as long as the employee performs said services.
2. Compensation shall be at the minimum rate for services in that higher grade of work being performed, or, if the employee's present pay is already above that minimum, shall be at the lowest step rate which is higher than said employee's present rate, provided that said employee has shown that the requirements of that higher position have been satisfactorily met.

Section 12. Health Insurance

Health Insurance coverage shall be offered to all eligible non-contractual employees and they shall contribute not less than twenty percent (20%) of the cost thereof.

Section 13. Other Policies Applying to Town employees

- a.) Physical examinations will be required of all new Town employees at the Town's expense.
- b.) Stress testing (i.e. neuro-psychological evaluation) will be required of all Fire and Police candidates.

Section 14. Tuition Reimbursement

An annual tuition reimbursement fund of \$25,000 will be created to reimburse employees covered by this Bylaw for the cost of tuition for job-related educational course and training, subject to the following conditions:

- 1. Employees will be required to seek and receive prior approval of the Town Manager. The employee will submit to the Town Manager as part of the approval process, a detailed description of the course/training requested for reimbursement and the degree and/or certification for which this course/training is a requirement of, along with the cost of the course/training.*
- 2. Employees are eligible seek approval for up to 4 courses/trainings per fiscal year. Should additional money be available after December 31st of the given fiscal year, that employee may seek approval for up to 2 additional courses/trainings dependent upon the amount of money remaining.*
- 3. The employee must attain a grade of "A-" (90%) or better for college/continuing Ed courses or a "Pass" for those courses/trainings that are done on a "Pass"/"Fail" criteria to receive a reimbursement of 100% of the cost of the course/training. A grade of between a "B-" (80%) to B+ (89%) will be reimbursed at 90% of the cost of the course/training. A grade of between "C-" (70%) to "C+" (79%) will be reimbursed at 80% of the cost of the course/training. A grade of "D+" (69%) or below or a "Fail" will not be reimbursed for the cost of the course/training.*
- 4. Participation in the tuition reimbursement program will be on a first come/first serve basis subject to the appropriation limit at the start of each fiscal year.*

- 5. Employees that leave their employment from the Town of Dedham on their own will, will be required to pay back any reimbursements issued according to the following schedule:**
- i. If the employee leaves within less than 12 months after the date of reimbursement, the employee will pay back the Town 100% of the reimbursement**
 - ii. If the employee leaves within 12 to 24 months after the date of reimbursement, the employee will pay back the Town 75% of the reimbursement**
 - iii. If the employee leaves within 25 to 36 months after the date of reimbursement, the employee will pay back the Town 50% of the reimbursement**
 - iv. If the employee leaves within 37 to 48 months after the date of reimbursement, the employee will pay back the Town 25% of the reimbursement**
 - v. If the employee leaves 49 months or greater after the date of reimbursement, the employee will not be required to pay back any percentage of the reimbursement**

Section added 18FTM03.

Section 15. Miscellaneous Provisions *Section added 04ATM05*

Shoe Allowance – Certain employees may be deemed eligible to receive a shoe allowance at the discretion of the Town Manager and subject to appropriation in the Annual Town Budget.

Vehicle Use – Certain employees may be deemed eligible to receive a car allowance or mileage reimbursement (consistent with IRS regulations) at the discretion of the Town Manager and subject to appropriation in the Annual Town Budget.

Paychecks – The employer has the exclusive authority to determine the manner and method by which paychecks will be distributed to the employees. All Management and Management Support Group employees must have direct deposit of their checks to the financial institution of their choice. However, any change to the prevailing practice of distribution may only occur after a thirty (30) day written notice.

Section 16. Jury Duty

An Employee called for jury duty shall be paid by the Town an amount equal to the difference between the compensation paid for a normal working period and the

amount paid by the Court, excluding the allowance for travel. Such compensation will be paid upon presentation of evidence of pay voucher and/or check stub from the Court where jury duty occurred.

RULES OF PROCEDURE

Section 1. Appeal Procedure

- a.) An employee making an appeal shall write a petition of complaint and deliver it to the employee's supervisor.
- b.) The supervisor shall then make recommendations in writing and shall deliver the recommendations with the petition, addressing them to the Town Manager, Town Offices, Dedham.
- c.) The Town Manager shall then consider the petition and make a decision, copies of which shall be sent to the appointing authority, the employee, and any other parties concerned.
- d.) If after the decision the employee wishes a hearing, the employee shall request the same in writing, addressed to the Town Manager.

Section 2. Request for Classification

Requests by appointing authorities for reclassification of employees in their departments shall be in writing, setting forth the reasons, which requests shall be addressed to the Town Manager.

Section 3. Supporting Materials Due Two Weeks Prior to Action

To insure prompt action regarding appeals, presentations or matters requesting Town Manager's deliberation or decision, materials should be received by the Administrator at least two (2) weeks prior to the proposed effective date of the petition.

Section 4. Amendments to the Personnel, Wage and Salary Administration Plan (Schedules A, B, C)

Any employee, appointing authority, official, board, committee, or resident of the town may propose amendments at any time. This shall be done by a written petition setting forth the change requested. This petition shall be addressed to the Town Manager, Town Offices, Dedham, MA.

Section 5. Town Manager to Approve Deviations from Plan

Appointing authorities shall normally employ no one except in accordance with the provisions of the Personnel, Wage and Salary Administration Plan and schedules unless the Town Manager has first given approval.

Section 6. Town Manager May Make Temporary Exceptions

The above paragraphs outline the normal and standard procedure to be followed, but nothing in them shall prevent the Town Manager from making temporary exceptions to meet emergencies.

SUPPORTING DOCUMENTS FOR ARTICLE 4

ANNUAL TOWN MEETING - MAY 14, 2014

ARTICLE NINETEEN: *By the Board of Selectmen.* To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain, for general municipal purposes, all or a portion of the land and improvements identified in the Assessors' records as 450 Washington Street, shown as Lot 107 on Assessors' Map 108 and described in the deed recorded with the Norfolk County Registry of Deeds in Book 10442, Page 47 (the Ames School property), and further to raise and appropriate, transfer, or borrow a sum of money for the acquisition, improvement, renovation, demolition, construction/ reconstruction, and equipping of said real property and for the improvement, renovation, demolition, construction/reconstruction and equipping of that real property now owned by the Town located at 26 Bryant Street (Town Hall), 436 Washington Street (Main Fire Station) and 434 Washington Street, a portion of which sum may be used, as determined by the Board of Selectmen, to pay a deposit to secure the purchase of 450 Washington Street, and for all costs necessary and related to said acquisition and projects as described above; and further, to transfer the care, custody, management and control of the lands identified as 26 Bryant Street and 436 Washington Street, from such board and for such purposes as such land is presently held, to the Board of Selectmen for general municipal purposes; and to authorize the Board of Selectmen to apply for, accept, and expend any grants or loans in connection herewith, to enter into all agreements, execute any and all documents, and take all action necessary to carry out this project, or take any other action relative thereto.

Voted: That the Board of Selectmen is authorized to acquire by gift, purchase or eminent domain, for general municipal purposes, all or a portion of the land and improvements identified in the Assessors' records as 450 Washington Street,

shown as Lot 107 on Assessors' Map 108 and described in the deed recorded with the Norfolk County Registry of Deeds in Book 10442, Page 47 (the Ames School property), and that the sum of Twenty-Eight Million, Two Hundred and Fifty Thousand Dollars (\$28,250,000) is appropriated to pay costs of the acquisition, improvement, renovation, demolition, construction/ reconstruction, and equipping of said real property and for the improvement, renovation, demolition, construction/reconstruction and equipping of that real property now owned by the Town located at 26 Bryant Street (Town Hall), 436 Washington Street (Main Fire Station) and 434 Washington Street, a portion of which sum may be used, as determined by the Board of Selectmen, to pay a deposit to secure the purchase of 450 Washington Street, and for all costs necessary and related to said acquisition and projects as described above;

all for the purpose of creating, in phases, a Municipal Campus in the Town Center on the above-referenced properties to consist of a new Senior Center and Town Hall in the Ames School in Phase I, a new Police Station in the existing Town Hall in Phase II, and a new or renovated Main Fire Station in approximately its present location in Phase III, provided that additional funding for Phase III remains to be appropriated;

that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Sections 7(3) and 7(3A) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor, it being further anticipated that debt service for such borrowing will be paid by appropriations transferred from the Robin Reyes Major Capital Facilities Stabilization Fund; and further, to transfer the care, custody, management and control of the lands identified as 26 Bryant Street and 436 Washington Street, from such board and for such purposes as such land is presently held, to the Board of Selectmen for general municipal purposes; and to authorize the Board of Selectmen to apply for, accept, and expend any grants or loans in connection herewith, to enter into all agreements, execute any and all documents, and take all action necessary to carry out this project. ***AS DECLARED BY THE MODERATOR 2/3RD MAJORITY***

Ch 44, Municipal Finance, §7(1) and §7(1A), Cities and Towns, Purposes for Borrowing Money Within Debt Limits

Section 7 Cities and towns may incur debt, within the limit of indebtedness prescribed in section ten, for the purposes hereinafter set forth, and payable within

the periods hereinafter specified or, except for clauses (3C), (11), (16), (18), (19), (21) and (22), within such longer period not to exceed 30 years based upon the maximum useful life of the public work, improvement or asset being financed, as determined in accordance with guidelines established by the division of local services within the department of revenue:

(1) For the construction or reconstruction of surface drains, sewers, sewerage systems and sewage treatment and disposal facilities, thirty years

(1A) For the lining by cement or metal of sewers constructed for sanitary and surface drainage purposes and for sewage disposal, ten years

(2) For acquiring land for public parks or playgrounds or public domain under chapter forty-five, thirty years; but no indebtedness incurred for public domain shall exceed one half of one per cent of the equalized valuation of the city or town

(2A) For the construction of an artificial ice-skating rink for which refrigeration equipment is required on land owned by the city or town, fifteen years

(2B) For the construction of an outdoor swimming pool on land owned by the city or town, fifteen years

(3) For acquiring land, or interests in land, for any purpose for which a city or town is or may hereafter be authorized to acquire land or interests therein, not otherwise specifically provided for; for the construction of buildings which cities or towns are or may hereafter be authorized to construct, or for additions to such buildings where such additions increase the floor space of said buildings, including the cost of original equipment and furnishings of said buildings or additions, twenty years

(3A) For remodeling, reconstructing or making extraordinary repairs to public buildings owned by the city or town, including original equipment and landscaping, paving and other site improvements incidental or directly related to such remodeling, reconstruction or repair, for a term not exceeding 20 years

(3B) For energy conservation, alternative energy or renewable energy improvements to public buildings or facilities owned or leased by the city or town, or on property owned or leased by the city or town, 20 years

