# GENERAL BY-LAWS

## OF THE

# TOWN OF SHERBORN

Includes changes made at the 2023ATM

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Note: The General By-Laws were repealed in their entirety and a new set adopted in 1968. The newly adopted By-Laws were essentially a modification of the old By-Laws with several sections added. The dates appearing after various sections herein indicate years subsequent to 1968 in which the section was added or amended.

# CHAPTER 1. MEETINGS

Section 1. The Annual Meeting for the election of officers and determination of such matters as by law are required or permitted to be upon the ballot shall be held on the second Tuesday in May. The polls shall be open for at least twelve (12) hours. The opening and closing time of the polls shall be established each year by the Select Board. *(Amended 1974, 1979)*

Section 2. All other business shall be considered at a deliberative session of the Annual Meeting to be held on such date in last half of April or first week in May and at such place as shall be specified in a separate Warrant therefore. *(Amended 1969, 1974, 1979)*

Section 3. Notice of every Town Meeting shall be given not less than seven (7) days before the day appointed for said Meeting. Notice shall be given by posting an attested copy of the Warrant calling the meeting in at least five (5) public places in the Town. The return of the officer, stating the manner in which notice was given, shall be endorsed upon the Warrant. *(Amended 1980, 2010)*

Section 4. At least twenty-one (21) days before the Annual Meeting referred to in Section 2 of this Chapter, the Annual Town Report shall be posted to the Town's website, and hard copies shall be available to those residents who request them and copies of the Annual Town Report will also be available for inspection and copying at the Town Hall, provided that at least thirty (30) days before the Annual Meeting, a postcard shall be distributed to each household in the Town in which a voter eligible to vote at the Annual Town Meeting resides advising that the Annual Town Report will be posted and that copies will be available at the Town Hall. Provision will be made to distribute hard copies to those households which request it and who are unable to get to Town Hall during its open hours. *(Amended 2012)*

# CHAPTER 2. RULES AND PROCEDURES AT TOWN MEETINGS

Section 1. Only registered voters may vote at Town Meetings. The number of registered voters necessary to constitute a quorum at any Town Meeting, except at a meeting devoted exclusively to the election of town officials, shall be one hundred (100), but a smaller number may adjourn to a stated date, time and place.

Section 1A. Whenever a two-thirds vote is required by statute, such vote may be declared as such by the Moderator without a count and be recorded as such by the Clerk upon such declaration; provided, however, that seven (7) or more voters may challenge such declaration, at which time a count shall be taken. *(Amended 1997)*

Section 2. All articles in the Warrant shall be taken in the order of their arrangement unless otherwise decided by a two-thirds vote of the voters present and voting.

Section 3. In case of motions to amend or to fill blanks, the one expressing the largest sum or the longest time shall be put first, and an affirmative vote thereon shall be a negative vote on any smaller sum or shorter time.

Section 4. When a report of a committee is placed in the hands of the Moderator, it shall be deemed to be properly before the meeting for its action thereon, and a vote to accept the same shall

discharge the committee, but shall not be equivalent to a vote to carry out the recommendations without a special vote to adopt.

Section 5. No vote shall be reconsidered at the same Town Meeting unless it be ordered by two-thirds of the voters present and voting thereon at the same session. *(Amended 1972)*

Section 6. When a unanimous vote is not obtained on any substantive motion requiring a vote greater than a majority for passage, the said motion shall be voted upon at the same session by written ballot, using the same check list, if fifty voters so request. *(Amended 1972)*

Section 7. All proposed expenditures for equipment, the estimated cost of which exceeds $4,000 shall be separately identified in the appropriate budget line item. The appropriation to meet an obligation under a lease or a lease with an option to purchase for a total payment in excess of $4,000 shall be separately identified in the budget under the appropriate budget line item or warrant article. *(Amended 1990)*

Section 8. The Town Clerk is authorized to assign appropriate numbers or letters to by-law sections, subsections, paragraphs and subparagraphs where none are approved by Town Meeting; if such numbering or lettering is approved by Town Meeting, to make non-substantive editorial revisions to the same to ensure consistent and appropriate sequencing and numbering; and, to make non-substantive editorial revisions to references regarding such numbering or lettering as contained within the by-laws to ensure accuracy and conformity.

All such editorial revisions shall be identified with a footnote that describes the revision and the reason therefor. *(Added 2019)*

## CHAPTER 2A. BOARD OF SELECTMEN TO BE KNOWN AS THE "SELECT BOARD"

Section 1. Effective July 1, 2018, for purposes of these bylaws, the Sherborn Board of Selectmen shall be known as the Sherborn Select Board.

