

Town of Stoughton

November 10, 2014

**Special Town Meeting Warrant
and Report of the
Committee on Finance and Taxation,
including the Community Preservation
Committee, Municipal Operations,
Intergovernmental Relations and Municipal
Regulations Committees**



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**Town Meeting Representatives:
Bring this packet to Town Meeting**

10/24/2014

Dear Town Meeting Representatives,

We have a short agenda of 15 articles for review and vote. Public hearings have been held for all articles and all available information shared. The standing committees have done their usual good job on vetting the articles assigned to each and sharing their recommendations.

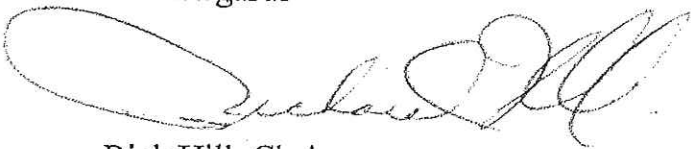
As of the writing of this letter, three new Collective Bargaining Agreements have been ratified by their respective memberships and approved by the Board of Selectman. The Finance Committee received all three agreements with their associated impact analyses at the continued public hearing this past Wednesday, October 22nd. THE CBA'S were presented for review and discussion by the Town Manager and Human Resources Director at that meeting. The Finance Committee will meet to vote on these three articles on Thursday October 30th. A final report with motions and funding recommendations for all four articles related to Collective Bargaining Agreements will then be mailed to all Town Meeting Members prior to the start of Town meeting.

In your review of the Warrant, you will find a good deal of information that will be important to have a good grasp of in order to have informed debate and votes. I would particularly recommend a careful reading of article 13, Regulation of Vacant and Abandoned Property, as it is complex and bears a thorough review.

Please submit questions that you might have on any of the articles to Eincom@stoughton-ma.gov and we would be happy to follow up.

I am looking forward to seeing you all soon.

Best Regards



Rick Hill, Chairman

Stoughton Committee on Finance and Taxation



COMMONWEALTH OF MASSACHUSETTS
TOWN OF STOUGHTON
SPECIAL TOWN MEETING WARRANT

Norfolk, ss. Officer's Return, Stoughton:

By virtue of this Warrant, I, on October 9, 2014 notified and warned the inhabitants of the Town of Stoughton, qualified to vote on Town affairs, to meet at the place and at the time specified by posting attested copies of this Special Town Meeting Warrant in the following public places within the Town of Stoughton:

| | | |
|------------|-----------------------------|-----------------------|
| Precinct 1 | Stop & Shop | 278 Washington Street |
| Precinct 2 | Stoughton Public Library | 84 Park Street |
| Precinct 3 | Bob's Foodmart | 289 Park Street |
| Precinct 4 | Andy's Market | 330 Plain Street |
| Precinct 5 | Tomas Variety Store | 257 School Street |
| Precinct 6 | Stoughton Quick Stop | 2139 Central Street |
| Precinct 7 | Page's Grocery & Liquors | 458 Pearl Street |
| Precinct 8 | Town Hall | 10 Pearl Street |
| Precinct 8 | Stoughton Police Department | 26 Rose Street |

The date of posting being not less than fourteen (14) days prior to November 10, 2014, the date set for the Special Town Election in this Warrant.

Lawrence Verdun
Constable
Stoughton, MA



**COMMONWEALTH OF MASSACHUSETTS
TOWN OF STOUGHTON
SPECIAL TOWN MEETING WARRANT**

Norfolk, ss:

To any of the Constables of the Town of Stoughton, Greetings:

At seven-thirty o'clock in the evening, at which time and place the following articles are to be acted upon and determined exclusively by the Town Meeting Members in accordance with the provision of the Town of Stoughton Charter.

You are also to notify the inhabitants aforesaid to meet at:

STOUGHTON HIGH SCHOOL AUDITORIUM

ON MONDAY the TENTH DAY of NOVEMBER, 2014

at seven-thirty o'clock in the evening, then and there to act on the following Articles:

ARTICLE 1 (ID 1) Supplement Fiscal Year 2015 Departmental Budgets

To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury, if any, a sufficient sum of money to supplement Fiscal Year 2015 departmental budgets or fund previously approved articles; or take any other action relative thereto.

Inserted by: Board of Selectmen
William Rowe, Town Accountant
September 29, 2014

Breakdown for Article:

1. **Water Department: \$126,826**
2. **Retirement \$131**
3. **Fire: \$30,000**
4. **Board of Health: \$3,000**
5. **Parks: \$10,000**
6. **Sewer: (\$167,126) (reduction)**

RECOMMENDED MOTIONS

1. That the Town vote to appropriate \$126,826 to supplement the FY2015 Water Department expense budget and that to meet this appropriation, \$126,826 be raised from FY2015 Water Department revenue.
2. That the Town vote to appropriate \$131 to supplement the FY2015 Department 911, Retirement expense budget and that to meet this appropriation, \$131 be raised in the FY2015 tax levy.
3. No Recommendation Made
4. That the Town vote to appropriate \$3,000 to supplement the FY2015 Department 510, Board of Health expense budget and that to meet this appropriation, \$3,000 be raised in the FY2015 tax levy.
5. No Recommendation Made
6. That the Town vote to reduce the FY2015 Sewer Department expense budget by \$167,126 and reduce estimated FY2015 revenue by \$167,126.

BOARD OF SELECTMEN unanimously approved this article.

FINANCE COMMITTEE

Motion made to approve items 1, 2, 4, and 6 from Article 1 (ID 1). Motion unanimously passed.

FINANCE COMMITTEE COMMENTS

The Finance Committee voted to approve supplementing the following budgets;

- The Water Department for \$126,826. The assessment from the MWRA came in higher than budgeted.
- The Retirement Department for \$131. The FY2015 assessment from Norfolk County (net of prepay discount) came in higher than budgeted.
- The Board of Health for \$3,000. The Department does not have an automobile available for inspections. The money will be used to reimburse staff for mileage for use of their personal vehicles.
- Reduce the Sewer Department revenue budget by \$167,126. The MWRA assessment came in lower than budgeted.

The Finance Committee made no recommendation on the funding for the Fire Department for \$30,000 as this potential shortfall is due to current run rates on the vehicle expenses and not for a specific repair that needs to be done. Should a true emergency that is unforeseen require repairs, the Finance Committee Reserve Fund is available. Also, no recommendation was made for the Parks Department for \$10,000 was not approved due to uncertainty regarding how the dollars would be spent, whether to be used for all trees or for fewer trees with an architect landscape plan for how and where to plant the trees.

ARTICLE 2 (ID 2) Unpaid Bills

To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury, if any, a sufficient sum of money to pay any unpaid bills from prior fiscal years in excess of departmental appropriations; or to take any other action relative thereto.

Requested Amount:

Inserted By: Board of Selectmen
William Rowe, Town Accountant
September 29, 2014

RECOMMENDATION Refer to Town Meeting.

BOARD OF SELECTMEN unanimously approved to insert this article.

FINANCE COMMITTEE

Motion to refer Article 2 (ID 2) to Town Meeting. Motion unanimously passed.

FINANCE COMMITTEE COMMENT:

At the time of the Finance Committees public hearings, there was one bill being reviewed by Bill Rowe for \$8,844. The Finance Committee agreed with his recommendation to refer to Town Meeting until we have a final figure and determination.

ARTICLE 3 (ID 3) FY2015 School Budget

To see if the Town will vote to transfer an amount from the Stoughton School Department Budget for FY15, as voted in Article 11 of the May 2014 Annual Town Meeting warrant, to the Finance Committee Reserve Fund, or take any other action relative thereto.

Recommended Amount: \$264,000

Inserted by: Board of Selectmen
Finance Committee
September 23, 2014

RECOMMENDED MOTION That the Town vote to transfer \$264,000 from the FY2015 Department 300, Stoughton School Department budget to the FY2015 Department 131, Finance Committee Reserve Fund budget.

BOARD OF SELECTMEN unanimously approved this article.

FINANCE COMMITTEE

Motion to approve Article 3 (ID 3). Motion passed 10-3.

FINANCE COMMITTEE COMMENTS

The Finance Committee voted to recommend that the School Department budget be reduced by \$264,000 and to place this appropriation in the Finance Committee Reserve Fund. This figure represents the funding for the 3 Unit B administrative positions; Curriculum Coordinator Humanities, Elementary for \$88,000, Curriculum Coordinator STEM, Elementary for \$88,000 and Dean of Discipline, High School for \$88,000. These positions were requested by the Superintendent of Schools and approved by the previous School Committee in their budget and subsequently by Town Meeting as a part of the School department appropriation. Throughout the Finance Committee Subcommittee process and at Town Meeting, it was repeatedly asked if all new budgeted positions would be filled

and the response from the School Committee Chair was that they would be. However the School Committee majority recently voted not to fill these positions and in their vote, directed the Superintendent to comply. In addition, the School Committee Chair sought direction from the Town Accountant as to how to return the funds to the town. Therefore the Finance Committee voted to remove the funding from the School Budget and hold it in Reserve should the School Committee vote to fill the positions.

ARTICLE 4 (ID 4) Collective Bargaining – Town Hall Employees Assoc.

To see if the Town will vote to approve a collective bargaining contract between the Town and the Stoughton Town Hall Employees Association; and, if necessary, to raise and appropriate, and/or transfer from available funds in the Treasury, if any, a sufficient sum of money to fund and implement the cost items of said collective bargaining contract between the Town and the Stoughton Town Hall Employees Association; or to take any other action relative thereto.

Inserted by: Board of Selectmen
September 29, 2014

RECOMMENDATION refer to Town Meeting

BOARD OF SELECTMEN voted unanimously to insert this article.

FINANCE COMMITTEE

Motion made to table Articles 4 – 7 to the Finance Committee’s continuation of the Public Hearing of October 20, 2014 to its next meeting of October 30, 2014 at 7 p.m... Motion unanimously passed.

FINANCE COMMITTEE COMMENTS

The Finance Committee voted to Table the four collective bargaining articles and continue the Public Hearing until October 30th. The reason for this action was due to the International Association of Firefighters agreement being ratified at the end of last week and the Stoughton Public Works Association and the Stoughton Police Patrolmen’s Union agreements having just been ratified and signed by the Board of Selectmen this evening. The Finance Committee will need time to review the agreements and complete a financial analysis before making its recommendation. Motions for the warrant resulting from this hearing will be mailed to Town Meeting Members Friday, October 31, 2014 in advance of the November 10, 2014 Special Town Meeting.