(3C) For a revolving loan fund established under section 53E3/4; to assist in the development of renewable energy and energy conservation projects on privately-held buildings, property or facilities within the city or town, 20 years

(4) For the construction or reconstruction of bridges of stone or concrete or of iron superstructure, twenty years

(5) For the original construction of public ways or the extension or widening thereof, including land damages and the cost of pavement and sidewalks laid at the time of said construction, or for the construction of stone, block, brick, cement concrete, bituminous concrete, bituminous macadam or other permanent pavement of similar lasting character, or for the original construction and surfacing or the resurfacing with such pavement of municipally owned and operated off-street parking areas, under specifications approved by the department of highways, ten years

(6) For macadam pavement or other road material, or for the resurfacing with such pavement or other road material of municipally owned or operated off-street parking areas, under specifications approved by the department of highways, or for the construction of sidewalks of brick, bituminous concrete, stone or concrete, five years

(7) For the construction of walls or dikes for the protection of highways or property, ten years

(8) For the purchase of land for cemetery purposes, ten years

(9) For the cost of equipment, 5 years

(9A) For the remodeling, reconstruction or rehabilitation of existing firefighting apparatus and heavy equipment including, but not limited to, front-end loaders, road graders, sidewalk plows and motorized sweepers; five years

(10) For connecting dwellings or other buildings with common sewers, when the cost is to be assessed in whole or in part on the abutting property owners, five years

(11) For the payment of final judgments, one year
[There is no clause (12)]

(13) In Boston, for acquiring fire or police boats, fifteen years

(14) For traffic signal, or public lighting installations, fire alarm or police communication installations and for the purpose of extending and improving such installations, ten years

(15) In Boston, for the original construction, or the extension or widening, with permanent pavement of lasting character conforming to specifications approved by the state department of highways and under the direction of the board of park commissioners of the city of Boston, of ways, other than public ways, within or bounding on or connecting with any public park in said city, including land damages and the cost of pavement and sidewalks laid at the time of said construction, or for the construction of such ways with stone, block, brick, cement concrete, bituminous concrete, bituminous macadam or other permanent pavement of similar lasting character under specifications approved by said department of highways, ten years

(16) For the payment of premiums for fire insurance contracts or policies covering a period of five years, four years

(17) For improvements made under section twenty-nine of chapter ninety-one and for the construction or reconstruction of public wharves, ten years

(17A) For dredging of tidal and non-tidal rivers and streams, harbors, channels and tidewaters, 10 years

(18) For the payment of charges incurred under contracts authorized by section four of chapter forty for the expert appraisal of taxable property or for the preparation of assessors maps, including charges for aerial mapping in connection with the preparation of such maps, ten years

(19) For the payment of charges incurred under contracts authorized by section four D of chapter forty, but only for such contracts as are for purposes comparable to the purposes for which loans may be authorized under the provisions of this section Each authorized issue shall constitute a separate loan, and such loans shall be subject to the conditions of the applicable clauses of this section

(20) For developing land for burial purposes and for constructing paths and avenues and embellishing the grounds in said developed areas in a cemetery

owned by the city or town, five years The proceeds from the sale of the exclusive rights of burials in any of the lots in such cemetery shall be kept separate from other funds and be appropriated for the payment of any indebtedness incurred for such developments, notwithstanding the provisions of section fifteen of chapter one hundred and fourteen

(21) For the cost of architectural services for plans and specifications for any proposed building for which a city, town or district is authorized to borrow, or for the cost of architectural services for plans and specifications for additions to buildings owned by a city, town, or district where such additions increase the floor space of said buildings, five years if issued before any other debt relating to said buildings or additions is authorized, otherwise the period fixed by law for such other debt relating to said building or additions; provided, however, that at the time the loan is issued the city, town or district owns the land on which the proposed building or additions would be constructed

(22) For the cost of engineering or architectural services for plans and specifications for any project not defined in clause (21) for which a city, town or district is authorized to borrow, five years if issued before any other debt relating to said project is authorized, otherwise the period fixed by law for such other debt relating to said project

(23) For the construction of municipal tennis courts, including platform tennis courts and the acquisition of land and the construction of buildings therefor, including the original equipment and furnishing of said buildings, fifteen years

[There is no clause (24)]

(25) For the construction of municipal outdoor recreational and athletic facilities, including the acquisition and development of land and the construction and reconstruction of facilities; fifteen years

(26) For energy audits as defined in section three of chapter twenty-five A, if authorized separately from debt for energy conservation or alternative energy projects; five years

(27) For the undertaking of projects for the preservation and restoration of publicly-owned freshwater lakes and great ponds in accordance with the provisions of section thirty-seven A of chapter twenty-one

(28) For the development, design, purchase and installation of computer hardware, other data processing equipment and computer assisted integrated financial management and accounting systems; ten years

(29) For the development, design, purchase of computer software incident to the purchase, installation and operation of computer hardware and other data processing equipment and computer assisted integrated financial management and accounting systems; five years

(30) For installation, repair or replacement of exposed structural or miscellaneous steel, which has been treated with the hot-dip galvanizing process; three years

(31) For the purpose of removing asbestos from municipally owned buildings; ten years

(32) For the cost of cleaning up or preventing pollution caused by existing or closed municipal facilities not referenced in clause (21) of section 8, including cleanup or prevention activities taken pursuant to chapter 21E or chapter 21H, 10 years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to and approved by the department of environmental protection

(33) For the construction or reconstruction of seawalls, riprap, revetments, breakwaters, bulkheads, jetties and groins, stairways, ramps and other related structures, 20 years

(34) For any other public work, improvement or asset not specified in this section, with a maximum useful life of at least 5 years, determined as provided in this paragraph, 5 years

Debts may be authorized under this section only by a two-thirds vote.

Ch 44, Municipal Finance, §8 Cities and Towns, Purposes for Borrowing Money Outside

Debt Limits

Section 8. Cities and towns may incur debt, outside the limit of indebtedness prescribed in section ten, for the following purposes and payable within the periods hereinafter specified or except with respect to clauses (1), (2), (3A), (5),

(6), (7), (9) and (19), within such longer period not to exceed 30 years based upon the maximum useful life of the public work, improvement or asset being financed, as determined in accordance with guidelines established by the division of local services within the department of revenue:

(1) For temporary loans under sections four, six, six A, seventeen and seventeen A, the periods authorized by those sections.

(2) For maintaining, distributing and providing food, other common necessities of life and temporary shelter for their inhabitants upon the occasions and in the manner set forth in section nineteen of chapter forty, two years.

(3) For establishing or purchasing a system for supplying a city, town, or district and its inhabitants with water, for taking or purchasing water sources, either from public land or private sources, or water or flowage rights, for the purpose of a public water supply, or for taking or purchasing land for the protection of a water system, thirty years.

(3A) For conducting groundwater inventory and analysis of the community water supply, including pump tests and quality tests relating to the development of using said groundwater as an additional source or a new source of water supply for any city, town or district, ten years.

(4) For the construction or enlargement of reservoirs, and the construction of filter beds, standpipes, buildings for pumping stations including original pumping station equipment, and buildings for water treatment, including original equipment therefor, and the acquisition of land or any interest in land necessary in connection with any of the foregoing, thirty years.

(4A) For remodeling, reconstructing or making extraordinary repairs to reservoirs and filter beds, thirty years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental protection, and the approval of said department has been granted therefor.

(5) For the laying and relaying of water mains of not less than six inches but less than sixteen inches in diameter, and for lining and relining such mains with linings of not less than one-sixteenth of an inch, for the development of additional well fields, for wells and for pumping station equipment, forty years.

(6) For constructing and reconstructing and laying and relaying aqueducts and water mains of sixteen inches or more in diameter, and for lining such mains with linings of not less than one-sixteenth of an inch, forty years.

(7) For the extension of water mains, forty years.

(7A) For the purchase and installation of water meters, ten years.

(7B) For the payment of the town's share of the cost to increase the storage capacity of any reservoir, including land acquisition, constructed by the water resources commission for flood prevention or water resources utilization, twenty years.

(7C) For the purchase, replacement or rehabilitation of water departmental equipment, ten years.

(8) For establishing, purchasing, extending, or enlarging a gas or electric lighting plant, a community antenna television system, whether or not operated by a gas or electric lighting plant, or a telecommunications system operated by a municipal lighting plant, 20 years; but the outstanding indebtedness so incurred shall not exceed in a town 5 per cent and in a city 2.5 per cent of the equalized valuation of such town or city; provided, however, that the majority of the members of the municipal finance oversight board, may authorize a city to incur indebtedness under this clause in excess of 2.5 per cent but not in excess of 5 per cent of the equalized valuation of such city, and may authorize a town to incur indebtedness under this clause in excess of 5 per cent but not in excess of 10 per cent of the equalized valuation of such town.

(8A) For remodeling, reconstructing, or making extraordinary repairs to a gas or electric lighting plant, a community antenna television system, or a telecommunications system operated by a municipal lighting plant, when approved by the majority of the members of the municipal finance oversight board, for such number of years not exceeding ten, as said board shall fix; provided, however, that the indebtedness incurred under this clause shall be included in the limit of indebtedness for gas and electric lighting plants, community antenna television systems or telecommunications systems that are operated by municipal lighting plants, as set forth in clause

(8). Each city or town seeking approval by said board of a loan under this clause shall submit to it all plans and other information considered by the board to be

necessary for a determination of the probable extended use of such plant, community television antenna system or telecommunications system likely to result from such remodeling, reconstruction, or repair, and in considering approval under this clause of a requested loan and the terms thereof, special consideration shall be given to such determination.

(9) For emergency appropriations that are approved by the director, not more than 2 years or such longer period not to exceed 10 years as determined by the director after taking into consideration the ability of the city, town or district to provide other essential public services and pay, when due, the principal and interest on its debts, the amount of federal and state payments likely to be received for the purpose of the appropriations and such other factors as the director may deem necessary or advisable; provided, however that for the purposes of this clause, "emergency" shall mean a sudden, unavoidable event or series of events which could not reasonably have been foreseen or anticipated at the time of submission of the annual budget for approval; provided further, that emergency shall not include the funding of collective bargaining agreements or items that were previously disapproved by the appropriating authority for the fiscal year in which the borrowing is sought; and provided further, that for the purposes of this clause, debt may be authorized by the treasurer of the city, town or district, with the approval of the chief executive officer in a city or town, or the prudential committee, if any, or by the commissioners in a district.