## CHAPTER 3. POWERS AND DUTIES OF TOWN OFFICERS NOT PRESCRIBED BY STATUTE

Section 1. The Select Board shall have full authority as agents of the Town, acting upon the advice of the Town Counsel, to settle any claims or suits against the Town when the sum to be paid does not exceed one hundred thousand dollars ($100,000). Any settlement requiring the payment of a sum greater than one hundred thousand dollars ($100,000), except as authorized by law, shall be made only when authorized by the voters at Town Meeting. *(Amended 1968, 1991, 2008)*

Section 2. Whenever it shall be necessary to execute any deed conveying land, the same shall be executed by the Town Treasurer in behalf of the Town, unless the Town in any special case shall otherwise vote.

Section 3. All appointments which the Select Board is authorized to make shall be made in the month of May or June, after the Annual Town Meeting for the election of officers. All such appointments shall become effective on the 15th day of June, and run until a successor is appointed and qualified. Nothing in this section is to be construed to prevent the making of appointments to fill vacancies as they may occur. *(Amended 1979)*

Section 4. Pursuant to the provisions of Section 3 of this Chapter the Select Board shall annually appoint a competent lawyer who is a member in good standing of the Massachusetts Bar as Town Counsel for a term of one year. He shall receive such compensation as the Selectmen may determine. All articles in the Warrant for Town Meeting shall be submitted to the Town Counsel for his examination and approval. The Town Counsel shall examine and approve all bonds, leases, obligations, conveyances, contracts, and other legal instruments, and do every professional act which may be required of him on behalf of the Town, including the prosecution and defense of all suits to which the Town is a party. He shall also furnish a written opinion on any legal question that may be submitted to him in writing, with a copy thereof to be sent to the Selectmen, by any Town Board or Committee on a matter concerning such Board or Committee, and shall at all times furnish legal advice to any officers of the Town upon any subject concerning the duties incumbent upon such officer by virtue of his office.

Section 5. That the Select Board shall annually have printed in the Town Report the yearly salary and wages of each Town employee. *(Added 1975)*

Section 5A. All fees received by any Town officer by virtue of his or her office shall belong to the Town, and shall be paid into the Town Treasury by such officer. *(Added 2001)*

Section 5B. Any organization engaged in charitable work or a post of any incorporated organization of veterans who served in the military or naval service of the United States in time of war or insurrection may, for a particular time period not to exceed a total of four days, and for a charitable purpose stated in such license, obtain a license from the Town to conduct under their control a temporary or transient business in which transient vendors participating in such sales shall not be subject to the provisions of Massachusetts General Laws, Chapter 101, Sections 3 to 12, inclusive, without the necessity of any vote by the Select Board to approve such license. *(Added 2016)*

Section 6. Town Administrator *(Added April 28, 1986, Amended 1987, 2014, 2016, 2019, 2022)*

6.1 Appointment; Qualifications; Term. The Select Board shall appoint a Town Administrator for a term, to be determined by the Select Board, after a one year probationary period, and fix his/her compensation within the amount annually appropriated for that purpose. The Town Administrator shall be appointed solely on the basis of his/her executive and administrative qualifications. He/She shall be a professionally qualified person of proven ability, especially fitted by education, training and previous experience in municipal administration to perform the duties of the office. He/She shall not have served in an elective office in the town government for at least twelve months prior to appointment. He/She shall devote full time to the office and shall not hold any other public office, elective or appointive, nor engage in any other business or occupation during his/her term, unless such action is approved in advance, in writing, by the Select Board.

In the event of a vacancy in the office of Town Administrator, the Select Board shall, pending appointment of a new Town Administrator, appoint a qualified person as an Interim Town Administrator to perform the duties of the Town Administrator on an interim basis. The Interim Town Administrator shall have all of the powers and duties of the Town Administrator, unless otherwise provided by Town By-law. Within sixty days of the occurrence of a vacancy in the office of Town Administrator, the Select Board shall appoint an interim Town Administrator for a term not to exceed ninety days. If the vacancy is not filled by the end of that appointment, the Select Board may re-appoint the Interim Town Administrator for an additional sixty day appointment. The Select Board shall start the process for hiring a new Town Administrator within fourteen days of the occurrence of a vacancy in the office of Town Administrator.