ARTICLE 5 (ID 5) Collective Bargaining – Police Patrolman’s Assoc.

To see if the Town will vote to approve a collective bargaining contract between the Town and the Stoughton Police Patrolman’s Association; and, if necessary, to raise and appropriate, and/or transfer from available funds in the Treasury, if any, a sufficient sum of money to fund and implement the cost items of said collective bargaining contract between the Town and the Stoughton Police Patrolman’s Association; or to take any other action relative thereto.

Inserted by: Board of Selectmen
September 29, 2014

RECOMMENDATION refer to Town Meeting

BOARD OF SELECTMEN voted unanimously to insert this article.

FINANCE COMMITTEE

Motion made to table Articles 4 – 7 to the Finance Committee’s continuation of the Public Hearing of October 20, 2014 to its next meeting of October 30, 2014 at 7 p.m... Motion unanimously passed.

FINANCE COMMITTEE COMMENTS

The Finance Committee voted to Table the four collective bargaining articles and continue the Public Hearing until October 30th. The reason for this action was due to the International Association of Firefighters agreement being ratified at the end of last week and the Stoughton Public Works Association and the Stoughton Police Patrolmen’s Union agreements having just been ratified and signed by the Board of Selectmen this evening. The Finance Committee will need time to review the agreements and complete a financial analysis before making its recommendation. Motions for the warrant resulting from this hearing will be mailed to Town Meeting Members Friday, October 31, 2014 in advance of the November 10, 2014 Special Town Meeting.

ARTICLE 6 (ID 6) Collective Bargaining – Local 1512 Firefighters

To see if the Town will vote to approve a collective bargaining contract between the Town and the Local 1512 International Association of Firefighters A.F.L. – C.I.O; and, if necessary, to raise and appropriate, and/or transfer from available funds in the Treasury, if any, a sufficient sum of money to fund and implement the cost items of said collective bargaining contract between the Town and the Local 1512 International Association of Firefighters A.F.L. – C.I.O; or take any other action relative thereto.

Inserted by: Board of Selectmen
 September 29, 2014

RECOMMENDATION refer to Town Meeting

BOARD OF SELECTMEN voted unanimously to insert this article.

FINANCE COMMITTEE

Motion made to table Articles 4 – 7 to the Finance Committee’s continuation of the Public Hearing of October 20, 2014 to its next meeting of October 30, 2014 at 7 p.m... Motion unanimously passed.

FINANCE COMMITTEE COMMENTS

The Finance Committee voted to Table the four collective bargaining articles and continue the Public Hearing until October 30th. The reason for this action was due to the International Association of Firefighters agreement being ratified at the end of last week and the Stoughton Public Works Association and the Stoughton Police Patrolmen’s Union agreements having just been ratified and signed by the Board of Selectmen this evening. The Finance Committee will need time to review the agreements and complete a financial analysis before making its recommendation. Motions for the warrant resulting from this hearing will be mailed to Town Meeting Members Friday, October 31, 2014 in advance of the November 10, 2014 Special Town Meeting.

ARTICLE 7 (ID 7) Collective Bargaining – Public Works Assoc.

To see if the Town will vote to approve a collective bargaining contract between the Town and the Public Works Association; and, if necessary, to raise and appropriate, and/or transfer from available funds in the Treasury, if any, a sufficient sum of money to fund and implement the cost items of said collective bargaining contract between the Town and the Public Works Association; or to take any other action relative thereto.

Inserted by: Board of Selectmen
September 29, 2014

RECOMMENDATION refer to Town Meeting

BOARD OF SELECTMEN voted unanimously to insert this article.

FINANCE COMMITTEE

Motion made to table Articles 4 – 7 to the Finance Committee’s continuation of the Public Hearing of October 20, 2014 to its next meeting of October 30, 2014 at 7 p.m... Motion unanimously passed.

FINANCE COMMITTEE COMMENTS

The Finance Committee voted to Table the four collective bargaining articles and continue the Public Hearing until October 30th. The reason for this action was due to the International Association of Firefighters agreement being ratified at the end of last week and the Stoughton Public Works Association and the Stoughton Police Patrolmen’s Union agreements having just been ratified and signed by the Board of Selectmen this evening. The Finance Committee will need time to review the agreements and complete a financial analysis before making its recommendation. Motions for the warrant resulting from this hearing will be mailed to Town Meeting Members Friday, October 31, 2014 in advance of the November 10, 2014 Special Town Meeting.

ARTICLE 8 (ID 8) Fire Station #1 Renovations

To see if the Town will vote to raise and appropriate, transfer from available funds in the Treasury, if any, and/or borrow a sufficient sum of money to supplement previously approved articles for design and construction costs to complete the ongoing renovations of Fire Station #1, or take any other action relative thereto.

Requested amount: \$30,000

Inserted By: Board of Selectmen
Michael Hartman; Town Manager
September 29, 2014

RECOMMENDATION refer to Town Meeting

BOARD OF SELECTMEN unanimously approved this article.

FINANCE COMMITTEE

Motion made to refer Article 8 (ID 8) to Town Meeting. Motion passed 11-2.

FINANCE COMMITTEE COMMENTS

The Finance Committee voted to refer this article to Town Meeting based on a statement from the Town Manager that this article will likely be dismissed at Town Meeting.

MUNICIPAL OPERATIONS COMMITTEE

Members present voted UNANIMOUSLY “to DEFER this article to Town Meeting” due to lack of quorum by Municipal Operations Committee. We understand unforeseen expenses of Fire Station #1, but requested a breakdown of money spent and scope of work

ARTICLE 9 (ID 9) Muddy Pond Water Supply

To see if the Town will vote to raise and appropriate, transfer from available funds in the Treasury, if any, or borrow a sufficient sum of money to continue improvements of the Muddy Pond Water Supply; or to take any other action relative thereto.

Requested Amount: \$110,000.00

Inserted by: Board of Selectmen
John Batchelder, Superintendent of Public Works
September 17, 2014

Note: The water supply from Muddy Pond has failed due to a failed concrete transmission line located in the middle of wetlands. Additional problems appear to be structural failure in the collection wells. The Water Department is now tasked to find a secure method of transmitting the water from the wells and to explore alternatives to the current collection wells.

| | |
|--------------------------------------|------------------|
| Alternatives Analysis | \$40,000 |
| Replacement Well / Exploratory Wells | \$45,000 |
| Replacement Well Permitting | \$25,000 |
| Total | \$110,000 |

RECOMMENDED MOTION That the Town vote to appropriate \$110,000 to continue improvements of the Muddy Pond Water Supply, including but not limited to costs of evaluating alternatives, constructing, reconstructing and permitting, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$110,000 in accordance with MGL Chapter 44 § 8(4A) or any other enabling authority and issue bonds and notes therefor.

BOARD OF SELECTMEN unanimously approved this article.

FINANCE COMMITTEE

Motion made to approve Article 9 (ID 9). Motion unanimously passed.

FINANCE COMMITTEE COMMENTS

The Finance Committee voted to approve \$110,000 for a study on what needs to be done to fix the Muddy Pond water supply, which has failed. This well provided 35% of the water supply for Stoughton at one time, which is now be provided from the MWRA. By Town Meeting in the spring, there should be a better handle on what needs to be done to fix this and the cost.

MUNICIPAL OPERATIONS COMMITTEE

Members present voted UNANIMOUSLY “to DEFER this article to Town Meeting” due to lack of quorum by Municipal Operations Committee. This well is 30% of town water supply and is essential to be maintained per agreement with MWRA.

ARTICLE 10 (ID 10) Sewer System to Reduce I & I

To see if the Town will vote to raise and appropriate, transfer from available funds in the Treasury, if any, or borrow a sufficient sum of money to continue improvements of the sewer system to reduce infiltration and Inflow (I & I); or to take any other action relative thereto.

Requested Amount: \$600,000.00

Inserted by: Board of Selectmen
John Batchelder, Superintendent of Public Works
September 17, 2014

Note: This article can be funded ONLY by a borrowing authorization in order to enable participation in the MWRA grant/loan program.

RECOMMENDED MOTION That the Town vote to appropriate \$600,000 to continue improvements to the sewer system to reduce infiltration and inflow (I & I), including all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$600,000 in accordance with MGL Chapter 44 § 7(1) or any other enabling authority and issue bonds and notes therefor.

BOARD OF SELECTMEN unanimously approved this article.

FINANCE COMMITTEE

Motion made to approve Article 10 (ID 10). Motion unanimously passed. The Finance Committee is also recommending that we rescind Article 29C from Town Meeting of 2014 and Article 37 from Town Meeting of 2013. Motion unanimously passed.

FINANCE COMMITTEE COMMENTS

The Finance Committee voted to approve \$600,000 in borrowing for I & I Improvements. This article is to replace two articles from prior Town Meetings; Article 29c from 2014 for \$300,000 and Article 37 from 2013 for \$300,000. Both of these articles had been approved but because the funding source wasn't entirely from borrowing, the Superintendent of Public Works was unable to take advantage of the matching fund grant of 45% for I & I projects that he has in the past. If this article is approved at Town Meeting, the prior two articles will be closed and the dollars released. It is not the intent of the

Finance Committee to recommend this new article in addition to the two that are already appropriated for a total of \$1,200,000.

MUNICIPAL OPERATIONS COMMITTEE

Members present voted UNANIMOUSLY “to DEFER this article to Town Meeting” due to lack of quorum by Municipal Operations Committee. Money was previously authorized (TM2013 Article 37 (ID 32) \$300,000/ TM2014 Article 29, C (ID29) \$300,000) but motion was not properly worded. These previous motions will be rescinded.

ARTICLE 11 (ID 11) Island Street, Mill Street and Turnpike Street Water Main Improvements

To see if the Town will vote to raise and appropriate, transfer from available funds in the Treasury, if any, or borrow a sufficient sum of money to continue improvements of Island Street, Mill Street and Turnpike Street Water Main Improvements; or to take any other action relative thereto.

Requested Amount: \$2,506,000.00

Inserted by: Board of Selectmen
John Batchelder, Superintendent of Public Works
September 17, 2014

Note: The existing water main in Island Street is a 6-inch unlined cast iron main identified as being heavily tuberculated. The intent is to replace this main with a new 12-inch cement lined ductile iron water main. The existing water mains on Mill Street (12-inch) and Turnpike Street (16-inch) have experienced frequent breaks over the last several years. In addition to frequent breaks, both Mill Street and Turnpike Street have parallel unlined 6-inch and 8-inch mains, respectively. The intent along these two streets is to replace the large diameter main and abandon the smaller diameter parallel main by transferring services over to the new main.