(9A) For emergency appropriations approved by a majority of the members of the municipal finance oversight board, up to the period fixed by law for such debt as determined by the board; provided, however, that this clause shall apply only to appropriations for capital purposes including, but not limited to, the acquisition, construction, reconstruction or repair of any public building, work, improvement or asset and upon a demonstration by the city, town or district that the process for authorizing debt in the manner otherwise provided by law imposes an undue hardship in its ability to respond to the emergency; provided further, that for purposes of this clause, "emergency" shall mean a sudden, unavoidable event or series of events which could not reasonably have been foreseen or anticipated at the time of submission of the annual budget for approval; and provided further, that for the purposes of this clause, debt may be authorized by the treasurer of the city, town or district, with the approval of the chief executive officer in a city or town, or the prudential committee, if any, or by the commissioners in a district.

(10) For acquiring land or constructing buildings or other structures, including the cost of original equipment, as memorials to members of the army, navy, marine corps, coast guard, or air force, twenty years; but the indebtedness so incurred shall not exceed one half of one per cent of the equalized valuation of the city or town.

The designation of any such memorial shall not be changed except after a public hearing by the board of selectmen or by the city council of the municipality wherein said memorial is located, notice of the time and place of which shall be given, at the expense of the proponents, by the town or city clerk as the case may be, by publication not less than thirty days prior thereto in a newspaper, if any, published in such town or city; otherwise, in the county in which such town or city lies; and notice of which shall also have been given by the proponents, by registered mail, not less than thirty days prior to such hearing, to all veterans' organizations of such town or city.

[There is no clause (11).]

(12) For acquiring street railway property under sections one hundred and forty-three to one hundred and fifty-eight, inclusive, of chapter one hundred and sixty-one, operating the same, or contributing toward the sums expended or to be expended by a transportation area for capital purposes, ten years; but the indebtedness so incurred shall not exceed two per cent of the equalized valuation of the city or town.

(13) For the acquisition, construction, establishment, enlargement, improvement or protection of public airports, including the acquisition of land, ten years; but the outstanding indebtedness so incurred shall not exceed one per cent of the equalized valuation of the city or town. The proceeds of indebtedness incurred hereunder may be expended for the acquisition, construction, establishment, enlargement, improvement or protection of such an airport, including the acquisition of land, jointly by two or more municipalities.

(14) For the financing of a program of eradication of Dutch elm disease, including all disbursements on account of which reimbursement is authorized or may be authorized by the commonwealth, county, any city or town, or by any manner of assessment or charges, pursuant to and consistent with the provisions of chapter one hundred and thirty-two, five years.

(15) For the construction of sewers, sewerage systems and sewage treatment and disposal facilities, or for the lump sum payment of the cost of tie-in to such services in a contiguous city or town, for a period not exceeding 30 years; provided, however, that either (i) the city or town has an enterprise or special revenue fund for sewer services and that the accountant or auditor or other officer having similar duties in the city or town shall have certified to the treasurer that rates and charges have been set at a sufficient level to cover the estimated operating expenses and debt service related to the fund, or (ii) the issuance of the debt is approved by a majority of the members of the municipal finance oversight board.

(16) For the construction of municipal golf courses, including the acquisition of land, the construction of buildings, and the cost of original equipment and furnishings, twenty years.

(17) For the payment of charges incurred under contracts authorized by section four D of chapter forty, but only for such contracts as are for purposes comparable to the purposes for which loans may be authorized under the provisions of this section. Each authorized issue shall constitute a separate loan, and such loans shall be subject to the conditions of the applicable clauses of this section.

(18) For the construction of a regional incinerator for the purpose of disposing solid waste, refuse and garbage by two or more communities, twenty years, but the indebtedness so incurred shall not exceed three per cent of the last preceding equalized valuation of the city or town.

(19) For the lending or granting of money to industrial development financing authorities and economic development and industrial corporations, with the approval of the Massachusetts office of business development and the director of housing and community development. For the purpose of this clause the city or town may borrow outside its debt limit to an amount not to exceed one hundred thousand dollars or two and one half per cent of its equalized valuation, whichever is the lesser.

(20) For the purposes of implementing project financed in whole or in part by the Farmers Home Administration of the United States Department of Agriculture, pursuant to the provisions of 7 USC 1921, et seq., up to forty years. Regional school districts established pursuant to the provisions of any general or special law shall be authorized to incur debt for the purposes and within the limitations described in this clause.

(21) For the cost of cleaning up or preventing pollution caused by existing or closed landfills or other solid waste disposal facilities, including clean up or prevention activities taken pursuant to chapter twenty-one E or chapter twenty-one H, thirty years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental protection and the approval of said department has been granted therefor.

(22) For the construction of incinerators, refuse transfer facilities, recycling facilities, composting facilities, resource recovery facilities or other solid waste disposal facilities, other than landfills, for the purpose of disposing of waste, refuse and garbage, twenty-five years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental protection and the approval of said department has been granted therefor.

(23) For remodeling, reconstructing or making extraordinary repairs to incinerators, refuse transfer facilities, recycling facilities, resource recovery facilities or other solid waste disposal facilities, other than landfills, owned by the city, town or district, and used for the purpose of disposing of waste, refuse and garbage, for such maximum term not exceeding 10 years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental protection and the approval of said department has been granted therefor.

(24) For the purpose of closing out a landfill area, opening a new landfill area, or making improvements to an existing landfill area, twenty-five years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental protection and the approval of said department has been granted therefor.

(25) For the acquisition of a dam or the removal, repair, reconstruction and improvements to a dam owned by a municipality, as may be necessary to maintain, repair or improve such dam, 40 years; provided, however, that this clause shall include dams as defined in section 44 of chapter 253 acquired by gift, purchase, eminent domain under chapter 79 or otherwise and located within a municipality, including any real property appurtenant thereto, if such dam and any appurtenant real property is not at the time of such acquisition owned or held in trust by the commonwealth.

Debts, except for temporary loans, may be authorized under this section only by a two thirds vote.

Debts for purposes mentioned in clauses (3), (4), (4A), (5), (6), (7), (7A) and (7B) of this section shall not be authorized to an amount exceeding ten per cent of the equalized valuation of the city or town.

Chapter 44: Section 20. Proceeds from sale of bonds; restrictions on use; disposition of premiums

[*Text of section as amended by 2016, 218, Sec. 67 effective November 7, 2016.*] Section 20. The proceeds of any sale of bonds or notes shall be used only for the purposes specified in the authorization of the loan; provided, however, that such proceeds may also be used for costs of preparing, issuing and marketing the bonds or notes, except as otherwise authorized by this section. If a balance remains after the completion of the project for which the loan was authorized, the balance may at any time be appropriated by a city, town or district for any purposes for which a loan may be incurred for an equal or longer period of time than that for which the original loan, including temporary debt, was issued. Any balance not in excess of \$50,000 may be applied, with the approval of the chief executive officer, for the payment of indebtedness. If a loan has been issued for a specified purpose but the project for which the loan was authorized has not been completed and no liability remains outstanding and unpaid on account thereof, a city, by a two-thirds vote of all of the members of the city council, or a town or district, by a two-thirds vote of the voters present and voting thereon at an annual town or district meeting, may vote to abandon or discontinue the project and the unexpended proceeds of the loan may be appropriated for any purpose for which a loan may be authorized for an equal or longer period of time than that for which the original loan, including temporary debt, was issued. Any premium received upon the sale of the bonds or notes, less the cost of preparing, issuing and marketing them, and any accrued interest received upon the delivery of the bonds or notes shall be: (i) applied, if so provided in the loan authorization, to the costs of the project being financed by the bonds or notes and to reduce the amount authorized to be borrowed for the project by like amount; or (ii) appropriated for a project for which the city, town or district has authorized a borrowing, or may authorize a borrowing, for an equal or longer period of time than the original loan, including any temporary debt, was issued, thereby reducing the amount of any bonds or notes authorized to be issued for the project by like amount. Notwithstanding this section, no appropriation from a loan or balance thereof shall be made that would increase the amount available from borrowed money for any purpose to an amount in excess of any limit imposed by general law or special act for that purpose. Additions to the levy limit for a debt

exclusion are restricted to the true interest cost incurred to finance the excluded project.

SUPPORTING DOCUMENTS FOR ARTICLE 5

ANNUAL TOWN MEETING – NOVEMBER 13, 2017

ARTICLE FOUR: *By the Town Manager.* To see if the Town will vote to:

(A) Raise and appropriate, borrow or transfer from available funds a sum of money for the construction and equipping of a Combined Public Safety Building, to be located at 26 Bryant Street (the current Town Hall site) and 236 Washington Street (the current Main Fire Station site), including but not limited to building demolition and site preparation, and all other incidental and related costs, and authorize use of the construction management at risk delivery method pursuant to the provisions of G.L. c.149A, §§1-13; and further, to transfer the care, custody, management and control of the Project Site from such board(s) and for such purpose(s) as such land is presently held, to the Board of Selectmen for general municipal purposes; and to authorize the Board of Selectmen to apply for, accept, and expend any grants or loans in connection herewith, to enter into all agreements, execute any and all documents including contracts for more than three years, and take all action necessary to carry out this project, and

(B) Raise and appropriate, borrow or transfer from available funds a sum of money for the Design Development of a Combined Public Safety Building, to be located at 26 Bryant Street (the site of the current Town Hall) and 436 Washington Street (the site of the Main Fire Station), including all incidental and related expenses, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

On a New Original Motion by the Finance and Warrant Committee:

VOTED: That the Town vote to appropriate \$45,000,000 for the construction and equipping of a Combined Public Safety Building, to be located at 26 Bryant Street (the current Town Hall site) and 436 Washington Street (the current Main Fire Station site) (collectively, the “Project Site”), including but not limited to building demolition and site preparation, and all other incidental and related costs; and as funding therefor, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow \$43,000,000 sum pursuant to G.L. c.44, §§7 or 8 or any other enabling authority and issue bonds and notes therefor; provided further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of

issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; and further, to transfer the sum of \$2,000,000 from the amounts originally appropriated under Article 19 of the 2014 Annual Town Meeting for the construction of a Police Station at 26 Bryant Street; and to transfer the care, custody, management and control of the Project Site from such board(s) and for such purpose(s) as such land is presently held, to the Board of Selectmen for general municipal purposes; and to authorize the Board of Selectmen to apply for, accept, and expend any grants or loans in connection herewith, to enter into all agreements, execute any and all documents including contracts for more than three years, and take all action necessary to carry out this project. **As declared by the Moderator a 2/3rd Majority**

SUPPORTING DOCUMENTS FOR ARTICLE 12

Town of Dedham ByLaw

Chapter 73. Purchasing – 73-5 (Contracts not to extend more than three years unless authorized)

No board or officer shall make any contract on behalf of the Town, including any renewal, extension or option, the execution of which shall necessarily extend beyond three years from the date of execution, unless specific authority to do so has been given by vote of the Town or as otherwise provided by law.