6.2. Power and Duties: Except as otherwise provided in this section, the Town Administrator shall be the Chief Administrative Officer of the Town and shall, under the policy direction of the Select Board, supervise, direct and be responsible for the efficient administration of all Town departments, committees, commissions, boards, offices and agencies within the direct jurisdiction of the Select Board, but not those within the jurisdiction of other elected officials, elected committees, elected boards, elected councils or elected commissions, or those under the Chief of Police and Fire Chief, and of all functions for which the Town Administrator shall have responsibility, authority or control by Town by-law, or by Town meeting vote; provided however that the Town Administrator shall not exercise any control over the discretionary power vested by statute in any such department, committee, commission, board, council or office. The Town Administrator shall have the following powers and duties:

a) Management of the office of the Select Board and other agencies under the control of the Select Board, and establishment of effective working relationships among all town boards, departments, commissions and committees.

b) Direct supervision of the employees of the Select Board's office and general supervision of department heads under the control of the Select Board. Department heads and other employees shall report to the Select Board through the Town Administrator.

c) General and Appointing Authority of Town employees.
The Town Administrator shall appoint, based upon merit and fitness alone, and may remove, subject to the provisions of the General Laws and town by-laws where applicable, employees who work for town departments, committees, boards councils and commissions except for employees who work for the Town's elected officials, elected committees, elected boards, elected councils or elected commissions, or are appointed by the Fire Chief pursuant to General Laws, chapter 48 section 42 and persons appointed by the Commonwealth, or work pursuant to appointments for which another method of appointment or removal is provided by the General Laws or this bylaw. The Town Administrator shall consider the recommendations of committees, boards, councils, commissions and department heads when making any appointments of employees within their respective areas of responsibility. Appointments to positions made by the Town Administrator pursuant to the appointing authority granted in this section shall become effective immediately. The Town Administrator shall be responsible for the initial screening of all applicants and may make recommendations to the Select Board for finalists for the positions of Fire Chief, Chief of

Police and Director of Department of Public Works, each of who shall be appointed by the Select Board.

d) General and Appointing Authority of appointed Boards:
The Town Administrator will forward to the Select Board all applicants for appointment to town committees, boards, councils or commissions including recommendations of the respective boards, committees, councils and commissions under the Select Board.

e) The Town Administrator shall appoint a qualified human resources professional to perform all of the following functions:

1. Administer a personnel system including, but not limited to, a classification and compensation plan in cooperation with the Personnel Board; job descriptions, an annual performance appraisal process; and the review and maintenance of all personnel records, contracts, and collective bargaining agreements.
2. Administer and enforce any personnel rules and regulations contained within the Personnel Administration Plan, and By-laws adopted by the Town
3. Consult with the Personnel Board, as necessary, regarding the interpretation and administration of the Personnel Administration Plan
4. Work within the Personnel Administration Plan regarding responding to any allegations of improper conduct of any officer or employee of any department under his/her jurisdiction.
5. Review all hiring, terminations, and other personnel actions of any department, committee, board, council or commission to ensure compliance with local, state and federal laws and provide advice to the appointing authority. The Town Administrator shall establish application and hiring procedures to ensure that proper process is followed and that the most qualified applicants are considered for hiring.

f) The Town Administrator shall be responsible for the maintenance and repair of all Town buildings, facilities and property including property under the control of the Select Board, except school property and the property under the control of the Board of Library Trustees, Elder Housing Committee, Conservation Commission, Town Forest Committee, Recreation Commission and Cemetery Commission, unless placed under the Town Administrator's control by General Laws or by vote of the Town Meeting. The Town Administrator will be an ex-officio, non-voting participant of the Elder Housing Committee, Conservation Commission, Recreation Commission and Cemetery Commission for the purposes of coordinating efficient and effective care of the town assets under their control. The Town Administrator may attend and participate at meetings of such committees or commissions at his or her discretion.

g) The Town Administrator will act as the chief procurement officer, both under the provisions of Chapter 30B of the General Laws, if applicable, and otherwise, being responsible for the purchasing of all contracted services, supplies, materials, and equipment for the town including the bidding and awarding of all contracts under the provisions of Chapter 30B and all other contracts over $10,000 in value, except for those powers and duties that he or she delegates as chief procurement officer to the school department or

otherwise as provided in chapter 30B, §19, or under this by-law provision. The Town Administrator shall give prior approval and execute all such contracts on behalf of the Town, except school department contracts and as otherwise provided by law.

h) The Town Administrator, shall appoint an Information Technology Manager for all Town departments, except the Schools and Library, with responsibility and authority to ensure information technology connectivity between Town departments, promote information technology efficiency, and improve overall workflow;

i) Other duties as the Select Board shall determine.

6.3. Removal and Suspension of the Town Administrator: The Select Board may terminate, remove, or suspend the Town Administrator from office pursuant to procedures set forth in the written employment agreement between the Town and the Town Administrator.

6.4 Severability: Should any section or provision of this by-law be determined by a court to be unconstitutional or invalid, such decision shall not affect the validity of the by-law as a whole or any other section or provision hereof other than the section or provision so determined to be unconstitutional or invalid.