PROJECT COSTS

| | |
|----------------------------------|--------------------|
| Engineering Design & Bidding | \$ 97,000 |
| Eng. Construction Administration | \$ 58,000 |
| Eng. Resident Representative | \$ 173,000 |
| Construction Cost | \$1,983,000 |
| Police Costs | \$ 195,000 |
| Project Cost Total | \$2,506,000 |

The Town of Stoughton has the opportunity to borrow \$2,506,000 interest free from the MWRA as part of their Local Water System Assistance Program (LWSAP). (See article reference A-7 in Warrant Appendix.)

RECOMMENDED MOTION That the Town vote to appropriate \$2,506,000 to continue improvements of Island Street, Mill Street and Turnpike Street water mains, including all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$2,506,000 in accordance with MGL Chapter 44 § 8 (5) or (6) or any other enabling authority and issue bonds and notes therefor.

BOARD OF SELECTMEN unanimously approved this article.

FINANCE COMMITTEE

Motion made to approve Article 11 (ID 11). Motion unanimously passed. This is an interest-free loan from the MWRA where no money is borrowed. The loan is floated to the Town and the Town repays it in ten equal payments over a ten year period.

FINANCE COMMITTEE COMMENTS

The Finance Committee approved Water Main Improvements for \$2,506,000 for Island, Mill and Turnpike Streets. The source of the funding is a no interest loan from the MWRA through its Local Water System Assistance Program, which is paid over 10 years.

MUNICIPAL OPERATIONS COMMITTEE

Members present voted **UNANIMOUSLY** “to **DEFER** this article to Town Meeting” due to lack of quorum by Municipal Operations Committee. Work is essential and needs to be done. A request that other underground utilities be replaced and sidewalks be added as road is repaved. Money will be an interest free loan from MWRA.

ARTICLE 12 (ID 12) Southeastern Regional Stabilization Account

To see if the Town will vote to approve the establishment of a Stabilization Fund according to Massachusetts General Law c.71, §16 G½ for the Southeastern Regional Vocational Technical School District, or take any other action relative thereto.

Inserted by: Board of Selectmen
 Southeastern Regional School Committee
 September 23, 2014

RECOMMENDATION no recommendation made for this article

BOARD OF SELECTMEN unanimously approved this article.

FINANCE COMMITTEE

Motion made to approve Article 12 (ID 12). Motion failed 2-11.

FINANCE COMMITTEE COMMENTS

The Finance Committee did not vote a positive recommendation on this article to allow Southeastern Regional to create a Stabilization Fund. The fund would need to be approved by 5 of the member communities. At the time of the Public Hearing, 2 have approved, 1 did not approve and 1 voted to take no action. If approved a line item would appear on each member community’s assessment and that community could decide whether or not to approve the line item. The Finance Committee did not approve this because of their hesitation with a question relating to the majority vote of all communities was required rather than approval from all community members.

INTERGOVERNMENTAL RELATIONS COMMITTEE

The Committee voted UNANIMOUSLY “to DEFER this article to the Committee on Finance and Taxation due to lack of quorum by Intergovernmental Relations Committee.

ARTICLE 13 (ID 13) Regulation of Vacant and Abandoned Properties

To see if the Town will vote to amend the General By-laws by inserting a new chapter, Chapter 173, Regulation of Vacant and Abandoned Properties, as set forth below, or take any action relative thereto.

Chapter 173 REGULATIONS OF VACANT AND ABANDONED PROPERTIES

- Sec. 173-1 Purpose**
- Sec. 173-2 Definitions**
- Sec. 173-3 Notice and Determinations**
- Sec. 173-4 Persons in Active Military Service**
- Sec. 173-5 Vacant or abandoned buildings determination**
- Sec. 173-6 Registration**
- Sec. 173-7 Annual registration fees**
- Sec. 173-8 Change of status**
- Sec. 173-9 Billing statement**
- Sec. 173-10 Appeal**
- Sec. 173-11 Posting**
- Sec. 173-12 Maintenance requirements**
- Sec. 173-13 other violations**
- Sec. 173-14 Failure to register; Enforcement**

Sec. 173-1 Purpose

The Town of Stoughton finds that vacant and abandoned properties pose risks to public health and safety, create nuisances, provide sites for criminal activity, decrease the value of neighboring properties, and create significant costs to the town as a result of constant monitoring and occasional cleanup. Therefore, the purpose of this by-law is to protect the public health, safety and welfare of residents of Stoughton by encouraging the prompt repair, rehabilitation, and subsequent occupancy of vacant or abandoned properties and by ensuring that the Town has an accurate inventory of properties that are abandoned and/or neglected.

This by-law is to be implemented to prevent immediate threats or to alleviate present conditions that pose risks to public health, safety and welfare. This by-law shall not be implemented with respect to the aesthetics of any property.

Sec. 173-2 Definitions

A. Abandoned Building

For purposes of this bylaw, a residential, commercial or industrial building is abandoned when one or more of the following circumstances exist:

The building is not lawfully occupied such as, but not limited to, situations in which the building is occupied by squatters and, after notice to the property owner as provided in section 173-3 below, the property owner has not taken action to correct the situation;

1. The building is not occupied for a period of ninety (90) days; or
2. A building shall not be abandoned if the following circumstances exist:
 - a. The owner has secured the building;
 - b. The building has construction ongoing or is subject to an active building permit;
 - c. The building is empty of tenant(s), but the owner and/or his agent is engaged in attempts to rent or lease the premises and it is secured;
 - d. The owner of the premises is in military service and stationed outside the United States, in which case the provisions of section 173-4 shall apply.

B. Dilapidated Building

1. Where there exists a lack of maintenance and/or a deterioration of a building or grounds which actually or potentially poses a risk to the public health, public safety, security, general welfare and quiet enjoyment of occupants, abutters, and/or neighborhoods; or
2. Where a building is not safe and/or structurally sound or where the building or its interior is otherwise unfit for healthy or safe habitation or access; or
3. Where the structural vandalism of a building remains unrepaired; or
4. Where a lack of maintenance or use and/or a deterioration of the building and/or premises promotes a degradation of the surrounding neighborhood affecting the public health, public safety, security, general welfare and quiet enjoyment of occupants, and abutters; or
5. Where a building shows signs of decay, strewn trash, deterioration, or full or partial ruination through neglect or misuse; or
6. Where any condition(s) independently, or in the context of the totality of circumstances, would lead a reasonable person to believe that a building is vacant and/or occupied by a person without a legal right of occupancy. Such conditions include but are not limited to: (a) overgrown grass (one (1) foot or higher) or noticeable amounts of dead vegetation; (b) accumulation of unclaimed newspapers, circulars, flyers or mail; (c) past due utility notices or disconnected utilities; (d) accumulation of trash, junk or debris; (e) the absence of window coverings such as curtains, blinds or shutters; (f) the absence of furnishings or personal items consistent with residential habitation; (g) a swimming pool in such disrepair that a dangerous condition may exist; and/or (h) documented and confirmed reports by neighbors, passersby, delivery agents, government employees that the building is vacant.

C. Dangerous Building

Any unoccupied building that has been neglected and deteriorated; or abandoned, vacated, unused or open to weather to such an extent that it is a danger or potential danger of personal injury, loss of life, or damage to property.

D. Dilapidated

A condition of decay or partial ruin by reason of neglect, misuse, or deterioration. The term includes, but is not limited to:

1. Buildings having deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken or inadequately secured windows or doors.

2. Buildings having defective weather protection (such as paint, stain, siding or tarpaulin) for exterior wall covering, deleterious weathering due to lack of such weather protection or other protective covering.

E. Hazard

A condition likely to expose persons to injury, or property to damage, loss or destruction.

F. Legal Occupancy or Lawful Occupancy

Human habitation that is legal by virtue of compliance with state building, state fire safety, local zoning, Article II of the state sanitary code, minimum standard of fitness for human habitation and all other pertinent codes and which is further demonstrated by proof of occupancy evidenced through a bona fide lease agreement, rent receipt or utility statement.

G. Owner

Every person who alone or jointly or severally with others (1) has legal title to any building, structure or property pursuant to this article; or (2) 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; or the estate of the holder of legal title; or (3) lessee under a written lease agreement; or (4) mortgagee in possession; or (5) agent, trustee or other person appointed by the courts.

H. Responsible Party

The owner of property that is the subject of proceeding under this article. The singular use of the term includes the plural when the context so indicates.

I. Unsecured Building

Any vacant or abandoned building not continuously secured, maintained, locked or boarded to prevent unauthorized entry or which fails to provide protection from weather damage.

J. Vacant Building

Any commercial building in which no person or entity actually conducts a lawful business in such building; or any residential building in which no person lawfully resides in any part of the building; or a mixed-use building in which neither a business nor a lawful residence exists. Further, any building in which more than one-quarter (1/4) of the total exterior windows and doors are broken or open without a functioning lock may be deemed “vacant” regardless of occupancy.

Sec. 173-3 Notice and Determinations

1. A notice that a property is suspected to be subject to provisions of this by-law shall be sent to the owner (and, if different, responsible person) by certified mail, return receipt requested and posted in a conspicuous place in the lobby of Town Hall not less than thirty (30) days prior to any determination that the property is abandoned. The notice shall state the property address, record owner, a description of the conditions of the property that cause it to be subject to this by-law, and the remediation steps required to be taken by the owner.
2. If the property owner fails or refuses to take the remedial steps described by the preceding paragraph, and/or alternative arrangements have not been made with the Town by which to remedy the

circumstances, then not sooner than thirty (30) days after giving notice under subparagraph 1 of Section 173-3, the property owner shall be sent a notice stating terms of an Order for Remediation.

Sec. 173-4 Persons in Active Military Service

Prior to issuing any notice under Section 173-3, the Town shall determine if the owner is in active military service of the United States. If the owner is stationed outside the United States, any remediation steps that may be taken by the Town shall not result in proceedings with respect to recovery of costs by the Town unless, and until, the owner is no longer stationed outside the country.

Sec. 173-5 Vacant or abandoned buildings determination

The inspector of buildings or a local inspector shall evaluate all buildings in the town that are believed to be vacant or abandoned and make a determination for each as to whether the building is a “vacant building” or an “abandoned building” within the meaning of Section 173-2 of this article. The determination shall be in writing. For buildings that are determined to be “vacant buildings” or “abandoned buildings,” the inspector of buildings or a local inspector shall send notice of the written determination to the owner of record. Said notice of determination shall be sent both by certified and first-class United States mail, with proper postage prepaid. Failure of delivery shall not excuse a person from complying with this article. The inspector of buildings may personally serve or caused personal service of the notice of determination. Any person making such service shall execute an affidavit attesting to the facts of service. The inspector of buildings or a local inspector shall maintain an affidavit of such mailing for each notice of determination sent. The inspector of buildings or a local inspector may post the notice on the vacant or abandoned building.