SUPPORTING DOCUMENTS FOR ARTICLE 15

Ch 44. Municipal Finance, §53E1/2. Revolving Funds

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

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

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

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

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

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

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

ARTICLE 14 - MAY 15, 2017 SPRING TOWN MEETING

ARTICLE FOURTEEN: To see if the Town will vote pursuant to the provisions of G.L. c.44, §53E½, as most recently amended, to (1) establish the following revolving funds and spending limits for FY18 as set forth below, and further (2) to amend the General Bylaws by inserting a new bylaw establishing various revolving funds, specifying the departmental receipts to be credited to each fund, the departmental purposes or programs for which each fund may be expended, and the entity authorized to expend each fund, such bylaw to provide as follows:

 Revolving Funds

 There are hereby established in the Town of Dedham pursuant to the

provisions of G.L. c.44, §53E½, the following Revolving Funds:

PROGRAM OR PURPOSE	DEPARTMENT RECEIPTS	REPRESENTATIVE OR BOARD AUTHORIZED TO SPEND
Pool Fund (Operation & maintenance of Dedham Pool)	Pool User Fees	Park & Recreation Director
Firearms Fee Fund (Pay share of State fees/Balance to be expended for needs of Police Department)	Firearms Permits	Police Chief
Police Cruiser Fee Fund (Police cruiser maintenance, repairs and fuel)	Fees for police cruisers used at private details	Police Chief
Surplus Vehicle and Equipment Fund (Paying costs and expenses of surplus sales and replacement vehicles and equipment)	Receipts from sale of surplus vehicles and equipment	Town Manager
Board of Health Programs (Paying costs and expenses associated with health clinics, educational programs, and Tobacco enforcement)	Various Health Clinics & Tobacco Related Fines	Health Director
PROGRAM OR PURPOSE	DEPARTMENT RECEIPTS	REPRESENTATIVE OR BOARD AUTHORIZED TO SPEND
Council on Aging Programs (Paying costs and expenses related to said programs)	Fees from Various Council on Aging Programs	Council on Aging Director
Recreation (Paying costs and expenses related to said programs)	Receipts from recreational programs, including dog park	Park and Recreation Director
Sustainability Fund (Paying costs and expenses associated with	Donations and Fees	Town Manager

educational and outreach events		
Veterans' Fund (Paying costs and expenses related to said programs)	Receipts from all Veterans Programs	Veteran's Agent
Ames Building (Paying costs and expenses related to building maintenance and construction)	Rental Income	Town Manager
Avery School (MBACC) (Paying costs and expenses related to building maintenance)	Rental Income	Town Manager
Youth Commission (Paying costs and expenses related to said programs or events)	Receipts from all Youth Commission Programs or Events	Town Manager

Expenditures from each revolving fund set forth herein shall be subject to the limitation established by Town Meeting, or any increase therein, all as may be authorized in accordance with G.L. c.44, §53E½.

And to set fiscal year spending limits for such revolving funds as follows:

Program or Purpose	FY Spending Limit
Pool Fund (Operation and maintenance of Dedham Pool)	\$225,000
Firearms Fee Fund (Pay share of State fees/Balance to be expended for needs of Police Department)	\$5,000
Police Cruiser Fee Fund (Police cruiser maintenance, repairs and fuel)	\$20,000
Surplus Vehicle and Equipment Fund (Paying costs and expenses of surplus sales and replacement vehicles and equipment)	\$75,000
Board of Health Programs (Paying costs and expenses associated with health clinics, educational programs, and Tobacco enforcement)	\$15,000
Council on Aging Programs (Paying costs and expenses related to said programs)	\$8,000

Recreation (Paying costs and expenses related to said programs)	\$190,000
Sustainability Fund (Paying costs and expenses associated with educational and outreach events)	\$2,500
Veterans' Fund (Paying costs and expenses related to said programs)	\$5,000
Ames Building (Paying costs and expenses related to building maintenance and construction; provided that the monies in said fund as of June 30, 2017 shall remain in said fund and be available for expenditure for the purposes described herein)	\$125,000
Avery School (MBACC) (Paying costs and expenses related to building maintenance)	\$2,500
Youth Commission (Paying costs and expenses related to said programs or events)	\$25,000

or take any other action relative thereto. VOTED: That the General Bylaws be amended by adding a new bylaw establishing various revolving funds, specifying the departmental receipts to be credited to each fund, the departmental purposes or programs for which each fund may be expended, and the entity authorized to expend each fund, and that the Town authorize the use of revolving funds pursuant to Massachusetts General Law Chapter 44 Section 53E ½ for the fiscal year beginning July 1, 2017 to be credited with receipts from the designated revenue sources, to be expended under the authority and direction of the designated agencies or officials for the stated purposes, not to exceed the spending limits respectively as presented in the chart above. **As declared by the Moderator a Unanimous Vote**

ARTICLE 12 - MAY 21, 2018 SPRING TOWN MEETING

ARTICLE TWELVE: To see if the Town will vote pursuant to the provisions of G.L. c.44, §53E½, as most recently amended, to establish fiscal year limitations on expenditures for the revolving funds established by the General Bylaw entitled "Departmental Revolving Funds," approved under Article 14 of the May 15, 2017 Annual Town meeting, with such limitations to remain applicable from fiscal year to fiscal year until such time as they are later amended, as follows:

Revolving Fund (Program or Purpose)	FY Spending Limit

Pool Fund (Operation & maintenance of Dedham Pool)	\$225,000
Firearms Fee Fund (Pay share of State fees/Balance to be expended for needs of Police Department)	\$5,000
Police Cruiser Fee Fund (Police cruiser maintenance, repairs and fuel)	\$20,000
Surplus Vehicle and Equipment Fund (Paying costs and expenses of surplus sales and replacement vehicles and equipment)	\$75,000
Board of Health Programs (Paying costs and expenses associated with health clinics, educational programs, and Tobacco enforcement)	\$15,000
Council on Aging Programs (Paying costs and expenses related to said programs)	\$8,000
Recreation (Paying costs and expenses related to said programs)	\$190,000
Sustainability Fund (Paying costs and expenses associated with educational and outreach events)	\$2,500
Veterans' Fund (Paying costs and expenses related to said programs)	\$5,000
Ames Building (Paying costs and expenses related to building maintenance and construction, provided that the monies in said fund as of June 30, 2017 shall remain in said fund and be available for expenditure for the purposes described herein)	\$125,000
Avery School (MBACC) (Paying costs and expenses related to building maintenance)	\$2,500
Youth Commission (Paying costs and expenses related to said programs or events)	\$25,000

or take any other action relative thereto. **VOTED:** That it be so voted. **As Declared by the Moderator a Majority Vote**

Town of Dedham ByLaw

Chapter 39. Finances – Article VI. Departmental Revolving Funds (Sec. 39-39 Revolving funds established)

There are hereby established in the Town of Dedham, pursuant to the provisions of G.L. c. 44, § 53E1/2, the following Revolving Funds:

Program or Purpose	Department Receipts	Representative or Board Authorized to Spend
Pool Fund (Operation and maintenance of Dedham Pool)	Pool User Fees	Park and Recreation Director
Firearms Fee Fund (Pay share of State fees/Balance to be expended for needs of Police Department)	Firearms Permits	Police Chief
Police Cruiser Fee Fund (Police cruiser maintenance, repairs and fuel)	Fees for police cruisers used at private details	Police Chief
Surplus Vehicle and Equipment Fund (Paying costs and expenses of surplus sales and replacement vehicles and equipment)	Receipts from sale of surplus vehicles and equipment	Town Manager
Board of Health Programs (Paying costs and expenses associated with health clinics, educational programs, and Tobacco enforcement)	Various Health Clinics and Tobacco Related Fines	Health Director
Council on Aging Programs (Paying costs and expenses related to said programs)	Fees from Various Council on Aging Programs	Council on Aging Director
Recreation (Paying costs and expenses related to said programs)	Receipts from recreational programs, including dog park	Park and Recreation Director
Sustainability Fund (Paying costs and expenses associated with educational and outreach events)	Donations and Fees	Town Manager
Veterans' Fund (Paying costs and expenses related to said programs)	Receipts from all Veterans Programs	Veteran's Agent

Program or Purpose	Department Receipts	Representative or Board Authorized to Spend
Ames Building (Paying costs and expenses related to building maintenance and construction)	Rental Income	Town Manager
Avery School (MBACC) (Paying costs and expenses related to building maintenance)	Rental Income	Town Manager
Youth Commission (Paying costs and expenses related to said programs or events)	Receipts from all Youth Commission Programs or Events	Town Manager

SUPPORTING DOCUMENTS FOR ARTICLE 16

MGL Ch. 139 Section 1: Orders adjudging buildings, structures or vacant land to be nuisances; notice, hearing and service of copy of order

Section 1. The aldermen or selectmen in any city or town may, after written notice to the owner of a burnt, dilapidated or dangerous building or other structure, or his authorized agent, or to the owner of a vacant parcel of land, and after a hearing, make and record an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation. The city or town clerk shall deliver a copy of the order to an officer qualified to serve civil process, who shall forthwith serve an attested copy thereof in the manner prescribed in section one hundred and twenty-four of chapter one hundred and eleven, and make return to said clerk of his doings thereon.

MGL Ch. 139 Section 2: Appeal to superior court; trial by jury; costs

Section 2. A person aggrieved by such order may appeal to the superior court for the county where such building or other structure is situated, if, within three days after the service of such attested copy upon him, he commences a civil action in such court. Trial by jury shall be had as in other civil causes. The jury may affirm, annul or alter such order, and the court shall render judgment in conformity with said verdict, which shall take effect as an original order. If the order is affirmed, the plaintiff shall pay the costs; if it is annulled, he shall recover from the town his damages, if any, and costs; and if it is altered, the court may render such judgment

as to costs as justice shall require. All proceedings hereunder authorized by section ten of chapter one hundred and forty-three, after issue is joined therein, shall be in order for trial and shall have precedence over any case of a different nature pending in said court and then in order for trial.

MGL Ch. 139 Section 3: Abatement or removal of nuisance by aldermen or selectmen

Section 3. The aldermen or selectmen shall have the same power to abate and remove any such nuisance as is given to the board of health of a town under sections one hundred and twenty-three to one hundred and twenty-five, inclusive, of chapter one hundred and eleven.

MGL Ch. 139 Section 3A: Demolition or removal of building or structure or securing of vacant land; owner's liability

Section 3A. If the owner or his authorized agent fails to comply with an order issued pursuant to section three and the city or town demolishes or removes any burnt, dangerous or dilapidated building or structure or secures any vacant parcel of land from a trespass, a claim for the expense of such demolition or removal, including the cost of leveling the lot to uniform grade by a proper sanitary fill, or securing such vacant parcel shall constitute a debt due the city or town upon the completion of demolition, removal, or securing and the rendering of an account therefor to the owner or his authorized agent, and shall be recoverable from such owner in an action of contract.