Section 7. Thirty days after a member of any non-salaried appointed board, committee, commission or other Town agency shall no longer reside in the Town of Sherborn, the member's appointment shall be vacated unless said member requests in writing, with a copy to the Town Clerk, to the appointing authority that his or her appointment continue to a day certain. *(Added April 28, 1986)*

Section 8. The Board of Selectman may establish a recycling program for the purpose of recycling any type of solid waste, included but not limited to paper, glass, metals and plastics, in accordance with such rules and regulation as the Select Board may make from time to time. Such rules and regulations may also specify the manner in which designated recyclable material or materials shall be received or collected, may specify the point at which the ownership of such designated recyclables shall vest in the Town, may prohibit removal, without authorization by the Select Board, of such designated recyclables from any place in the Town after the ownership of such recyclables has vested in the Town, and may establish fines for violations of such rules and regulations not to exceed $200 per violation. *(Added 1992)*

Section 9. Except where otherwise provided by statute, each committee, board or commission shall annually elect one of its members as Chair to preside at meetings thereof, and another as Vice Chair to act in the absence of the Chair, and such other officers as such committee, board, or commission shall determine. In the event a committee, board or commission is newly organized, the Appointing Authority may provisionally designate a temporary Chair for purposes of organizing such committee, board or commission; but in any event, such election of officers shall occur within thirty days of the appointment of the committee, board, or commission. *(Added 1995)*

Section 10. Except where otherwise provided by statute, no department, board, officer, or committee shall accept a non-monetary gift or grant with a value of more than $50 from any source

without first obtaining the approval of the Select Board. Whenever such a gift or grant has been offered, notice shall be given to the Town Administrator. *(Added 2001)*

Section 11. Town officers not elected by ballot shall be appointed in the manner provided by statue, by-law, or vote of the town meeting, or, in the absence of any such provision, by the Select Board. *(Added 1999)*

Notwithstanding any By-Law to the contrary, of the three positions on the Board of Assessors, the Select Board shall appoint one qualified Sherborn resident through a prescribed advertised process. In order to be deemed qualified, any resident candidate must either 1) be a Massachusetts Accredited Assessor, 2) be a Residential Massachusetts Assessor, 3) have been awarded a Certified Massachusetts Assessor certificate by the MAAO, or 4) be able to demonstrate a strong background in finance, law, real estate, appraisal, and/or municipal government. If a qualified resident candidate is not available, then the Select Board is authorized to appoint a qualified non-resident. If at the time of any vacancy, including expiration of a member's term, all remaining members of the Board of Assessors are non-residents, the attempt to hire a Sherborn resident shall be repeated. *(Added 2023)*

Section 12. All employees of the Town and such elected or appointed officers of the Town as the Select Board may, from time to time, designate, shall be eligible to receive worker compensation benefits from the Town pursuant to Chapter 152, Section 69 of the General Laws; provided, however, that no member of the Select Board or of the Police or Fire Department shall be eligible, by reason of such membership, to receive such benefits. *(Amended 2010)*

Section 13. The Select Board is authorized to enter into personnel contracts on behalf of the Town for the exercise of the Town's corporate powers for all matters within the jurisdiction of the Select Board, on such terms and conditions as it deems in the best interests of the Town, but subject to any terms and conditions as may be imposed by Town Meeting. The Select Board shall not contract for any purpose or on any terms or conditions inconsistent with the provisions of any general or special law. *(Added 2014)*

Section 14: Finance Director/ Accountant *(Added 2015, amended 2022)*

Finance Director/ Accountant Appointment, Qualifications
The Select Board shall create a department of Finance Director / Accountant and appoint a Finance Director/Accountant to manage said department. The Select Board shall fix his/her compensation in a manner consistent with the Personnel Bylaw and related plan and within the amount annually appropriated for that purpose.

The Select Board shall appoint a Finance Director /Accountant solely on the basis of his/her executive and administrative qualifications. He/She shall be a professionally qualified person of proven ability, especially fitted by education, training and previous experience to perform the duties of the office. He/She shall not have served in an elective office in the Town's government for at least twelve months prior to appointment.

The Select Board shall commence the process of hiring a Finance Director/Accountant within fourteen days of the occurrence of a vacancy in the office of Finance Director/Accountant.

Interim Finance Director / Accountant

The Select Board**,** in the event of a vacancy in the office of Finance Director/Accountant for any reason, shall appoint within sixty days of the occurrence of that vacancy, a qualified person as an Interim Finance Director/Accountant for a term not to exceed ninety days to perform the duties of the Finance Director/Accountant on an interim basis. He/She shall not have served in an elective office in the Town's government for at least twelve months prior to his/her appointment.

The Interim Finance Director/Accountant shall have all of the powers and duties of the Finance Director/Accountant, unless otherwise provided by Town By-law.

If the vacancy is not filled by the end of that interim appointment, the Select Board may re-appoint the Interim Finance Director/Accountant for an additional sixty-day appointment.