The notice shall contain a statement of the obligation of the owner of a building determined to be a vacant or abandoned building, a copy of the registration form the owner is required to file pursuant to Section 173-4 of this article and a notice of the owner’s right to appeal the inspector of buildings determination. The notice shall specify a date and time on which the owner shall allow for a code compliance inspection of the interior of the vacant or abandoned building to determine the extent of compliance with town property, building codes, health, fire, water and sewer codes.

Sec. 173-6 Registration

Within ninety (90) days of a building becoming vacant or abandoned each owner of such vacant or abandoned building shall register said building with the building department by completing and submitting a registration form to such department, on a form to be created by such department, as well as paying the registration fee set forth in Section 173-5 below. The failure to timely register a vacant or abandoned building shall be a violation of this article.

Sec. 173-7 Annual Registration Fees

On or before April 1 of each calendar year, the owners of any vacant or abandoned building shall pay to the Building Department a registration fee to cover the administrative cost of monitoring and ensuring the proper maintenance of such vacant or abandoned buildings, said fees may also be utilized to fund proper maintenance of such buildings by the Town of Stoughton, which costs will become a lien on the property as provided in Section 173-10 herein. The annual registration fee shall be based on the duration of the vacancy as of April 1 of such year according to the following schedule:

| Fee | |
|------------|---|
| \$100.00 | For each dwelling unit of residential properties, commercial or industrial property that has become vacant or abandoned within the past ninety (90) days. |
| \$200.00 | For properties that have become abandoned or vacant for less than one year |
| \$500.00 | For properties that have been abandoned or vacant for one year or more but less than two years. |
| \$1,000.00 | For properties that have been abandoned or vacant for two years or more but less than three years. |
| \$1,500.00 | For properties that have been abandoned or vacant for three years or more. |

A failure to pay the registration fee, in a timely manner, shall be a violation of this article, and the full fee shall be deemed an assessment resulting from a violation of this article and is subject to becoming a lien on the property.

Sec. 173-8 Change of Status

Within seven (7) days of a change of the status of a vacant or abandoned building, due to the sale of the building, new occupancy or other circumstance, the owner shall notify the building department of such change of status.

Sec. 173-9 Billing Statement

On or before March 1 of each calendar year, the building department shall send a billing statement, setting forth the required registration fee, to each owner of a vacant or abandoned building. The registration fee set forth in this article shall be due and payable within thirty (30) days of the date of notice regardless of the delivery or receipt of such billing statement.

Sec. 173-10 Appeal

Any owner assessed a registration fee under this article shall have the right to appeal the imposition of such fee to the Town Of Stoughton Building Department upon the filing of an application in writing, with a fifty (\$50.00) dollar filing fee, no later than fifteen calendar days after mailing of the billing statement. The appeal shall be limited solely to the issues of whether the building is vacant or abandoned and how long the building has been vacant or abandoned. The owner shall have the burden of proof on appeal. Upon the proper filing of an appeal, payment of the registration fee shall be stayed pending the outcome of the appeal. A hearing shall be held within thirty (30) days of the request for the same. The Town Clerk shall preside over the hearing. The applicant shall have the right to present any and all evidence in support of the appeal. The Building Department shall have the right to present any and all evidence against the appeal. The Town Clerk shall issue a written decision within thirty (30) days of the hearing. The Town Clerk's decision shall be final. Payment of the fee shall be due within ten (10) days of the decision which is adverse to the owner.

Sec. 173-11 Posting

Within fifteen (15) days of the time a building is required to be registered as specified herein, the owner shall post upon their building which is vacant, abandoned or boarded, a sticker provided by the Town of Stoughton indicating that building is registered and other such information as required by the Building Department. Stickers may be obtained from the Building Department.

Sec. 173-12 Maintenance Requirements

The Owner, as that term is defined herein, shall secure buildings subject to registration pursuant to this Bylaw in such a manner as to prevent access by unauthorized person, including but not limited to the following:

- A. Closing and locking of windows, doors (walk-through, sliding and garage), gates, swimming pools and any other opening of such size that it may allow a child to access the interior of the building
- B. Re-glazing or boarding of any broken window
- C. If directed to do so by the Building Department, implement additional maintenance and/or security measures, including installing additional security lighting, increasing the frequency of on-site inspections, employing an on-site security guard(s), disconnecting utilities and removing meter boxes, or implementing other measures as may be required to stop the structural decline of the abandoned and/or dilapidated building and prevent unauthorized entry.

Failure to maintain the property may result in the Board of Selectmen ordering correction of the deficiencies of the property with the cost, fees and associated fines placed as a lien upon the property.

Sec. 173-13 Other Violations

The provisions of this article are in addition to, and not in lieu of any and all other applicable provisions of the revised Ordinances of the Town of Stoughton or any provisions of the regulations and laws of the Commonwealth of Massachusetts.

Sec. 173-14 Failure to Register; Enforcement

Any person or entity violating this article, by failing to register a vacant or abandoned building, failing to pay the registration fee or otherwise, shall be subject to a fine of three hundred dollars (\$300.00) per offense, not to exceed nine thousand dollars (\$9,000.00). Each day that the owner is in violation shall constitute a separate offense. The building department shall have the right to enforce this article pursuant to the noncriminal disposition procedures set forth in Chapter 70-6.

Inserted by: Board of Selectmen
September 23, 2014

RECOMMENDED MOTION That the Town vote to amend the General By-laws by adopting the proposed new bylaw, Chapter 173, Regulation of Vacant and Abandoned Properties, as printed in the warrant.

BOARD OF SELECTMEN unanimously approved this article.

FINANCE COMMITTEE

Motion made to approve Article 13 (ID 13). Motion passed 7-6.

FINANCE COMMITTEE COMMENTS

The Finance Committee approved this article by a narrow margin to insert a Regulation of Vacant and Abandoned Properties as a General Bylaw. Some members of the Finance Committee expressed different understandings of the law. All felt that some type of regulation with more defined authority was needed; however, at the same time there was some sense from the Committee and hearing attendees that there needs to be more remedy for the property owner to be able to contest a finding of their property being abandoned.

MUNICIPAL REGULATIONS COMMITTEE

The Municipal Regulations Committee believed this article was not clearly presented, so they could not vote in favor.

ARTICLE 14 (ID 14) CPA Funding for Rehabilitation for Community Housing for Low and Moderate Income Households @ 223 Pearl Street

To see if the Town will vote to appropriate the sum of \$350,000 as a grant to Presidential Courts of Stoughton, Inc. (the “Applicant”), under the provisions of MGL Chapter 44B, the “Community Preservation Act,” for the rehabilitation of community housing owned by the Applicant located at 223 Pearl Street, Stoughton, Massachusetts, shown by the Stoughton Assessor as Parcel ID #055 027 0 and described in a deed recorded at the Norfolk County Registry of Deeds in Book 4794, Page 314 (the “*Property*”), including architectural, engineering and construction services related to rehabilitation of the *Property* and its appurtenant structures and surroundings, as well as for any work needed to permit use of the structure and its surrounds for community housing under current building codes and public safety regulations, including work needed to comply with rules and regulations applicable to handicap access, fire safety, entrances and exits, rest rooms, and the like, all as set forth in the applications filed by the Applicant for such purposes and as approved by the Community Preservation Committee; and, as funding therefor, to authorize the Treasurer, with the approval of the Board of Selectmen to borrow the sum of \$350,000 and issue bonds and notes therefor pursuant to MGL Chapter 44B, Section 11, Chapter 44, Sections 7 and 8, or any other enabling authority, and although such bonds will be general obligation bonds of the Town, it is intended that such funds shall be repaid from Community Preservation Act funds, and further to authorize the Town Manager, with the approval of the Board of Selectmen, to negotiate a grant agreement with the Applicant on such terms and conditions as they shall deem appropriate, including that the funds appropriated hereunder shall not be released to the Applicant until the Applicant can demonstrate to the satisfaction of the Town Treasurer and Board of Selectmen that the Applicant has \$3,500,000 available for such project from other sources, and further that Applicant shall provide to the Town an affordable housing deed restriction on such *Property* meeting the requirements of MGL Chapter 184, Sections 31-33, and further, to authorize appropriate Town officials to take such other actions and execute such instruments as may be necessary to carry out the vote taken hereunder, and to authorize the Board of Selectmen to accept an affordable housing restriction as described herein; or take any other action relative thereto.

Inserted by: Board of Selectmen
Requested by Presidential Courts of Stoughton, Inc.
September 23, 2014

RECOMMENDED MOTION That the Town vote to transfer from Community Preservation Act Community Housing Funds the sum of \$350,000 as a grant to Presidential Courts of Stoughton, Inc. (the “Applicant”), under the provisions of MGL Chapter 44B, the “Community Preservation Act,” for the rehabilitation of community housing owned by the Applicant located at 223 Pearl Street, Stoughton, Massachusetts, shown by the Stoughton Assessor as Parcel ID #055 027 0 and described in a deed recorded at the Norfolk County Registry of Deeds in Book 4794, Page 314 (the “Property”), including architectural, engineering and construction services related to rehabilitation of the *Property* and its appurtenant structures and surroundings, as well as for any work needed to permit use of the structure and its surrounds for community housing under current building codes and public safety regulations, including work needed to comply with rules and regulations applicable to handicap access, fire safety, entrances and exits, rest rooms, and the like, all as set forth in the applications filed by the Applicant for such purposes and as approved by the Community Preservation Committee; and further to authorize the Town Manager, with the approval of the Board of Selectmen, to negotiate a grant agreement with the Applicant on such terms and conditions as they shall deem appropriate, including that the funds appropriated hereunder shall not be released to the Applicant until the Applicant can demonstrate to the satisfaction of the Town Treasurer and Board of Selectmen that the Applicant has \$3,500,000 available for such project from other sources, and further that Applicant shall provide to the Town an affordable housing deed restriction on such *Property* meeting the requirements of MGL Chapter 184, Sections 31-33, and further, to authorize appropriate Town officials to take such other actions and execute such instruments as may be necessary to carry out the vote taken hereunder, and to authorize the Board of Selectmen to accept an affordable housing restriction as described herein.

BOARD OF SELECTMEN unanimously approved this article.

FINANCE COMMITTEE

Motion made to approve Article 14 (ID 14). Motion passed 11-2.