[Second paragraph effective until November 7, 2016. For text effective November 7, 2016, see below.]

Any such debt, together with interest thereon at the rate of six per cent per annum from the date such debt becomes due, shall constitute a lien on the land upon which the structure is or was located if a statement of claim, signed by the mayor or the board of selectmen, setting forth the amount claimed without interest is filed, within ninety days after the debt becomes due, with the register of deeds for record or registration, as the case may be, in the county or in the district, if the county is divided into districts, where the land lies. Such lien shall take effect upon the filing of the statement aforesaid and shall continue for two years from the first day of October next following the date of such filing. If the debt for which such a lien is in effect remains unpaid when the assessors are preparing a real estate tax list and warrant to be committed under section fifty-

three of chapter fifty-nine, the mayor or the board of selectmen, or the town collector of taxes, if applicable under section thirty-eight A of chapter forty-one, shall certify such debt to the assessors, who shall forthwith add such debt to the tax on the property to which it relates and commit it with their warrant to the collector as part of such tax. If the property to which such debt relates is tax exempt, such debt shall be committed as the tax. Upon commitment as a tax or part of a tax, such debt shall be subject to the provisions of law relative to interest on the taxes of which they become, or, if the property were not tax exempt would become, a part; and the collector of taxes shall have the same powers and be subject to the same duties with respect to such debts as in the case of annual taxes upon real estate, and the provisions of law relative to the collection of such annual taxes, the sale or taking of land for the non-payment thereof, and the redemption of land so sold or taken shall, except as otherwise provided, apply to such claims. A lien under this section may be discharged by filing with the register of deeds for record or registration, as the case may be, in the county or in the district, if the county is divided into districts, where the land lies, a certificate from the collector of the city or town that the debt constituting the lien, together with any interest and costs thereon, has been paid or legally abated. All costs of recording or discharging a lien under this section shall be borne by the owner of the property.

[Second paragraph as amended by 2016, 218, Sec. 221 effective November 7, 2016. For text effective until November 7, 2016, see above.]

Any such debt, together with interest thereon at the rate of six per cent per annum from the date such debt becomes due, shall constitute a lien on the land upon which the structure is or was located if a statement of claim, signed by the mayor or the board of selectmen, setting forth the amount claimed without interest is filed, within ninety days after the debt becomes due, with the register of deeds for record or registration, as the case may be, in the county or in the district, if the county is divided into districts, where the land lies. Such lien shall take effect upon the filing of the statement aforesaid and shall continue, unless dissolved by payment or abatement, until such debt has been added to or committed as a tax pursuant to this section, and thereafter, unless so dissolved, shall continue as provided in section 37 of chapter 60; provided, however, that if any such debt is not added to or committed as a tax pursuant to this section for the next fiscal year commencing after the filing of the statement, then the lien shall terminate on October 1 of the third year next following the date of such filing. If the debt for which such a lien is in effect remains unpaid when the assessors are preparing a real estate tax list and warrant to be committed under

section fifty-three of chapter fifty-nine, the mayor or the board of selectmen, or the town collector of taxes, if applicable under section thirty-eight A of chapter forty-one, shall certify such debt to the assessors, who shall forthwith add such debt to the tax on the property to which it relates and commit it with their warrant to the collector as part of such tax. If the property to which such debt relates is tax exempt, such debt shall be committed as the tax. Upon commitment as a tax or part of a tax, such debt shall be subject to the provisions of law relative to interest on the taxes of which they become, or, if the property were not tax exempt would become, a part; and the collector of taxes shall have the same powers and be subject to the same duties with respect to such debts as in the case of annual taxes upon real estate, and the provisions of law relative to the collection of such annual taxes, the sale or taking of land for the non-payment thereof, and the redemption of land so sold or taken shall, except as otherwise provided, apply to such claims. A lien under this section may be discharged by filing with the register of deeds for record or registration, as the case may be, in the county or in the district, if the county is divided into districts, where the land lies, a certificate from the collector of the city or town that the debt constituting the lien, together with any interest and costs thereon, has been paid or legally abated. All costs of recording or discharging a lien under this section shall be borne by the owner of the property.

MGL Ch. 40 Section 32: Validation of by-laws; procedure

Section 32. Except to the extent that a zoning by-law may take effect as provided in section five of chapter forty A, before a by-law takes effect it shall be approved by the attorney general or ninety days shall have elapsed without action by the attorney general after the clerk of the town in which a by-law has been adopted has submitted to the attorney general a certified copy of such by-law with a request for its approval, a statement clearly explaining the proposed by-law, including maps and plans if necessary, and adequate proof that all of the procedural requirements for the adoption of such by-law have been complied with. Such request and proof shall be submitted by the town clerk within thirty days after final adjournment of the town meeting at which such by-law was adopted. If the town clerk fails to so submit such request and proof within such thirty days, the selectmen, within fifteen days thereafter, may submit a certified copy of such by-law with a request for its approval, a statement explaining the proposed by-law, including maps and plans, if necessary, and adequate proof that all procedural requirements for the adoption of such by-law has been complied with. If the attorney general does not, within said ninety days, request of such

town clerk in writing further proof of such compliance stating specifically wherein such proof is inadequate, it shall be presumed that the proof submitted was adequate. If the attorney general disapproves a by-law he shall give notice to the town clerk of the town in which the by-law was adopted of his disapproval, with his reasons therefor. If a by-law of a town takes effect by reason of the failure of the attorney general to seasonably act upon a request for its approval, the clerk of such town shall enter in his records a statement that the by-law has become effective by reason of such failure of the attorney general to act. Before a by-law or an amendment thereto takes effect it shall also be published in a town bulletin or pamphlet, copies of which shall be posted in at least five public places in the town; and if the town is divided into precincts, copies shall be posted in one or more public places in each precinct of the town; or instead of such publishing in a town bulletin or pamphlet and such posting, copies thereof may be published at least twice at least one week apart in a newspaper of general circulation in the town. The publication of a zoning by-law shall include a statement that claims of invalidity by reason of any defect in the procedure of adoption or amendment may only be made within ninety days of such posting or of the second publication and a statement indicating where copies of such by-law may be examined and obtained. The requirements of publishing in a town bulletin or pamphlet and posting, or publishing in one or more newspapers, as above, may be dispensed with if notice of the by-laws is given by delivering a copy thereof at every occupied dwelling or apartment in the town, and affidavits of the persons delivering the said copies, filed with the town clerk, shall be conclusive evidence of proper notice hereunder. This section shall not apply to cities.

Notwithstanding the provisions of the preceding paragraph, if the attorney general finds there to be any defect in the procedure of adoption or amendment of any zoning by-law relating to form or content of the notice of the planning board hearing prescribed in section 5 of chapter 40A, or to the manner or dates on which said notice is mailed, posted or published as required by said section 5, then instead of disapproving the by-law or amendment because of any such defect, the attorney general may proceed under the provisions of this paragraph. If the attorney general so elects, written notice shall be sent to the town clerk within a reasonable time setting forth with specificity the procedural defect or defects found, including a form of notice thereof, whereupon the running of the 90 day period provided for the attorney general's review pursuant to this section shall be suspended. The town clerk shall forthwith post the notice in a conspicuous place in the town hall for a period of not less than 14 days, and shall publish it once in a newspaper of general circulation in the town. The notice shall

state that any resident, the owner of any real property in the town, or any other party entitled to notice of the planning board hearing, who claims that any such defect was misleading or was otherwise prejudicial may, within 21 days of the publication, file with the town clerk a written notice so stating and setting forth the reasons supporting that claim. Forthwith after the expiration of said 21 days, the town clerk shall submit to the attorney general either (a) a certificate stating that no claim was filed within the 21 day period, or (b) a certificate stating that one or more claims were filed together with copies thereof. Upon receipt of the town clerk's certificate, the 90 day period provided for the attorney general's review pursuant to this section shall resume; but if the expiration of the 90 day period is less than ten days from the date on which the town clerk's certificate was received, then the review period shall be extended to the tenth day following such receipt. If no claim was made, the attorney general may waive any such defect; but, if any claim is made then the attorney general may not waive any such defect. However, by not filing a claim under this paragraph, a person shall not be deprived of the right to assert a claim of invalidity arising out of any possible defect in the procedure of adoption or amendment as provided in this section and in section 5 of chapter 40A.

Notwithstanding the provisions of the first paragraph of this section, the attorney general and the town counsel may, by an agreement in writing setting forth the reasons therefor and filed with the town clerk before the end of the 90 day period, extend the 90 day period provided for the attorney general's review pursuant to this section for not more than an additional 90 days.

Town of Dedham ByLaw

Chapter 1. General Provisions

Article 1. Interpretation and Rules of Construction; Penalties

Sec. 1-5 Amendment or repeal of by-laws; authority for Town Clerk to assign appropriate number

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

By-laws may be adopted, repealed or amended at any Town Meeting in accordance with law. The Town Clerk shall hereby be authorized to assign appropriate numbers to by-law sections, subsections, paragraphs and subparagraphs, where none are approved by Town Meeting, and, if such are approved by Town Meeting, after consultation with the Town Manager, to make non-substantive, editorial revisions to ensure consistent and appropriate

sequencing and numbering, provided that such editorial revisions shall be identified by a footnote or other convention.

Sec. 1-6. Enforcement; general fines set; non-criminal disposition

- A. Enforcement through Indictment or on Complaint to District Court. Any by-law of the Town of Dedham may be enforced through any lawful means in law or in equity including but not limited to enforcement by criminal indictment or on complaint before the district court pursuant to G.L. c.40, § 21. Each day that a violation exists shall constitute a separate offense. A fine of up to \$300 may be imposed for each violation.
- B. Enforcement through Non-criminal Disposition. Any by-law of the Town of Dedham, or rule or regulation of its officers, boards or departments adopted at a public meeting for which notice is provided in a newspaper of local circulation at least once a week for the two weeks prior to the meeting and which is on file with the Town Clerk, may in the discretion of the Town official who is the appropriate enforcing person, be enforced through non-criminal disposition as provided in G.L. c.40, § 21D. The specific penalty for purposes of non-criminal disposition for each such violation, if not otherwise specified, shall be as follows:

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

- First violation – warning
- Second violation – \$50
- Third violation – \$100
- Fourth and subsequent violations – \$300

Each day a violation exists shall constitute a separate violation for purposes of this by-law.

The term “enforcing person” as used in this by-law shall mean: any Town of Dedham police officer with respect to any offense; as well as the Fire Chief, Town Manager, Director of Department of Public Works, Building Inspector, Conservation Commission or its agent, Board of Health or its agent, Sealer of Weights and Measures, Code Enforcement Officer, Zoning Enforcement officer, and their designees, and such other officials as the Board of Selectmen may from time to time designate, each with respect to violation of by-laws, rules and regulations within their respective jurisdictions. If more than one official has

jurisdiction in a given case, any such official may be an enforcing person with respect thereto.