Powers and Duties of Finance Director/Accountant

The Finance Director / Accountant, notwithstanding any provision of Chapter 3, section 6 of the Sherborn General Bylaws to the contrary and *except* as otherwise provided in this section, shall have the independent authority to perform all the duties required by law or the Town's Bylaws and shall:

a. Report directly to the Town Administrator who shall be responsible for annually evaluating his/her performance; and coordination of the day to day financial operations. The Finance Director / Accountant shall have direct access to the Select Board to consult on the financial operations of the Town;
b. Appoint, employ, supervise, evaluate, retain and may suspend or terminate the staff, whether employees or contractors, necessary for the operation of the Finance Director / Accountant Department;
c. Manage the cash flow of the town, and record reconciliation;
d. Conduct a strategic analysis and forecasting of: revenue, expenditures, (short, intermediate and long term) and employee benefits;
e. Meet periodically with the Treasurer (whether elected or appointed), Collector (whether elected or appointed), Director of Assessing and the Town Administrator as a group or separately;
f. In consultation with and considering the recommendations of the Treasurer, Collector, Director of Assessing and Town Administrator, create, maintain and oversee consistent and integrated financial procedures and computer systems throughout the Town’s financial function;
g. Coordinate financial information with the Sherborn and Dover/Sherborn Regional school departments, and the Treasurer, Collector, Director of Assessing, and the Town Administrator and provide reports, as needed or requested, to Town Departments and Committees;
h. Perform all the duties specifically required of a Town Accountant by the General Laws of the Commonwealth of Massachusetts;
i. Perform other duties, not assigned by law to the Town Treasurer or Town Collector or the Town Board of Assessors, as the Select Board shall determine including but not limited to the administration of Payroll/Benefit programs for Sherborn's municipal and school employees;
j. Report quarterly on each of the above enumerated duties to the Chairman of the Select Board, Chairman of the Advisory Committee, Treasurer, Collector, Director of Assessing and Town

Administrator; such reports shall be public record except as to portions which may be exempt from disclosure under law and available to the general public.

Removal or Suspension of the Finance Director / Accountant
The Select Board may terminate, remove or suspend the Finance Director/Accountant from office pursuant to procedures set forth in the written employment agreement between the Town and the Finance Director/Accountant; or in the absence of a written employment agreement, for cause and in accordance with the Town's Bylaws.

Severability
Should any section or provision of this by-law be determined by a court to be unconstitutional or invalid, such decision shall not affect the validity of the by-law as a whole or any other section or provision hereof other than the section or provision so determined to be unconstitutional or invalid.

## CHAPTER 4. ADVISORY COMMITTEE

Section 1. There shall be an Advisory Committee for the Town which shall perform the duties set forth in this chapter, and be governed by the provisions thereof. The Advisory Committee shall consist of nine (9) voters of the Town, other than Town officers, appointed or elected. The Moderator shall appoint three (3) members each year for a term of three (3) years, the appointments shall be made in the month of May or June after the Annual Town Meeting for the election of officers and the appointments shall become effective on the first day of August and run until a successor is appointed and qualified. No Advisory Committee member shall serve for more than two (2) successive terms; provided, however, that a member who has been appointed to complete the unexpired term of a former member may, upon completion of such unexpired term, thereafter serve no more than two (2) additional successive terms. Any member of said committee who shall be appointed by the Selectmen or elected to town office or a committee or board shall forthwith upon his qualification in such office cease to be a member of said Committee. Any member of said Committee who shall remove from the town shall, upon such removal, cease to be a member of said Committee. Members absent from one third of the regular meetings in any calendar year may be removed by a two-thirds vote of the other members, present and voting. Said Committee shall choose its own officers and serve without pay, excepting, however, that the secretary thereof may receive such compensation as the Town may by vote provide. Said Committee shall cause to be kept a true record of its proceedings. *(Amended 1979, 2008)*

Section 2. In the event of any vacancy in its membership, the Advisory Committee shall notify the Moderator in writing, and the Moderator shall thereupon fill such vacancy.

Section 3. The Advisory Committee shall consider all matters of business included within the articles of any Warrant for a Town Meeting.