FINANCE COMMITTEE COMMENTS

The Finance Committee voted to approve the use of \$350,000 from the Community Preservation Fund, public housing component. This was also approved by the CPC. This approval will provide funding from the Town of Stoughton, which is needed for Presidential Courts to apply for a grant from the State for \$3,500,000, in addition to \$1,200,000 to be borrowed by the cooperative and other funding sources needed for a total project cost of \$5,500,000. The funds will be used to renovate Presidential Courts, which will provide energy savings, ADA accessibility compliance and also provide for 5 fully handicap accessible units. Presidential Courts is a housing cooperative with its residents each holding an ownership share. All 104 units are currently on the Town of Stoughton’s affordable housing count including 21 units classified as Section 8 Housing. However, the covenant that made it affordable expired and has 1 year left in the 3 years allowed to retain its affordable designation. Approval of this funding and overall funding for the renovations would allow these 104 units to remain affordable and another affordable covenant would be signed for a minimum of 40 years.

ARTICLE 15 (ID 15) Acquire the Thomas Glover Historical House and Barn

To see if the Town will vote to raise and appropriate and/or transfer a sum of money from Community Preservation Act Historic Preservation funds, as approved by the Community Preservation Committee, for (a) the purchase of land located at 480 Sumner Street on which the circa 1750 Thomas Glover

House and barn are located and for rehabilitation of such historic properties, and if the property is so acquired, to authorize the Board of Selectmen to grant to a third party a historic preservation restriction in such property or buildings meeting the requirements of MGL Chapter 184, Sections 31-33; or, (b), for the purchase of the circa 1750 Thomas Glover House and barn located at 480 Sumner Street, and the salvage, dismantling, cataloguing, storing and reconstructing of such buildings to code on a suitable Town-owned property, including appropriate professional services required in connection therewith; provided further, however, that if the Town does acquire such buildings and cannot find an appropriate location to rebuild said house and barn within five years from the date such buildings are acquired, such buildings may be sold to a third party in accordance with applicable law subject to such restrictions as may be necessary and appropriate to preserve the historic character of the buildings, determined in consultation with the Historical Commission and the Community Preservation Committee, including, if possible, locating such buildings within the Town of Stoughton or, if that is not possible, within the bounds of the Towns of Avon, Sharon, Canton, or Foxboro, which towns comprised the original incorporated Town of Stoughton prior to 1740, or, in the alternative to a qualified non-profit organization with experience in preservation of such structures regardless of where such buildings may be located, all to encourage the preservation of the historic house and barn; or take any other action relative thereto.

Estimated Cost: \$250,000

Inserted by: Board of Selectmen
Stoughton Historical Commission, Dwight MacKerron. Chairman, et al
524 Highland Street,

RECOMMENDATION no recommendation made for this article

BOARD OF SELECTMEN unanimously approved this article.

FINANCE COMMITTEE

Motion made to approve Article 15 (ID 15). Motion failed 0-13.

FINANCE COMMITTEE COMMENTS

The Finance Committee cast no affirmative votes to approve this article for \$250,000 for the CPC to acquire the Thomas Glover Historical House and Barn, because the CPC did not vote to approve it.

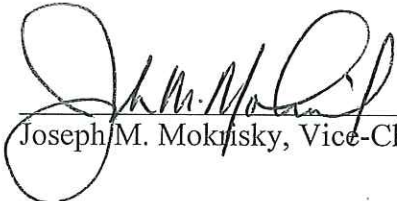
You are hereby directed to serve this warrant by posting attested copies hereof at not less than nine public places in the Town, seven days, at least, before the time of holding said meeting and you are hereby directed to have three hundred copies brought to the meeting for distribution.

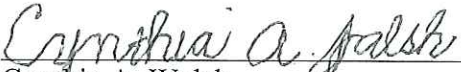
Hereof fail not and make due return of this Special Town Meeting Warrant with your doings thereon to the Town Clerk at the meeting aforesaid.

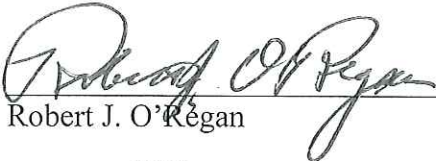
Given under our hands this 29th day of September in the year of Our Lord Two Thousand and Fourteen at Stoughton, Massachusetts.

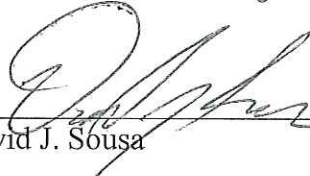
STOUGHTON BOARD OF SELECTMEN


Thomas J. Recupero, Chairman

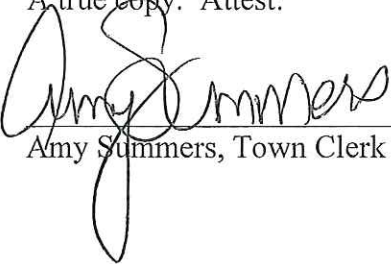

Joseph M. Mokrisky, Vice-Chair


Cynthia A. Walsh


Robert J. O'Regan


David J. Sousa

A true copy. Attest:


Amy Summers, Town Clerk


Lawrence Verdun, Constable

ARTICLE REFERENCE / APPENDIX

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A-2 Article 1 – Park – Tree Planting Program

A-7 Article 11 – Water Main Improvements

A-13 Article 12 – Chapter 71 Public Schools – Stabilization Fund

A-14 Article 13 – Letter of support from the Stoughton Economic Development Coordinator

A-15 Article 14 & 15

Chapter 184 – General Provisions Relative to Real Property

Section 31 – Restrictions

Section 32 – Effect, acquisition and release of restrictions

Section 33 – Public restrictions tract index

Town of Stoughton

10 Pearl Street • Stoughton, MA 02072 • (781) 341-1300 • FAX (781) 344-5048
www.stoughton-ma.gov

To: Board of Selectmen

Finance Committee

From: Michael J. Hartman, Town Manager

Date: October 8, 2014

Re: Article 1 of Special Town Meeting

Below are the amounts and funding sources that we are requesting for the FY2015 budgets:

1. Water Department: \$126,826.

The amount budgeted is less than the amount assessed by the MWRA. The recommended funding source is FY2015 estimated Water revenue.

2. Retirement: \$131.

The amount budgeted is less than the assessment net of the prepay discount. The recommended funding source is the FY2015 tax levy.

3. Fire: \$30,000.

This amount is to be used for vehicle repairs since the Department has recently incurred some extraordinary expenses. The recommended funding source is the FY2015 tax levy.

4. Board of Health: \$3,000.

This will be used for travel expenses. The Department does not have an available automobile to use for inspections. The recommended funding source is the FY2015 tax levy.

5. Parks: \$10,000.

To be used for streetscapes. The recommended funding source is the FY2015 tax levy.

6. Sewer: (\$167,126) (reduction)

The MWRA assessment came in lower than budgeted. FY2015 estimated Sewer revenue would be reduced by an equal amount.



TOWN OF STOUGHTON

Massachusetts

MA 02072

PLANNING BOARD

NOREEN O'TOOLE
TOWN PLANNER
STOUGHTON TOWN HALL
10 PEARL STREET
(781) 341-1300 x9201

PLANNING BOARD
JOSEPH SCARDINO, CHAIR
LYNNE JARDIN
MICHAEL SAMMARCO
WILLIAM ANGELOS
JAMES BARRON

To: Committee on Finance and Taxation
Committee on Municipal Regulations

From: Noreen O'Toole, Town Planner *NOT*

Date: October 15, 2014

Re: Tree Planting Program

The Master Plan component entitled "Public Facilities and Services," offers measurable characteristics, or benchmarks that can be used to provide services to meet local needs. One of the goals and strategies listed as Goal 5 is "*To sustain a level of public service to ensure a clean, healthy and safe environment.*" (Master Plan Phase II: Assessment, Recommendations, and Implementation Plan, p. 102)

As depicted as some of the strategies for improving design and maintenance of roadsides:

- Plant street and shade trees within road right-of-ways and other public places.
- Re-establish agreement with National Grid that provided the town with replacement trees for any trees lost or degraded by National Grid work.
- Re-establish Tree City USA designation which is a national program that provides framework for community forestry management for cities and towns across America. (see attached)
- Create public/private partnerships within the business community for tree planting.

A tree planting program will provide huge benefits to our community, including fresher air, reduced energy costs and improve quality of life. The preservation of existing trees and the promotion of new tree planting is a public purpose that protects the public health, welfare, environment and aesthetics of the Town of Stoughton and its citizens by:

- (a) Conserving energy, by providing shade and evaporative cooling through transpiration;
- (b) Improving local and global air quality by absorbing carbon dioxide and ozone absorbing matter, and producing oxygen;
- (c) Reducing wind speed and directing air flow;
- (d) Reducing noise pollution;
- (e) Providing habitat for birds and other wildlife;
- (f) Reducing storm water runoff and the potential for soil erosion;
- (g) Increasing real property values; and
- (h) Enhancing visual and aesthetic qualities that attract visitors and businesses.



ROWS

[More About Tree City USA](#)