Any particular fine specified in a by-law shall be included on a list maintained in the office of a Town Clerk.

C. Local Appeal Process. The fines set forth in the notice of violation issued in accordance with this By-law shall be payable to the Town within 21 days of the date set forth on the notice or, if the person so notified seeks to contest the violation, such person may request a hearing before the District Court. The person so notified may also seek to resolve the matter locally by appealing the issuance of the notice, in writing, to the Town Manager no later than 14 days following the date of the notice of violation. The Town Manager or the Manager's designee shall, no later than 20 days following the date of the notice of violation, decide the appeal, or hold a hearing to determine such additional facts as may be necessary. If the person so notified is dissatisfied with the Town Manager's determination and resolution, they may contest the violation as set forth in the notice by seeking a hearing before the District Court in accordance with G.L. c.40, § 21D. The Manager's failure to make a determination within the time set forth herein shall be construed for purposes of this paragraph as a determination to void the notice of violation. [Amended 11-17-2014 ATM by Art. 18]

SUPPORTING DOCUMENTS FOR ARTICLE 18

Town of Dedham ByLaw

Chapter 12. Boards, Commissions and Committees

Article V. Open Space and Recreation Committee 12-18 (Establishment)

There is hereby established an Open Space and Recreation Committee consisting of seven persons including a member of the Board of Selectmen or its designee, a member of the Planning Board, a member of the Conservation Commission, a member of the Parks and Recreation Commission, an engineer appointed by the Board of Selectmen and two members at-large to be appointed by the Moderator.

SUPPORTING DOCUMENTS FOR ARTICLE 19

Town of Dedham ByLaw

Chapter 85. Town Meetings - 85-31 (Committee on by-laws established; duties set)

85-31(A) There shall be a standing committee on by-laws, appointed by the Moderator. The committee shall consist of no fewer than five voters of the Town, one of whom shall be an attorney and another of whom shall be a district chair; provided, however, that a majority of the committee shall be Town representatives. The term of each member shall end upon the dissolution of the third Annual Town Meeting after appointment, except for an appointment to fill a vacancy for an unexpired term; provided, however, that initially members shall serve staggered terms so as to cause as close to an equal number of expirations each year as possible; provided, further, that each member shall serve until a qualified successor is appointed. A member may be reappointed to successive terms. The committee shall choose its own officers and shall serve without pay.

SUPPORTING DOCUMENTS FOR ARTICLES 20 AND 21

M.G.L. Chapter 138

Section 12: Licenses authorizing sale of beverages to be drunk on premises; license to farmer-winery to serve wine on premises of winery located on the premises of farm; veterans' organizations, corporations, etc.; suspension or revocation; hours of sale; liqueurs and cordials; liquor legal liability insurance requirement. [For text effective January 18, 2017, see below.]

A common victualler duly licensed under chapter one hundred and forty to conduct a restaurant, an innholder duly licensed under said chapter to conduct a hotel, a pub brewer, a continuing care retirement community and a keeper of a tavern as defined by this chapter, in any city or town wherein the granting of licenses under this section to sell all alcoholic beverages or only wines and malt beverages, as the case may be, is authorized by this chapter, subject however, in the case of a tavern, to the provisions of section eleven A, may be licensed by the local licensing authorities, subject to the prior approval of the commission, to sell to travelers, strangers and other patrons and customers not under twenty-one years of age, such beverages to be served and drunk, in case of a hotel or restaurant or continuing care retirement community licensee, only in the dining room or dining rooms and in such other public rooms or areas of a hotel as the local

licensing authorities may deem reasonable and proper, and approve in writing; and provided further, that the limitations relative to service and consumption in a restaurant or hotel or continuing care retirement community only in the dining rooms and such other public rooms or areas deemed reasonable and proper by the local licensing authority shall not be deemed to preclude the restaurant or hotel from allowing a patron to retain and take off the premises only so much as may remain of a bottled wine purchased by the patron in conjunction with a meal and not totally consumed by the patron during such meal; provided further, that the limitations relative to service and consumption in a tavern, club or war veterans' organization licensed pursuant to this section shall not be deemed to preclude the tavern, club or war veterans' organization from allowing a patron, member or guest, as the case may be, to retain and take off the premises only so much as may remain of a bottled wine purchased by the patron, member or guest in conjunction with a meal and not totally consumed by the patron, member or guest during such meal; provided further, that all such wine bottles shall be resealed in accordance with regulations promulgated by the commission and transported in a manner authorized in section 24I of chapter 90 when carried in a motor vehicle, as defined in section 1 of said chapter 90; provided, that no tavern license shall be granted to the holder of a hotel license hereunder. Such sales may also be made, by an innholder licensed hereunder, to registered guests occupying private rooms in his hotel, and in the dining room or dining rooms and in such other public rooms or areas of buildings on the same premises as the hotel and operated as appurtenant and contiguous to and in conjunction with such hotel, and to registered guests occupying private rooms in such buildings and in the case of condominium accommodations that are located appurtenant and contiguous to and also upon the same premises as a hotel, sales may be made by the hotel licensee as the local licensing authorities may deem reasonable and proper, and approve in writing. Such sales may also be made by a continuing care retirement community licensed hereunder, to residents or guests of residents in rooms in a continuing care retirement community, and in the dining rooms and in such other public rooms or areas of buildings on the same premises as the continuing care retirement community and operated as appurtenant and contiguous to and in conjunction with such continuing care retirement community, and to guests of residents in such buildings; provided, however, that such sales may be made by the continuing care retirement community licensee as the local licensing authorities may deem reasonable and proper and approve in writing. Such sales may be made by a restaurant licensee at such stands or locations in a sports arena, stadium, ball park, race track, and auditorium or in any one building at an airport as the local licensing authority may deem reasonable and proper, and approve in writing. A local

licensing authority may grant a license for the sale of all alcoholic beverages or a license for the sale of wines and malt beverages at any location on the grounds of a golf course as it deems reasonable and proper. Upon an application for a restaurant license, the local licensing authorities may in their discretion grant such a license authorizing the sale of alcoholic beverages on all days of the week or one authorizing such sale on secular days only, and the decision of such authorities as to which of the two types may be granted upon any particular application shall be final. During such time as the sale of such alcoholic beverages is authorized in any city or town under this chapter, the authority to grant innholders' and common victuallers' licenses therein under chapter one hundred and forty shall be vested in the local licensing authorities; provided, that if a person applies for the renewal of both a common victualler's license or an innholder's license under said chapter one hundred and forty and a hotel or a restaurant license, as the case may be, under this section and the local licensing authorities refuse to grant said common victualler's or innholder's license or fail to act on the applications therefor within a period of thirty days, such applicant may appeal therefrom to the commission in the same manner as provided in section sixty-seven and all the provisions of said section relative to licenses authorized to be issued by local licensing authorities under this chapter shall apply in the case of such common victualler's license or innholder's license.

[Second paragraph effective until August 10, 2016. Deleted by 2016, 219, Sec. 97.]

The local licensing authority of any city or town wherein the granting of licenses under this section is authorized, notwithstanding any limitation on the number of licenses the city or town is authorized to grant in section 17, may grant a license to the holder of a farmer-winery license under section 19B or from any other state for service to travelers, strangers, and other patrons and customers who are at least 21 years of age, such wine to be served and drunk on the premises of the winery at such locations on the premises of the farm as the local licensing authority may deem reasonable and proper. For purposes of this section, a farm shall have the meaning ascribed to it in section 1A of chapter 128.

If a license granted under this section to a person holding a license as an innholder or common victualler is suspended or revoked for any particular cause, no action shall be taken on account thereof by such authorities with respect to such innholder's or common victualler's license prior to the expiration of the period provided for an appeal under section sixty-seven in case no such appeal is taken, or prior to the disposition of any such appeal so taken, nor thereafter, except for

further cause, in case such disposition is in favor of the appellant. Any club in any city or town wherein the granting of licenses to sell alcoholic beverages, or only wines and malt beverages, as the case may be, is authorized under this chapter may be licensed by the local licensing authorities, subject to the approval of the commission, to sell such beverages to its members only, and also, subject to regulations made by the local licensing authorities, to guests introduced by members, and to no others.

The local licensing authorities of any city or town wherein the granting of licenses under this section to sell all alcoholic beverages or only wines and malt beverages, as the case may be, is authorized by this chapter, may, subject to the approval of the commission and irrespective of any limitation of number of licenses contained in section seventeen, issue a license to any corporation the members of which are war veterans and which owns, hires or leases in such city or town a building, or space in a building, for the use and accommodation of a post of any war veterans' organization incorporated by the Congress of the United States, to sell such beverages to the members of such post only, and also, subject to regulations made by the local licensing authorities, to guests introduced by such members and to no others.

The local licensing authorities may determine in the first instance, when originally issuing and upon each annual renewal of licenses under this section, the amount of the license fee, for a tavern license or for any other license under this section for the sale of all alcoholic beverages, or for any other license under this section for the sale of wines and malt beverages, and provided that nothing herein shall prevent such authorities from establishing license fees differing in amounts within the limitations aforesaid for restaurant licenses authorizing such sale on secular days only. If different license fees are so established the fee for licenses authorizing the sale of alcoholic beverages on all days of the week shall not be more than twenty-five per cent higher than the fee for licensing such sale on secular days only. Before issuing a license to any applicant here for under this section, or before a renewal of such license, the local licensing authority shall cause an examination to be made of the premises of the applicant to determine that such premises comply in all respects with the appropriate definition of section one and that the applicant is not less than twenty-one years of age and a person of good character in the city or town in which he seeks a license hereunder. No license shall be issued to any applicant who has been convicted of a violation of a federal or state narcotic drugs law.

The local licensing authorities may accept the surrender of a license issued under this section and may issue in place thereof to the same licensee any other form of license authorized under this section, and may allow as a credit on the fee for the new license the license fee paid for the license surrendered but no refund shall be authorized. Different licenses issued as aforesaid for any portion of the same license year to the same licensee shall count as one license for the purposes of section seventeen.