Section 4. A public hearing shall be held by the Advisory Committee upon all articles in any Warrant for a Town Meeting, except for a meeting held solely for the election of officers and determination of such matters as by law are required or permitted to be upon the ballot. At least five (5) days before such hearing, notice shall be given by posting a copy thereof in one (1) or

more public places in the Town, and by distributing said notice to each household in which a voter eligible to vote at the Town Meeting resides. *(Amended 1980)*

Section 5. After the public hearing required by section 4 of this chapter, and after due consideration of the subject matter of each article in the Warrant, the Advisory Committee shall issue a written report to the Town, at least five (5) days before each special Town Meeting, and ten (10) days before the deliberative session of the annual Town Meeting. This report shall be distributed to each household in the Town in which a voter eligible to vote at the Town Meeting resides. This report shall include the committee's estimates or recommendations for the action of the Town on each article in the Warrant. The recommendations shall be those of a majority of the entire committee but nothing herein shall be construed to prevent recommendations by a minority as such. Where necessary, the substance of the motion to be offered by the committee on each article at the Town Meeting shall be printed in the report. The report shall state the total amount of the appropriations recommended by them on the entire Warrant and the approximate tax rate based on such recommendations or suggestions as it may deem advisable on any matters pertaining to the welfare of the Town. It may issue recommendations on referenda and other matters on any ballot other than the choices of individuals for offices. *(Amended 1974, 1980)*

Section 6. The Advisory Committee shall have authority at any time to investigate the books, accounts and management of any department of the Town, and to employ such experts and other assistance as it may deem advisable for that purpose and the books and accounts of all departments and officers of the Town shall be open to the inspection of the Committee and any person employed by it for that purpose. The Committee may appoint sub-committees and delegate to them such of its powers as it deems expedient.

Section 7. The various Town Boards, Officers and Committees charged with the expenditure of Town money shall, not later than the thirty-first of December of each year, prepare detailed estimates of the amounts deemed by them necessary for the administration of their respective offices or departments for the ensuing fiscal year, with explanatory statements of the reasons for any changes from the amounts appropriated for the same purposes in the preceding year. They shall also prepare estimates of all probable items of income which may be received by them during the ensuing year in connection with the administration of their departments or offices, and a statement of the amount of appropriation requested by them for the ensuing fiscal year. Such estimates and statements shall be filed with the Town Accountant who shall at once transmit same to the Advisory Committee. *(Amended 1980)*

Section 8. The Advisory Committee shall duly consider the estimates and statements filed by the Town Boards, Officers, and Committees, and may confer with said Boards, Officers and Committees. The Advisory Committee shall thereupon recommend such sums and in such division of items as it considers necessary and convenient.

## CHAPTER 5. REGISTRATION AND LICENSE REQUIREMENTS FOR DOGS *(Added 1980, amended 1982, 1990, 1997,1998, 2004, 2010, 2015, 2016, 2018)*

Section 1. A person who at the commencement of the license period, which shall begin January 1 of each year, is, or who during any license period becomes, the owner or keeper of a dog three months or over, which is not duly licensed, and the owner or keeper of a dog when it becomes

three months old during a licensing period, shall cause it to be registered, numbered, described, and licensed until the end of such license period, which shall be December 31 of each year, and the owner or keeper of a dog so registered, numbered, described, and licensed during any license period, in order to own or keep such dog after the beginning of the succeeding license period shall, before the beginning thereof, cause it to be registered, numbered, described, and licensed for such period. *(Amended 1990)*

Section 2. The annual fee for such licenses shall be set by the Town Clerk in accordance with Massachusetts General Laws Chapter 40 Section 22F. *(Amended 1990, 1998, 2004)*

Section 3. Any person who is the owner or keeper of a dog in the Town of Sherborn, and who fails to license said dog within the time required by Sections 137 and 137A of Chapter 140 of the Massachusetts General Laws shall be subject to additional penalties as permitted by Section 141 of Chapter 140 of the General Laws, payable to the Town and to be collected as provided by law. To avoid said penalties, dog owners and keepers shall renew each dog license annually by March 1st or the first business day of March each year.

Section 4. Dog Fund. All monies collected as fees, fines, charges, penalties and other like monies as set forth in this By-Law shall be deposited in a Dog Fund established under the provisions of General Laws Chapter 44, section 53E. *(Added 1998)*

Section 5. No person shall maintain a kennel without obtaining a license, subject to annual renewal, in accordance with G.L. c. 140, § 137A. The Town Clerk shall not issue a kennel license until a kennel has passed inspection by the animal control officer. The fee for such license shall be set by the Town Clerk in accordance with M.G.L. Chapter 40, Section 22F.

An owner or keeper of five or more dogs, three months or older, must secure a Personal Kennel License from the Town Clerk or other type of kennel license as may be applicable under this Section and state law. An owner or keeper of four or fewer dogs, three months or older, may elect to secure a Personal Kennel License from the Town Clerk rather than licensing each dog under this Chapter.

## CHAPTER 5A. REGULATIONS FOR CONTROL OF DOGS *(Added 2018)*

Section 1. No dog shall be allowed in any public place or street within the town unless it is effectively restrained or unless it is confined within a motor vehicle. A dog is under restraint for purposes of this By-Law if it is accompanied by its owner or other person responsible for the dog, who is in full control, and such dog is securely restrained with a collar and leash or such dog is under immediate and effective voice control. For purposes of this By-Law, the dog must be within the keeper's sight and the keeper must be carrying a leash, whether the dog is securely restrained or under effective voice control.