2013 Tree Cities USA Communities in Massachusetts

Updated April, 2014

| <i>City</i> | <i>Years</i> | <i>Population</i> |
|------------------|--------------|-------------------|
| Andover | 15 | 31247 |
| Arlington | 12 | 42844 |
| Avon | 3 | 4356 |
| Bedford | 14 | 14503 |
| Belmont | 28 | 24119 |
| Beverly | 13 | 40000 |
| Boxford | 8 | 7921 |
| Brockton | 16 | 93810 |
| Brookline | 26 | 58732 |
| Cambridge | 22 | 105162 |
| Charlton | 5 | 13166 |
| Chatham | 1 | 6125 |
| Chelmsford | 1 | 33473 |
| Chelsea | 10 | 35080 |
| Chicopee | 21 | 55490 |
| Danvers | 27 | 26493 |
| Duxbury | 23 | 15582 |
| Easton | 22 | 22921 |
| Fall River | 9 | 88857 |
| Falmouth | 17 | 34500 |
| Framingham | 23 | 67000 |
| Grafton | 13 | 17765 |
| Great Barrington | 2 | 6608 |
| Greenfield | 12 | 18168 |
| Groton | 18 | 10722 |

| | | |
|-----------------------|----|--------|
| Hanscom AFB | 27 | 11879 |
| Hingham | 26 | 22976 |
| Holyoke | 13 | 39888 |
| Ipswich | 12 | 13600 |
| Lanesborough | 9 | 2936 |
| Lawrence | 12 | 70919 |
| Leominster | 16 | 41303 |
| Lexington | 25 | 32870 |
| Longmeadow | 12 | 15385 |
| Lowell | 16 | 106519 |
| Ludlow | 8 | 19049 |
| Lynn | 24 | 90329 |
| Lynnfield | 8 | 12294 |
| Manchester-By-The-Sea | 26 | 5780 |
| Marblehead | 15 | 19700 |
| Marion | 17 | 5286 |
| Marlborough | 1 | 38685 |
| Mattapoisett | 6 | 6359 |
| Medfield | 1 | 12548 |
| Medford | 16 | 56173 |
| Milton | 8 | 27000 |
| Nantucket | 15 | 10200 |
| Needham | 19 | 28911 |
| Newburyport | 18 | 17654 |
| Newton | 25 | 86307 |
| Orleans | 16 | 6500 |
| Pittsfield | 9 | 44168 |
| Plymouth | 25 | 57219 |
| Quincy | 16 | 90000 |
| Reading | 29 | 23500 |
| Saugus | 15 | 26628 |
| Sheffield | 4 | 3478 |
| Somerville | 19 | 77104 |

| | | |
|------------------|----|--------|
| South Hadley | 19 | 17300 |
| Springfield | 28 | 153155 |
| Stoneham | 14 | 23000 |
| Sturbridge | 25 | 9680 |
| Sutton | 14 | 9442 |
| Swampscott | 23 | 13800 |
| Wakefield | 13 | 23837 |
| Walpole | 6 | 24000 |
| Warren | 6 | 4663 |
| Watertown | 23 | 31915 |
| Wellesley | 31 | 27982 |
| West Bridgewater | 20 | 6880 |
| Westborough | 5 | 18000 |
| Westfield | 10 | 41085 |
| Weston | 11 | 11580 |
| Westover Arb | 17 | 800 |
| Weymouth | 14 | 55421 |
| Winchester | 3 | 22099 |
| Worcester | 28 | 181185 |

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Local Water System Assistance Program (LWSAP) For Member Communities Massachusetts Water Resources Authority

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[Water System](#)

[Sewer System](#)

[Harbor and Bay](#)

[School Program](#)

[About MWRA](#)

[Doing Business with MWRA](#)

[Contact MWRA](#)

MWRA's Phase 2-Local Water System Assistance Program (LWSAP) provides \$210 million in interest-free loans to member water communities to perform water system improvement projects. Community loans will be repaid to MWRA over a 10-year period. Loan funds are approved for distribution from fiscal year 2011 through fiscal year 2020.

The program's goal is to improve local water system pipeline conditions to help maintain high water quality from MWRA's treatment plant through local pipelines to customers' taps.

MWRA's Local Water System Assistance Program is the second phase of community water loans following the Local Pipeline Assistance Program that was completed in 2013.

ALLOCATION OF LOAN FUNDS TO MEMBER COMMUNITIES

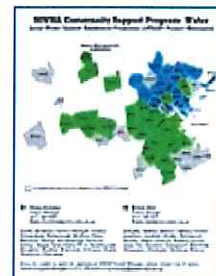
The \$210 million LWSAP budget is allocated among 45 member water communities (42 metro-Boston/metro-west water communities and three Chicopee Valley Aqueduct water communities). Please see the link to the table "LWSAP Allocation and Funding Utilization by Community" which is updated periodically. For communities that are partially served by MWRA, their allocation is prorated based on the percent use of MWRA water. Distribution of Program funds is spread over a 10-year period FY11 through FY20. Each community's annual allocation is restricted to the larger of (1) 10 percent of their total allocation or (2) \$500,000. If not utilized in a given year, annual allocations roll-over and accumulate up to the community's total allocation. The annual allocation restrictions are intended to limit MWRA loan distributions to about \$21 million per year.

ELIGIBLE PROJECT COSTS

The LWSAP Program Guidelines and Application Form are available here (see link at right).

Applications for financial assistance are due to MWRA at least one month prior to the quarterly distribution date. Binding commitments to provide financial assistance for local water projects will be issued by the MWRA in the form of a financial assistance and loan agreement subject to the availability of funds. The loan agreement will incorporate an opinion from the community's bond counsel stating that the loan is a valid general obligation of the municipality. Financial assistance will be distributed quarterly, on or about: February 15, May 15, August 15, and November 15. The financial assistance

MORE INFORMATION



[LWSAP map and contact information](#)

[Community Support Program page](#)

[LWSAP Allocation and Funding Utilization by Community](#) updated as of July 2014 (PDF)

[Allocations with Tier Two Restriction](#) updated as of July 2014 (PDF)

LWSAP FINANCIAL ASSISTANCE PROGRAM GUIDELINES AND APPLICATION FORMS

[LWSAP Program Guidelines \(.PDF\)](#)

[LWSAP Program Application \(.DOC\) | \(.PDF\)](#)

SAMPLE LWSAP PROJECTS



[Examples of projects](#) that have received MWRA LWSAP funding

What are the problems associated with aging pipes?

Rust buildup on the interior walls of local and MWRA pipes

award will be transferred into a Massachusetts Municipal Depository Trust (MMDT) account established by the community. All financial assistance funds, together with the earned interest from the MMDT account, will be applied to the cost of approved community water system rehabilitation projects. The interest-free loan will be repaid to the MWRA over a ten-year period, beginning one year after the original quarterly funding distribution date.

Local projects that rehabilitate water distribution systems, improve water quality, and/or enhance system efficiency are eligible for MWRA financial assistance. All project costs incurred on or after January 1, 2010 will be considered for eligibility in an application under the LWSAP. Communities may utilize 100 percent of their LWSAP funding allocation on water quality based projects, as listed below:

- Replacement or abandonment of unlined water mains;
- Sliplining of unlined water mains;
- Water main cleaning and lining of unlined water mains;
- Replacement or abandonment of asbestos cement pipe or other water pipeline work performed for water quality purposes;
- Identification and replacement of water service connections constructed of lead or other services in poor condition;
- Looping of dead-end water mains;
- Water valve and hydrant installation or replacement;
- Water storage tank installation, rehabilitation or replacement; and,
- Engineering planning, design and construction services associated with the above items.

To provide communities with some flexibility with regard to water system rehabilitation needs, additional community projects (known as "tier two" projects) that target water system efficiency are also eligible for LWSAP loan funding. To emphasize the Program's goal of improving water quality, there shall be a direct correlation between the maximum amount of LWSAP funds that may be used for tier two projects and the percentage of lined water main miles in each community. Specifically, the amount of LWSAP funds that may be used for tier two projects shall be restricted to the percent of lined water main miles times the community's total LWSAP allocation. Tier two eligible projects include:

- Water meter purchase and installation;
- Water meter reading system purchase and installation;
- Water booster pump station installation and/or upgrades;
- GIS mapping and system modeling; and,
- Engineering planning, design and construction services associated with the above items.

PROGRAM BENEFITS

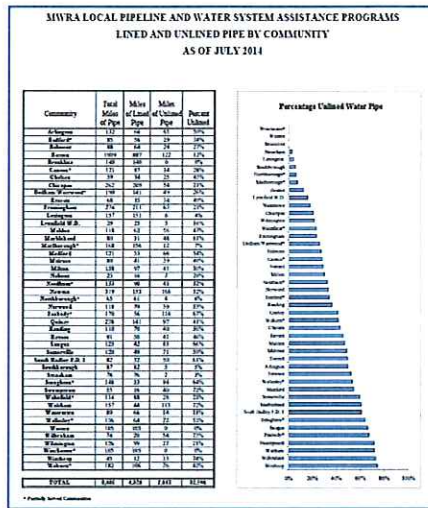
MWRA's goal in providing financial assistance to member communities is to improve local water systems to help maintain high quality water as it passes from MWRA's facilities through local pipelines to customers' taps. Continued improvement of local water systems is a critical element of MWRA's **Integrated Water Supply Improvement Program**. Older water mains, particularly those constructed of unlined cast-iron pipe, need to be replaced or cleaned and lined to prevent tuberculation (rust build-up), loss of disinfectant residual and potential bacteria growth. To date, about 32 percent of local distribution systems remain unlined; representing a regional need of about \$1.0-1.5 billion for future water main rehabilitation. The LWSAP continues the efforts of MWRA's \$30 million pilot distribution system rehabilitation program (FY98-99) and the \$222 million Local Pipeline Assistance Program (FY00-13) that have previously provided water system loans to communities.

can degrade water quality and constrict the flow of water to consumers. For more information about improvements to MWRA-owned pipes visit: **MWRA Distribution Pipeline Improvements**

List of MWRA member communities

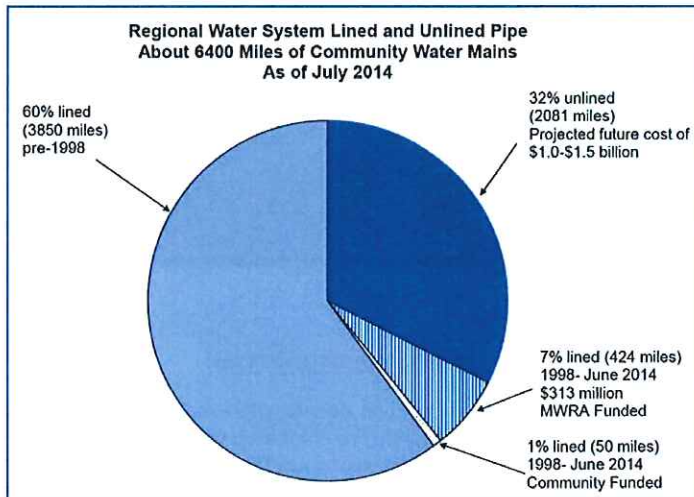
GO TO I/I PROGRAM PAGE

Unlined water pipe in each community (PDF)



Updated July, 2014

Lined and unlined community water mains system wide (PDF)



Updated July, 2014

To ensure pipeline improvements, MWRA annually rehabilitates portions of the regional network of larger pipelines that distribute water to member community systems and provides financial assistance for local water system improvements. At present, the regional water system consists of about 68% lined water pipe. Since 1998, MWRA has provided local communities over \$313 million in interest-free loans to fund 423 miles (about 7%) of community water main cleaning and lining or water main replacement projects. Additionally, communities have separately funded 50 miles (about 1%) of water main rehabilitation projects.

Unlined, tuberculated water mains



New, cement-lined water mains



PARTICIPATING WATER COMMUNITIES

MWRA has a total of 50 **water communities** (with Dedham/Westwood Water District counted as one), of which 45 are allocated loan funds under the Local Water System Assistance Program. The five communities ineligible for LWSAP loan funds are special cases, as follows: Clinton, Leominster (emergency only), and Worcester (emergency only), that receive untreated water from the Wachusett Reservoir; Cambridge, that receives water on an emergency-only basis; and Lynn, that receives water for the GE plant only.