The hours during which sales of such alcoholic beverages may be made by any licensee as aforesaid shall be fixed by the local licensing authorities either generally or specially for each licensee; provided, however, that no such sale shall be made on any secular day between the hours of two and eight o'clock antemeridian and that, except as provided in section thirty-three, no such licensee shall be barred from making such sales on any such day after eleven o'clock antemeridian and before eleven o'clock postmeridian, and no tavern shall be kept open on any such day between one o'clock antemeridian and eight o'clock antemeridian; provided, further, that any such licensee or his manager shall not be prohibited from being on the licensed premises at any time; provided, further, that the employees, contractors or subcontractors shall not be prohibited from being upon such premises at any time for the purpose of cleaning, making renovations, making emergency repairs to or providing security for, such premises or preparing food for the day's business or opening or closing the business in an orderly manner. The licensing authority shall not decrease the hours during which sales of such alcohol beverages may be made by a licensee until after a public hearing concerning the public need for such decrease; provided, however, that a licensee affected by any such change shall be given 2 weeks' notice of the public hearing.

No license issued under this section shall be subject to any condition or requirement varying the occupancy of the licensed premises as certified by any person or state or local agency charged with the administration or enforcement of the state building code or any of its rules or regulations.

No person, firm, corporation, association or other combination of persons, directly or indirectly, or through any agent, employee, stockholder, officer or other person, or any subsidiary whatsoever, licensed under the provisions of sections eighteen or nineteen shall be granted a license under this section.

In cities and towns which vote to authorize under section eleven the granting of licenses for the sale of all alcoholic beverages, specific licenses may nevertheless be granted under this section for the sale of wines or malt beverages only, or both.

The licensing authorities may refuse to grant licenses under this section in certain geographical areas of their respective cities or towns, where the character of the neighborhood may warrant such refusal.

All malt beverages sold by a licensee under this section containing not more than three and two tenths per cent of alcohol by weight shall be expressly sold as such.

No malt beverage shall be sold on draught from a tap, faucet or other draughting device, unless there shall plainly appear on or attached to such device, in legible letters, the brand or trade name of the malt beverage so sold therefrom.

In any city or town wherein the granting of licenses under this section to sell alcoholic beverages or wines and malt beverages is authorized, a person may be granted a general on-premise license by the local licensing authorities, subject to the prior approval of the commission, authorizing him to sell alcoholic beverages without food to patrons and customers subject to all other relevant provisions of this chapter, provided that such beverages shall be sold and drunk in such rooms as the licensing authorities may approve in writing. The annual license fee for such general on-premise license shall be determined by the local licensing authority. For the purposes of section eleven an affirmative vote on subdivision A or B shall be considered an authorization for the granting of general on-premise licenses in a city or town.

A common victualler who holds a license pursuant to this section may provide on premises sample wine or malt beverage tasting; provided however, that such licensee shall not solicit orders for wine or malt for off premises consumption; and provided further, that any such wine tasting shall be limited to one ounce per serving and any such malt beverage tasting shall be limited to two ounces per serving and food shall be served in conjunction with any such wine or malt beverage tasting.

In any city or town which votes to accept the provisions of this paragraph, a common victualler, who holds a license under this section to sell wines and malt beverages may, upon written approval, also sell liqueurs and cordials pursuant to said license, subject, however, to all other licensing provisions of this chapter.

A common victualler who holds a license for the sale of all alcoholic beverages or holds a license for the sale of wines and malt beverages and who also holds pursuant to this section written approval to sell liqueurs and cordials pursuant to his license may provide on-premises sample liqueurs and cordials tasting;

provided however, that a licensee shall not solicit orders for liqueurs and cordials for off-premises consumption; and provided, further, that any such liqueurs and cordials tasting shall be limited to 1/4 of an ounce per serving and food shall be served in conjunction with any liqueurs and cordials tasting.

A common victualler who holds a license for the sale of all alcoholic beverages may provide on premises sample alcoholic beverages tasting; provided, however, that a licensee shall not solicit orders for alcoholic beverages for off-premises consumption; and provided further, that any tasting of alcoholic beverages, other than wines and malt beverages, shall be limited to 1/4 of an ounce per serving and food shall be served in conjunction with any alcoholic beverages tasting.

No license shall be issued or renewed under this section until the applicant or licensee provides proof of coverage under a liquor legal liability insurance policy for bodily injury or death for a minimum amount of \$250,000 on account of injury to or death of 1 person, and \$500,000 on account of any 1 accident resulting in injury to or death of more than 1 person. Proof of the insurance coverage required by this section shall be made by filing a certificate of insurance in a form acceptable to the local licensing authority. The insurance shall be subject to sections 5 and 6 of chapter 175A of the General Laws.

Section 17: Number of licenses quotas; licenses for wines and malt beverages per population unit; additional licenses; estimates of increased population; decrease in quota due to loss in population; determination of population of city or town

Section 17. Except as otherwise provided in this chapter, the number of licenses issued in any city or town under sections twelve and fifteen and in force and effect at any one time during any license year shall be limited as hereinafter provided:

The local licensing authorities of any city or town, except the city of Boston, may grant one license under the provisions of section twelve for each population unit of one thousand or additional fraction thereof, and, in addition, one such license for each population unit of ten thousand or fraction thereof, over the first twenty-five thousand, but may, regardless of population, grant at least fourteen licenses under said section twelve; and the local licensing authorities may also grant one license under the provisions of section fifteen for each population unit of five thousand or additional fraction thereof, but may, regardless of population, grant at least two licenses under said section fifteen.

In addition to the number of licenses otherwise authorized to be granted by the provisions of this section, the local licensing authorities of any city or town, except the city of Boston, which has voted to grant licenses for the sale of all alcoholic beverages as provided in the first question appearing in section eleven, may grant not more than one license for the sale of wines or malt beverages only, or both under section twelve, for each population unit of five thousand or fraction thereof; provided, that in any such city or town, said authorities may grant at least five additional licenses for the sale of such beverages, irrespective of its population; and the local licensing authorities may also grant not more than one license for the sale of wines or malt beverages only or both under the provisions of section fifteen for each population unit of five thousand or fraction thereof; provided, that in any such city or town said authorities may grant at least five additional licenses for the sale of such beverages, irrespective of its population; and provided, further, that the establishment of this limitation shall not be construed to prevent the renewal of any license granted prior to June fifteenth, nineteen hundred and thirty-seven.

The local licensing authorities of any city or town, except the city of Boston, which has voted to grant licenses for the sale of wines and malt beverages, as provided in the second question appearing in section eleven, and which has also voted to grant licenses for the sale of all alcoholic beverages in packages, as provided in the third question appearing in the said section, may grant additional licenses under section fifteen for the sale of wines or malt beverages only, or both, equal to the number of licenses under the said section otherwise authorized to be granted in any such city or town by the provisions of this section.

The local licensing authorities of any city or town, except the city of Boston, may make an estimate prior to March the first in any year of any temporary increased resident population in such city or town as of July the tenth following, and one additional license under section fifteen, to be effective from April 1 to November 30 or from April 1 to the following January 15 at the discretion of the local licensing authority, may be granted by said authorities for each unit of five thousand or additional fraction thereof of such population as so estimated, and the local licensing authorities of any city or town in Berkshire county, in which the city council, in accordance with the provisions of its charter, or the town, at an annual or special town meeting, votes to authorize such authority to grant winter seasonal licenses, or of any town in Franklin county, may make an estimate not later than October the fifteenth in any year of any temporary increased resident population in such city or town as of February the tenth following, and one additional license under section fifteen, to be effective from December the first to April the first of the

year following, may be granted by said authorities for each unit of five thousand or additional fraction thereof of such population as so estimated; provided, that not more than one additional license shall be granted under this paragraph to the same person or for the same premises in any one year; and provided, further, that the local licensing authorities of any city or town, except the city of Boston, may grant, in addition to and irrespective of any limitation of the number of licenses contained in this section, seasonal licenses under section twelve, to be effective from April first to January fifteenth of the following year, or any portion thereof, and in any city or town in Berkshire county in which the granting of winter seasonal licenses is authorized as above provided, and in any town in Franklin county seasonal licenses under section twelve, to be effective from December the first to April the first, to the amount or number that such authorities deem to be in the public interest. Every estimate hereunder of temporary resident population shall be made and voted upon by the local licensing authorities at a meeting of said authorities called for the purpose after due notice to each of the members thereof of the time, place and purpose of said meeting and after investigation and ascertainment by them of all the facts and after co-operative discussion and deliberation. A copy of such an estimate, signed by a majority of the members of said authorities, stating under the penalties of perjury that all the foregoing requirements have been complied with and that the estimate is true to the best of their knowledge and belief, shall be forwarded forthwith to the commission. Upon the petition of twenty-five persons who are taxpayers of the city or town in which a seasonal license has been so granted, or who are registered voters in the voting precinct or district wherein the licensed premises are situated, filed within five days after the granting of such license, the commission shall, and upon its own initiative at any time may, after a hearing, examine and review any estimate made or action taken by the local licensing authorities in granting the same, and after such examination or review, may rescind, revoke, cancel, modify or suspend any such estimate or action. Nothing in this paragraph shall be deemed to authorize or permit the commission to deny a renewal of, or to rescind, revoke or cancel, because of a decrease in population, any seasonal license outstanding and in full force on April thirtieth, nineteen hundred and fifty.

The licensing board for the city of Boston may grant 665 licenses for the sale of all alcoholic beverages under section 12. The board may grant 250 licenses for the sale of all alcoholic beverages under section 15. The number of licenses for the sale of wines and malt beverages only, or both, in the city shall not exceed 320. The transfer of existing licenses shall be subject to a public hearing in the neighborhood

in which the license is to be relocated, properly advertised and at an appropriate time to afford that neighborhood an opportunity to be present.

The licensing board of the city of Boston may grant up to 25 additional licenses for the sale of all alcoholic beverages to be drunk on the premises and up to 30 additional licenses for the sale of wines and malt beverages to drunk on the premises. Notwithstanding the first sentence, 5 of the additional all alcoholic beverages licenses shall be granted only to innholders duly licensed under chapter 140 to conduct a hotel and 10 of the additional all alcoholic beverages licenses shall be granted to existing holders of licenses for the sale of wines and malt beverages under section 12 provided that those licensees return to the licensing board, the licenses that they currently hold. The remaining licenses for the sale of all alcoholic beverages to be drunk on the premises and the 30 additional licenses for the sale of wines and malt beverages to be drunk on the premises shall be granted in the areas designated by the Boston Redevelopment Authority as main street districts, urban renewal areas, empowerment zones or municipal harbor plan areas. Once issued to a licensee in a Boston Redevelopment Authority designated area, the licensing board shall not approve the transfer of that license to a location outside of the designated area. A license granted pursuant to this paragraph shall be nontransferable to any other person, corporation or organization and shall be clearly marked nontransferable on its face. A license issued under this paragraph, that is cancelled, revoked or no longer in use, shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing board and the licensing board may then grant that license to a new applicant consistent with the criteria set forth in this paragraph if the applicant files with the licensing board a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

In addition to the licenses granted pursuant to the preceding 2 paragraphs, the licensing board of the city of Boston may grant up to 45 additional licenses for the sale of all alcoholic beverages to be drunk on the premises and up to 15 additional licenses for the sale of wines and malt beverages to be drunk on the premises in either the zoning districts of Dorchester, East Boston, Hyde Park, Jamaica Plain, Mattapan, Mission Hill and Roxbury as designated by the Boston Zoning Commission or in the areas designated by the Boston Redevelopment Authority as main street districts. A license granted pursuant to this paragraph shall be nontransferable to any other person, corporation or organization and shall be

clearly marked "nontransferable" and "neighborhood restricted" on its face. A license issued under this paragraph, if cancelled, revoked or no longer in use at the location of original issuance, shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing board which may then grant that license to a new applicant under the same conditions as specified in this paragraph if the applicant files with the licensing board a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid; provided, however, that a license issued under this paragraph that is cancelled, revoked or no longer in use at the location of original issuance shall only be issued to a new applicant in the same designated area of the city where the original license was granted."