Section 2. No person shall permit any dog to enter or remain upon the private property of another without the permission of the owner or person in control thereof, and no person shall permit any dog to enter or remain upon any public property of the Town, when prohibited by the board or officer in control thereof.

Section 3. In addition to the remedies set forth herein and in Massachusetts General Laws Chapter 140, Sections 136A to 174E, inclusive, or any other applicable provision of law, this By-Law may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to Massachusetts General Laws Chapter 40, Section 21D and the Town's Non-Criminal Disposition By-Law. If non-criminal disposition is elected, then any person who violates any provision of this By-Law shall be subject to the following penalties:

(1) First violation: written warning.
(2) Second violation: $50.
(3) Third violation: $100.
(4) Fourth and each subsequent violation: $250.

Subsequent offenses shall be determined as offenses occurring within one year of the date of the first noticed offense.

The Animal Control Officer or any Police Officer of the Town shall be empowered to enforce provisions of this By-Law.

Section 4. Unrestrained or unlicensed dogs may be sought out, caught and confined by the Animal Control Officer or any Police Officer of the Town, and impounded pursuant to Massachusetts General Laws Chapter 140, Sections 151A and 167. The owner or keeper of any dog impounded under the provisions of this By-Law may claim such dog, provided he or she first procures from the Town Clerk a license and tag for any such dog that is not licensed and reimburses the Town for the care of the dog during the period of impoundment.

Section 5. Notwithstanding the provisions of this By-Law, the Board of Selectmen may designate certain areas and/or times in which dogs will be permitted to run at large, subject to such rules and regulations as may be determined by the Board of Selectmen.

Section 6: Owners of dogs shall be legally responsible for any and all injury or destruction of property caused by their dog(s) at all times.

Section 7. Nothing in this chapter is intended to limit or restrict the authority of the Board of Selectmen and/or Animal Control Officer from exercising any authority conferred upon them by the Massachusetts General Laws, including but not limited to Massachusetts General Laws, Chapter 140, Section 157 relative to nuisance and dangerous dogs."

## CHAPTER 6. CAPITAL BUDGET COMMITTEE *(Added 1966)*

Section 1. There shall be a Capital Budget Committee composed of one member of the Town Advisory Committee, appointed by and from it, and two members to be appointed by the Town Moderator. They shall be appointed for staggered three-year terms. *(Amended 1986)*

Any vacancies occurring shall be filled in the manner of the original appointment and the term shall be for the remainder of the original appointee's term.

Section 2. The Committee shall consider all matters relating to proposed expenditures of money for capital improvements and may make recommendations to the Town and all Town Boards, Officers and Committees with reference to such expenditures, and may hold hearings if the committee so desires.

Section 3. The various Town Boards, Officers and Committees charged with the expenditure of Town money, shall before December 1st of each year, prepare and file with the Committee detailed estimates of the amounts deemed by them advisable for the Town to expend for capital projects annually for a period of six years, together with explanatory statements providing such additional information about each proposed capital project as reasonably may be requested by the Committee. *(Amended 1973, 2023)*

Section 4. The Committee shall make a report annually of the matters so considered by it, with recommendations or suggestions relative thereto. Said report shall appear in the report of the Advisory Committee to the annual Town Meeting and in the Annual Town Report. *(Amended 1987)*

Section 5. For the purpose of this By-Law, a capital improvement or project shall be a physical betterment or item of equipment having a useful life, of at least five years, and a cost of twenty-five thousand dollars ($25,000.00) or more. *(Amended 1987, 2023)*

## CHAPTER 7. TOWN TRAFFIC SAFETY COMMITTEE *(Added 1965)*

Section 1. The Committee shall be known as the "Town Traffic Safety Committee."

Section 2. The members of the Committee shall be seven (7) in number, consisting of five (5) voting members and the Police Chief and the Superintendent of Streets, who shall be non-voting advisors. *(Amended 1991)*

Section 3. The members, other than the Police Chief and the Superintendent of Streets, shall be appointed by the Select Board at the Annual Town Meeting: two members for one year, two members for two years, and one member for three years, with three (3) year terms for future members thereafter, who shall be appointed by the Select Board. *(Amended 1991, 1992)*

Section 4. The purpose of the Committee shall be to develop and recommend a continuous program of traffic safety and control.

Section 5. The Committee shall make a report annually of the matters considered by it, with recommendations or suggestions relative thereto. Said report shall appear in the Annual Town Report.

## CHAPTER 7A. COUNCIL ON AGING *(Added 1972)*

Established in accordance with the provisions of Chapter 40, Section 8B of the General Laws.