PHASE 1 - LOCAL PIPELINE ASSISTANCE PROGRAM IS COMPLETE

MWRA's Phase 1-Local Pipeline Assistance Program ("LPAP") was completed in June, 2013, with the distribution of \$222 million in interest-free loans to MWRA water communities to perform local water main rehabilitation projects.

LPAP Allocation and Funding Utilization by Community
(PDF) - Updated June 2013

SAMPLE PROJECTS THAT HAVE RECEIVED LWSAP FUNDING

Many local projects that receive MWRA Local Water System Financial Assistance funding include a combination of water, sewer, drain and roadway reconstruction. For these multifaceted projects, water system loan funding is prorated based on the percentage of eligible water system work. A typical pipeline project is shown below.

Typical Pipeline Replacement Project - West Roxbury, MA



Many local projects that receive MWRA Local Water System Financial Assistance funding utilize water pipeline cleaning and lining construction technology to cost effectively rehabilitate older cast iron pipe to a condition that will provide decades of additional service life. This construction method does not require an open excavation along the entire length of the pipeline. Instead, small excavation pits are used to access the existing pipe. A typical pipeline rehabilitation cleaning and lining project with bypass piping is shown below.

Pipeline Rehabilitation Cleaning and Lining - Norwood



Some local projects that receive MWRA Local Water System Financial Assistance funding have employed trenchless construction technology. For example, a project in Milton, MA used pipe bursting and new pipe pull-through to avoid open trench construction impacts to a wetland area.

Milton Pipe Bursting Project



Some local projects that receive MWRA Local Water System Financial Assistance funding have included the replacement of lead water service lines, as noted below.

Lead Service Replacement Projects



| | |
|------------|------|
| Arlington | 210 |
| Everett | 300 |
| Malden | 1200 |
| Medford | 150 |
| Melrose | 200 |
| Norwood | 110 |
| Somerville | 450 |

Many local projects that receive MWRA Local Water System Financial Assistance funding have improved water quality issues associated with local water storage tanks. In Canton, MA, the 0.7 million gallon Tolman Street standpipe was demolished and replaced with a new tank and the 0.6 million gallon Ponkapoag standpipe was rehabilitated, as shown below.

Water Quality Improvement at Local Water Storage Tanks



[Back to top](#)

PDF files on this page require Adobe Acrobat Reader® (**[free download](#)**).

Updated September 29, 2014



| |
|--|
| PART I ADMINISTRATION OF THE GOVERNMENT |
| TITLE XII EDUCATION |
| CHAPTER 71 PUBLIC SCHOOLS |
| Section 16G1/2 Stabilization fund |

Section 16G1/2. A regional school district may, upon a majority vote of all the members of the regional district school committee and, with the approval of a majority of the local appropriating authorities of the member municipalities, establish a stabilization fund and may, in any year, include in its annual budget for deposit in the stabilization fund an amount not exceeding five per cent of the aggregate amount apportioned to the member municipalities for the preceding fiscal year or such larger amount as may be approved by the director of accounts. The aggregate amount in the fund at any time shall not exceed five per cent of the combined equalized valuations of the member municipalities. Any interest shall be added to and become a part of the fund. The annual report submitted to the member municipalities pursuant to clause (k) of section sixteen shall include a statement of the balance in the stabilization fund and all additions to and withdrawals from the fund during the period covered by such report.

The treasurer of the regional school district shall be the custodian of such fund and may deposit or invest the fund in such deposits or investments as are legal for the deposit or investment of revenue funds of the district or in such securities as are legal for the investment of funds of savings banks under the laws of the commonwealth.

The stabilization fund may be appropriated by vote of two-thirds of all of the members of the regional district school committee for any purpose for which regional school districts may borrow money or for such other district purpose as the director of accounts may approve.

This section shall also apply to any regional school district established under the provisions of a special law.

M E M O

TO: Committee on Finance and Taxation
Committee on Municipal Regulations

FROM: Pamela McCarthy, Stoughton Economic Development Coordinator

RE: Support for Article 13 (ID 13) Regulation of Vacant and Abandoned Properties, Special Town Meeting November 10, 2014

DATE: October 15, 2014

In my role as Economic Development Coordinator for the Town of Stoughton I offer support for Article 13 (ID 13) Regulation of Vacant and Abandoned Properties for the following reasons:

- The existence of this by-law will demonstrate to business owners that if they invest in a new business in the Town of Stoughton or decide to expand an existing business there is some level of protection against the decline in their property value due to the Town's ability to exercise some control over vacant and abandoned buildings.
- Investment may be encouraged in areas where vacant and abandoned buildings already exist. The State's Economic Development Incentive Program allows business owners to take advantage of the State Abandoned Building Renovation Deduction if they decide to purchase a building officially designated as abandoned.
 - A corporate excise tax deduction or a personal income tax deduction equal to 10% of the cost of renovating an abandoned building, defined as being at least 75% vacant for 24 months or more, within an EOA¹
- If the Town decides to pursue Community Development Block Grant funds in the future there has to be a slums and blight designation in place. Having an inventory of abandoned properties will expedite this designation.

¹ Economic Development Incentive Program (EDIP) Program Guidelines

ARTICLE 14 (ID 14) CPA Funding for Rehabilitation for Community Housing for Low and Moderate Income Households @ 223 Pearl Street

ARTICLE 15 (ID 15) Acquire the Thomas Glover Historical House and Barn

- PART II REAL AND PERSONAL PROPERTY AND DOMESTIC RELATIONS
- TITLE I TITLE TO REAL PROPERTY
- CHAPTER 184 GENERAL PROVISIONS RELATIVE TO REAL PROPERTY
- Section 31 Restrictions, defined

Section 31. A conservation restriction means a right, either in perpetuity or for a specified number of years, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land or in any order of taking, appropriate to retaining land or water areas predominantly in their natural, scenic or open condition or in agricultural, farming or forest use, to permit public recreational use, or to forbid or limit any or all (a) construction or placing of buildings, roads, signs, billboards or other advertising, utilities or other structures on or above the ground, (b) dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste or unsightly or offensive materials, (c) removal or destruction of trees, shrubs or other vegetation, (d) excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance in such manner as to affect the surface, (e) surface use except for agricultural, farming, forest or outdoor recreational purposes or purposes permitting the land or water area to remain predominantly in its natural condition, (f) activities detrimental to drainage, flood control, water conservation, erosion control or soil conservation, or (g) other acts or uses detrimental to such retention of land or water areas.

A preservation restriction means a right, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land or in any order of taking, appropriate to preservation of a structure or site historically significant for its architecture, archeology or associations, to forbid or limit any or all (a) alterations in exterior or interior features of the structure, (b) changes in appearance or condition of the site, (c) uses not historically appropriate, (d) field investigation, as defined in section twenty-six A of chapter nine, without a permit as provided by section twenty-seven C of said chapter, or (e) other acts or uses detrimental to appropriate preservation of the structure or site.

An agricultural preservation restriction means a right, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land appropriate to retaining land or water areas predominately in their agricultural farming or forest use, to forbid or limit any or all (a) construction or placing of buildings except for those used for agricultural purposes or for dwellings used for family living by the land owner, his immediate family or employees; (b) excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance in such a manner as to adversely affect the land's overall future agricultural potential; and (c) other acts or uses detrimental to such retention of the land for agricultural use. Such agricultural preservation restrictions shall be in perpetuity except as released under the provisions of section thirty-two. All other customary rights and privileges of ownership shall be retained by the owner including the right to privacy and to carry out all regular farming practices.

A watershed preservation restriction means a right, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land appropriate to retaining land predominantly in such condition to protect the water supply or potential water supply of the commonwealth, to forbid or limit any or all (a) construction or placing of buildings; (b) excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance except as needed to maintain the land and (c) other acts or uses detrimental to such watershed. Such watershed preservation restrictions shall be in perpetuity except as released

under the provisions of section thirty-two. All other customary rights and privileges of ownership shall be retained by the owner, including the right to privacy.

An affordable housing restriction means a right, either in perpetuity or for a specified number of years, whether or not stated in the form of a restriction, easement, covenant or condition in any deed, mortgage, will, agreement, or other instrument executed by or on behalf of the owner of the land appropriate to (a) limiting the use of all or part of the land to occupancy by persons, or families of low or moderate income in either rental housing or other housing or (b) restricting the resale price of all or part of the property in order to assure its affordability by future low and moderate income purchasers or (c) in any way limiting or restricting the use or enjoyment of all or any portion of the land for the purpose of encouraging or assuring creation or retention of rental and other housing for occupancy by low and moderate income persons and families. Without in any way limiting the scope of the foregoing definition, any restriction, easement, covenant or condition placed in any deed, mortgage, will, agreement or other instrument pursuant to the requirements of the Rental Housing Development Action Loan program or the Housing Innovations Fund program established pursuant to section three of chapter two hundred and twenty-six of the acts of nineteen hundred and eighty-seven or pursuant to the requirements of any program established by the Massachusetts housing partnership fund board established pursuant to chapter four hundred and five of the acts of nineteen hundred and eighty-five, including without limitation the Homeownership Opportunity Program, or pursuant to the requirements of sections twenty-five to twenty-seven, inclusive, of chapter twenty-three B, or pursuant to the requirements of any regulations or guidelines promulgated pursuant to any of the foregoing, shall be deemed to be an affordable housing restriction within the meaning of this paragraph.