As used in this section, the following words shall have the following meanings:--

"Airline club", an establishment that is not open to the general public and which is operated by or for an airline at the airport to provide exclusive or special accommodations to members and their guests in accordance with airline policy.

"Airport", the General Edward Lawrence Logan International Airport.

"Boston license", a license for the sale of alcoholic beverages issued pursuant to the preceding paragraph and subject to the city of Boston municipal quota.

"Passenger terminals", the passenger terminals and designated airline clubs within the airport.

"Restricted airport licenses", licenses for: (i) the sale of all alcoholic beverages to be drunk on the premises within the passenger terminals; and (ii) the sale of wines and malt beverages to be drunk on the premises within the passenger terminals.

The licensing board for the city of Boston may grant restricted airport licenses to common victuallers duly licensed under chapter 140 and operating within the passenger terminals, subject to the approval of the alcoholic beverages control commission. Once issued to a licensee within the passenger terminals, the licensing board shall not approve the transfer of a restricted airport license to a location outside of the passenger terminals. A restricted airport license shall be nontransferable to any other person, corporation or organization operating outside the passenger terminals and shall be clearly marked "nontransferable

outside the passenger terminals at the airport" on its face. Notwithstanding this section or any other special or general law to the contrary, restricted airport licenses shall not be subject to or counted against the municipal quota set forth in this section including, but not limited to, the city of Boston quota set forth in the sixth paragraph. A restricted airport license, if revoked or no longer in use, shall be returned physically, with all of the legal rights and privileges pertaining thereto, to the licensing board which may then grant that license to a new applicant operating within the passenger terminals, consistent with this paragraph.

Notwithstanding the provisions hereof, no quota established hereunder for any city or town shall be decreased because of any loss in population.

[Eleventh paragraph following the introductory paragraph effective until August 10, 2016. Deleted by 2016, 219, Sec. 99.]

Unless expressly authorized by this chapter, local licensing authorities shall not grant licenses to any person, firm or corporation under more than one section of this chapter.

The population of any city or town for the purposes of this section shall be that enumerated in the most recent federal census.

In determining the population of any city or town for the purposes of this section the state secretary shall, if the last preceding census is the national census, by a writing filed by him in his office, make such adjustments in such census as will reflect the criteria used in making the last preceding state census.

Notwithstanding the provisions of this section, the number of licenses which a city or town was authorized to grant in nineteen hundred and thirty-three under this section shall not be decreased because of any loss in population, but only because of cancellation, revocation or failure to renew existing licenses, and no further original licenses shall be granted in a city or town where the population has decreased since nineteen hundred and thirty-three until the number of licenses outstanding shall have been reduced for the aforementioned reasons to a number which is less than that which may be granted based on such reduced population and thereafter the number of licenses in force and effect at any one time during the license year shall be based on such reduced population as provided in this section.

[Fifteenth paragraph following the introductory paragraph effective until August 10, 2016. For text effective August 10, 2016, see below.]

In addition to the number of licenses otherwise authorized to be granted pursuant to this section, a city or town may grant additional licenses under sections 12, 15 or 15F to the holder of a farmer-winery license under section 19B or in any other state for the sale of wine produced by or for the applicant. A license granted by a city or town under said section 12, 15 or 15F shall not be include as a license for purposes of determining the number of licenses allowed to be granted by a city or town under this section. A license granted pursuant to this paragraph shall be nontransferable to any other person, corporation or organization and shall be clearly marked nontransferable on its face.

[Fifteenth paragraph following the introductory paragraph as amended by 2016, 219, Sec. 100 effective August 10, 2016. For text effective until August 10, 2016, see above.]

In addition to the number of licenses otherwise authorized to be granted pursuant to this section, a city or town may grant additional licenses under sections 15 or 15F to the holder of a farmer-winery license under section 19B or in any other state for the sale of wine produced by or for the applicant. A license granted by a city or town under said section 15 or 15F shall not be include as a license for purposes of determining the number of licenses allowed to be granted by a city or town under this section. A license granted pursuant to this paragraph shall be nontransferable to any other person, corporation or organization and shall be clearly marked nontransferable on its face.

Section 77: Cancellation of license upon cessation of licensed business

Section 77. The licensing authorities may, after hearing or reasonable opportunity therefor, cancel any license issued under this chapter if the licensee ceases to conduct the licensed business. If the local licensing authorities determine that a license should be cancelled as aforesaid the licensee may appeal to the commission as if such authorities had refused to grant the license upon an original application therefor, and the decision of the commission upon such appeal shall be final.

MUNICIPAL FINANCE TERMINOLOGY

The following terms are frequently used in the Annual Town Report and at Town Meeting. Definitions are provided in order to provide an understanding of their meaning:

FREE CASH: The amount certified annually by the State Bureau of Accounts by deducting from Surplus Revenue (formally the “Unreserved Fund Balance” or “Excess and Deficiency”) all uncollected taxes of prior years. Surplus Revenue is the amount by which the cash accounts receivable and other assets of the Town exceed the liabilities and reserves. Surplus revenues build up mainly from unexpended balances of general appropriations and from excess receipts from non-tax sources (Local Receipts) over estimated receipts. Free Cash may be appropriated by vote of the Town Meeting.

OTHER AVAILABLE FUNDS: Certain receipts, when received by the Town, must be set aside and reserved for particular appropriation. These include the Endicott Estate Receipts, Sale of Cemetery Lots and Graves, and Parking Meter Receipts. In addition, funds from the Overlay Surplus (the accumulated amount of the overlay for various years not used or required to be held in the overlay account) may be used by a town to offset budget requests for the next year. Also, all unused balances from prior years’ Special Article Appropriations may be transferred to meet a new appropriation.

CHERRY SHEET: Named for the cherry colored paper on which the Massachusetts Department of Revenue traditionally has printed it, listing the amounts of state and county assessments, as well as the estimated state distribution (State Aid).

RESERVE FUND: This fund is established by the Town Meeting and may be composed of (a) an appropriation (not exceeding 5% of last year’s levy), (b) money transferred from existing accounts or funds, or (c) both. The Reserve Fund amounts to an omnibus appropriation, to be transferred by vote of the Finance Committee for extraordinary or unforeseen expenditures where the Committee decides such expenditures would be approved by Town Meeting. “Extraordinary” covers items, which are not in the usual line, or are great or exceptional. “Unforeseen” includes items, which were unforeseen at the time of the Town Meeting, when appropriations were voted.

GENERAL STABILIZATION FUND: This fund serves as a general financial reserve for the Town. Money may be appropriated to the Fund up to ten percent of the

preceding year's tax levy, but the Fund may not exceed ten percent of the total tax valuation of the Town. The Fund may be used for any legal purpose by a two-thirds vote of the Town Meeting. Interest earned remains in the Fund.

OVERLAY SURPLUS: The Overlay is the amount from the property tax levy in excess of appropriations and other charges. It is used to cover abatements and exemptions granted locally or on appeal. The Overlay Surplus is the unused portion of previous years' overlays.

MITIGATION STABILIZATION: These are special purpose reserves created by vote of Town Meeting. Like the General Stabilization Fund, expenditures from these funds require a two-thirds vote of Town Meeting.

MAJOR CAPITAL FACILITIES STABILIZATION: This is another special purpose reserve created by vote of Town Meeting. Expenditures may be made from the fund only on a two-thirds vote of Town Meeting. It is a management policy of the Town that this fund be used for major construction or renovation of buildings estimated to cost \$4 million or more.

MWRA: The Massachusetts Water Resources Authority was established in 1985 to provide water supply services and sewer collection, treatment and disposal services to the region. To fund its operations and debt the MWRA sets user rates and assesses each town in the area according the metered flow of water through the sewers. Dedham funds its sewer assessment from billings based upon a metered water use rate set by the Selectmen. The Town is not assessed water use charges.

PROPERTY TAX LEVY: The total revenue a community raises through property taxes. Often just called the "levy," it is the largest source of revenue for most Massachusetts cities and towns. This is different from the tax rate, which is the tax amount charged individual properties per \$1,000 of property valuation. The tax rate is set each year by the town.

LEVY LIMIT: The maximum amount a community may levy in a year. The levy limit can increase only by 2 ½ percent each year, plus adjustment for new growth and the addition of the debt service for previously voted tax overrides, such as debt exclusions.

LEVY CEILING: The maximum amount a community may levy under all conditions. A community's levy ceiling is 2 ½ percent of the aggregated valuation of all taxable properties.

EXCESS LEVY CAPACITY: If a community sets its levy below its levy limit, the difference between them is called excess levy capacity. The levy limit is not affected by excess capacity, however, meaning that in future years a town can tax up to that limit regardless of the previous levy. For example, a one percent levy increase one year allows the town to raise the levy by 4 percent the next year - the normal 2 ½ percent, plus the 1 ½ percent not taxed the year before.

NEW GROWTH: A community can increase its levy limit annually based on new development and other growth in the tax base. Property that has increased in value because of new construction, new subdivision parcels and condominium conversions, and new properties are all considered new growth. An increase in property value assessed during triennial reevaluation (appreciation) is not considered new growth.

GENERAL OVERRIDE: Residents can vote to increase tax levies beyond the levy limit, as long as the community is below the levy ceiling. The increase is included in the levy for that year and added to the base used to calculate future levy limits. An override requires a majority vote of the town at a special town election.

DEBT EXCLUSION: A debt exclusion allows towns to raise funds to pay for debt incurred by the town. The amount of the payment is added to the levy for the life of the debt, and is not included in calculations of the new levy limit for future years. A debt exclusion requires a two-thirds majority vote to borrow at town meeting and requires a majority vote at a special town election.

CAPITAL OUTLAY EXPENDITURE EXCLUSION: A type of tax override that allows towns to raise funds for capital projects. Its rules are similar to those for debt exclusions, except the cost is only added to the levy for the year in which the project is undertaken.