- **PART II** REAL AND PERSONAL PROPERTY AND DOMESTIC RELATIONS
- **TITLE I** TITLE TO REAL PROPERTY
- **CHAPTER 184** GENERAL PROVISIONS RELATIVE TO REAL PROPERTY
- **Section 32** Effect, enforcement, acquisition, and release of restrictions

Section 32. No conservation restriction, agricultural preservation or watershed preservation restriction as defined in section thirty-one, held by any governmental body or by a charitable corporation or trust whose purposes include conservation of land or water areas or of a particular such area, and no preservation restriction, as defined in said section thirty-one, held by any governmental body or by a charitable corporation or trust whose purposes include preservation of buildings or sites of historical significance or of a particular such building or site, and no affordable housing restriction as defined in said section thirty-one, held by any governmental body or by a charitable corporation or trust whose purposes include creating or retaining or assisting in the creation or retention of affordable rental or other housing for occupancy by persons or families of low or moderate income shall be unenforceable on account of lack of privity of estate or contract or lack of benefit to particular land or on account of the benefit being assignable or being assigned to any other governmental body or to any charitable corporation or trust with like purposes, or on account of the governmental body the charitable corporation or trust having received the right to enforce the restriction by assignment, provided (a) in case of a restriction held by a city or town or a commission, authority or other instrumentality thereof it is approved by the secretary of environmental affairs if a conservation restriction, the commissioner of the metropolitan district commission if a watershed preservation restriction, the commissioner of food and agriculture if an agricultural preservation restriction, the Massachusetts historical commission if a preservation restriction, or the director of housing and community development if an affordable housing restriction, and (b) in case of a restriction held by a charitable corporation or trust it is approved by the mayor, or in cities having a city manager the city manager, and the city council of the city, or selectmen or town meeting of the town, in which the land is situated, and the secretary of environmental affairs if a conservation restriction, the commissioner of the metropolitan district commission if a watershed preservation restriction, the commissioner of food and agriculture if an agricultural preservation restriction, the Massachusetts historical commission if a preservation restriction, or the director of housing and community development if an affordable housing restriction.

Such conservation, preservation, agricultural preservation, watershed preservation and affordable housing restrictions are interests in land and may be acquired by any governmental body or such charitable corporation or trust which has power to acquire interest in the land, in the same manner as it may acquire other interests in land. The restriction may be enforced by injunction or other proceeding, and shall entitle representatives of the holder to enter the land in a reasonable manner and at reasonable times to assure compliance. If the court in any judicial enforcement proceeding, or the decision maker in any arbitration or other alternative dispute resolution enforcement proceeding, finds there has been a violation of the restriction or of any other restriction described in clause (c) of section 26 then, in addition to any other relief ordered, the petitioner bringing the action or proceeding may be awarded reasonable attorneys' fees and costs incurred in the action proceeding. The restriction may be released, in whole or in part, by the holder for consideration, if any, as the holder may determine, in the same manner as the holder may dispose of land or other interests in land, but only after a public hearing upon reasonable public notice, by the governmental body holding the restriction or if held by a charitable corporation or trust, by the mayor, or in cities having a city manager the city manager, the city council of the city or the selectmen of the town, whose approval shall be required, and in case of a restriction requiring approval by the secretary of environmental affairs, the Massachusetts historical commission, the director of the division of water supply protection of the department of conservation and recreation, the commissioner of food and agriculture, or the director of housing and community development, only with like approval of the release.

No restriction that has been purchased with state funds or which has been granted in consideration of a loan or grant made with state funds shall be released unless it is repurchased by the land owner at

its then current fair market value. Funds so received shall revert to the fund sources from which the original purchase, loan, or grant was made, or, lacking such source, shall be made available to acquire similar interests in other land. Agricultural preservation restrictions shall be released by the holder only if the land is no longer deemed suitable for agricultural or horticultural purposes or unless two-thirds of both branches of the general court, by a vote taken by yeas and nays, vote that the restrictions shall be released for the public good. Watershed preservation restrictions shall be released by the holder only if the land is deemed by the commissioner of the metropolitan district commission and the secretary of environmental affairs to no longer be of any importance to the water supply or potential water supply of the commonwealth or unless two-thirds of both branches of the general court, by a vote taken by yeas and nays, vote that the restrictions shall be released for the public good.

Approvals of restrictions and releases shall be evidenced by certificates of the secretary of environmental affairs or the chairman, clerk or secretary of the Massachusetts historical commission, or the commissioner of food and agriculture, or the director of housing and community development or the city council, or selectmen of the town, as applicable duly recorded or registered.

In determining whether the restriction or its continuance is in the public interest, the governmental body acquiring, releasing or approving shall take into consideration the public interest in such conservation, preservation, watershed preservation, agricultural preservation or affordable housing and any national, state, regional and local program in furtherance thereof, and also any public state, regional or local comprehensive land use or development plan affecting the land, and any known proposal by a governmental body for use of the land.

This section shall not be construed to imply that any restriction, easement, covenant or condition which does not have the benefit of this section shall, on account of any provisions hereof, be unenforceable. Nothing in this section or section thirty-one and section thirty-three shall diminish the powers granted by any general or special law to acquire by purchase, gift, eminent domain or otherwise to use land for public purposes.

Nothing in this section shall prohibit the department of public utilities or the department of telecommunications and cable from authorizing the taking of easements for the purpose of utility services provided that (a) said department shall require the minimum practicable interference with farming operations with respect to width of easement, pole locations and other pertinent matters, (b) the applicant has received all necessary licenses, permits, approvals and other authorizations from the appropriate state agencies, (c) the applicant shall compensate the owner of the property in the same manner and the same fair market value as if the land were not under restriction.

- **PART II** REAL AND PERSONAL PROPERTY AND DOMESTIC RELATIONS
- **TITLE I** TITLE TO REAL PROPERTY
- **CHAPTER 184** GENERAL PROVISIONS RELATIVE TO REAL PROPERTY
- **Section 33** Public restriction tract index

Section 33. Any city or town may file with the register of deeds for the county or district in which it is situated a map or set of maps of the city or town, to be known as the public restriction tract index, on which may be indexed conservation, preservation, agricultural preservation, watershed preservation and affordable housing restrictions and restrictions held by any governmental body. Such indexing shall indicate sufficiently for identification (a) the land subject to the restriction, (b) the name of the holder of the restriction, and (c) the place of record in the public records of the instrument imposing the restriction. Maps used by assessors to identify parcels taxed, and approximate boundaries without distances, shall be sufficient, and, where maps by parcels are not available, addition to other maps of approximate boundaries of restricted land shall be sufficient. If the names of the holders and the instrument references cannot be conveniently shown directly on the maps, they may be indicated by appropriate reference to accompanying lists. Such maps may also indicate similarly, so far as practicable, (a) any order or license issued by a governmental body entitled to be recorded or registered, (b) the approximate boundaries of any historic or architectural control district established under chapter forty C or any special act, ordinance or by-law where a certificate of appropriateness may be required for exterior changes, (c) any landmark certified by the Massachusetts historical commission pursuant to section twenty-seven of chapter nine, (d) any other land which any governmental body may own in fee, or in which it may hold any other interest, and (e) such additional data as the filing governmental body may deem appropriate.

Whenever any instrument of acquisition of a restriction or order or other appropriate evidence entitled to be indexed in a public restriction tract index is at the option of the holder of the right to enforce it submitted for such indexing, the register shall make, or require the holder of the right to enforce the restriction or order or interest to make, appropriate additions to the tract index.

The maps shall be in such form that they can be readily added to, changed, and reproduced, and shall be a public record, appropriately available for public inspection. If any governmental body, other than a city or town in which the land affected lies, holds a right to enforce a restriction or order or an interest entitled to be indexed in a public restriction tract index for any city or town which has not filed such an index, or if the secretary of environmental affairs or the Massachusetts historical commission or the commissioner of food and agriculture or the director of housing and community development approves a conservation or preservation restriction or agricultural or watershed preservation restriction or affordable housing restriction held by a charitable corporation or trust so entitled, and the city or town does not within one year after written request to the mayor or selectmen file a sufficient map or set of maps for the purpose, the holding governmental body or approving secretary, director or commission may do so.

The registers of deeds, or a majority of them, may from time to time make and amend rules and regulations for administration of public restriction tract indexes, and the provisions of section thirteen A of chapter thirty-six shall not apply thereto. No such rule, regulation or any amendment thereof shall take effect until after it has been approved by the attorney general. New tract indexes may be filed, from time to time, upon compliance with such rules and regulations as may be necessary to assure against omission of prior additions and references still effective

TOWN MEETING RULES of ORDER

| Page Reference | Rank | <i>Table of Basic Points of Motions</i> | Second Required | Debatable | Amendable | Vote Required | May Reconsider | May Interrupt |
|---------------------------|---|---|-----------------|-----------|-----------|---------------|----------------|---------------|
| PRIVILEGED MOTIONS | | | | | | | | |
| 131 | 1 | Dissolve or adjourn sine die | Yes | No | No | Maj. | No | No |
| 128 | 2 | Adjourn to a fixed time or recess | Yes | Yes | Yes | Maj. | No | No |
| 127 | 3 | Point of no quorum | No | No | No | None | No | No |
| 125 | 4 | Fix the time to (or at) which to adjourn | Yes | Yes | Yes | Maj. | Yes | No |
| 123 | 5 | Question of privilege | No | No | No | None | No | Yes |
| SUBSIDIARY MOTIONS | | | | | | | | |
| 104 | 6 | Lay on the table | Yes | No | No | 2/3 | Yes | No |
| 102 | 7 | The previous question | Yes | No | No | 2/3 | No | No |
| 101 | 8 | Limit or extend debate | Yes | No | No | 2/3 | Yes | No |
| 99 | 9 | Postpone to a time certain | Yes | Yes | Yes | Maj. | Yes | No |
| 96 | 10 | Commit or refer | Yes | Yes | Yes | Maj. | Yes | No |
| 93 | 11 | Amend (or substitute) | Yes | Yes | Yes | Maj. | Yes | No |
| 91 | 12 | Postpone indefinitely | Yes | Yes | No | Maj. | Yes | No |
| INCIDENTAL MOTIONS | | | | | | | | |
| 109 | Same rank as motion out of which they arise | Point of order | No | No | No | None | No | Yes |
| 110 | | Appeal | Yes | Yes | No | Maj. | Yes | No |
| 113 | | Division of a question | Yes | Yes | Yes | Maj. | No | No |
| 114 | | Separate consideration | Yes | Yes | Yes | Maj. | No | No |
| 115 | | Fix the method of voting | Yes | Yes | Yes | 2/3* | Yes | No |
| 116 | | Nominations to committees | No | No | No | Plur. | No | No |
| 118 | | Withdraw or modify a motion | No | No | No | Maj. | No | No |
| 120 | | Suspension of rules | Yes | No | No | 2/3† | No | No |
| MAIN MOTIONS | | | | | | | | |
| 66 | None | Main motion | Yes | Yes | Yes | Var. | Yes | No |
| 77 | ● | Reconsider or rescind | Yes | ● | No | Maj. | No | No |
| 105 | None | Take from the table | Yes | No | No | Maj. | No | No |
| 52 | None | Advance an article | Yes | Yes | Yes | Maj. | Yes | No |

● Same rank and debatable to same extent as motion being reconsidered.

† Unanimous if rule protects minorities; out of order if rule protects absentees.

* In representative town meeting a 2/3rds vote is required to allow secret ballot vote, Ch. 39, Sec 15 (1963) pg. 150.