Section 1. The Select Board shall appoint a Council on Aging for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in cooperation with programs of the Commission on Aging established under Chapter 6, Section 73 of the General Laws.

Section 2. The Council on Aging shall consist of not less than seven nor more than nine members who shall be appointed by the Select Board for a term of three years as provided in Section 3 of Chapter 3. Upon adoption of this by-law amendment, the terms of the current members of the Council on Aging shall be extended to the fifteenth day of June of the year in which they were due to expire. *(Amended 1979, 1989)*

Section 3. Whenever a vacancy shall occur in the membership of the Council, by reason of death, resignation inability to act or for any other reason, the vacancy shall be filled by the Select Board for the remainder of the term. *(Amended 1992)*

Section 4. The Council on Aging, at its first meeting after the appointment of new members each year, shall elect from its membership a Chairman, a Vice-Chairman, a Secretary and a Treasurer. Each officer shall hold office until the next annual election. In the event a vacancy occurs in any of the offices above, the Council shall elect one of its members to fill such vacancy. *(Amended 1983)*

Section 5. The Council shall prepare and submit to the Town, an Annual Report of its activities and shall send a copy thereof to the Commission on Aging.

Section 6. The Council may appoint such clerks and other employees as it may require.

## CHAPTER 8. HUNTING BY-LAW *(Amended 2012, 2019)*

Section 1. No person shall fire or discharge any firearms or explosives of any kind nor shall use bow and arrow where the arrow is equipped with a metal or other dangerous tip within the limits of any highway, park, or public property, or on any private property, except with the written consent of the owner or legal occupant thereof, which consent shall be dated not more than one year prior; provided, however, that this By-law shall not apply to the lawful defense of life or property, nor to any discharge of firearms in accordance with law.

Section 2. Any person violating any of the provisions of this By-Law shall be fined not more than fifty dollars ($50.00) for each offense.

## CHAPTER 9. UNREGISTERED CARS

Section 1. No person shall leave any partially dismantled, non-operating, wrecked, junked, or unregistered motor vehicle on any publicly maintained way within the Town.

Section 2. No person in charge or control of any property within the Town, whether as owner, tenant, occupant, lessee, or otherwise shall allow more than one unregistered motor vehicle to remain on such property except as provided in Section 3 and 5 of this By-Law.

Section 3. The Select Board may issue a permit to keep, store or allow more than one such motor vehicle to remain on such property after said Board has held a public hearing thereon, first causing

at least 14 day notice of the time, place and subject matter of such hearing to be given at the expense of the Applicant by (1) publication in a newspaper of general circulation in the Town and (2) registered mail to each of the persons appearing upon the Assessors' most recent valuation list as the owners of property abutting the property in question. Said Board shall not issue such a permit unless it finds that the presence of more than one such motor vehicle on such property (1) will not nullify or substantially derogate from the intent or purpose of this By-Law and (2) will not constitute a hazard to the safety and welfare of the inhabitants of the Town and (3) will not adversely affect the neighborhood in which such property is situated.

Section 4. Each permit shall (1) specify the maximum number of such motor vehicles that may be kept, stored or allowed to remain on such property and (2) be limited to a reasonable period of time not exceeding two years and (3) to be a personal privilege of the applicant and not a grant attached to and running with the land.

Section 5. This By-Law shall not apply with regard to a motor vehicle in an enclosed building; a motor vehicle on the property of a holder of a class license under Section 58 of Chapter 140 of the Massachusetts General Laws, a motor vehicle on the property of a farming or business enterprise operated in a lawful manner when necessary to the operation of such enterprises; or a motor vehicle in an appropriate storage place or depositary maintained in a lawful place and manner by the Town.

Section 6. Any person who continues to violate the provisions of the By-Law after thirty (30) days following receipt by him of written notice of such violation from the Selectmen, shall be liable for a penalty not exceeding fifty dollars ($50.00) for each offense. Each day that any violation is allowed to continue after said thirty (30) day period shall constitute a separate offense.

## CHAPTER 10. PUBLIC WAYS *(Amended 1994, 2021)*

Section 1. No person shall lay, throw or place, or cause to be laid, thrown or placed any ice or snow on the portion of any street or any sidewalk in the Town which has been cleared or plowed for travel and no person shall discharge water onto town streets so as to cause erosion of roadways and icing conditions of streets. *(Amended 1984)*

Section 2. No person shall, without the written permission of the Superintendent of Streets, deposit within any public way of the Town, or by the side thereof, any ashes, cinders, papers, tin cans, offal, rubbish, trash, litter or any waste matter whatsoever.

Section 3. Any person violating any of the provisions of this chapter shall be punished by a fine of not more than three hundred dollars ($300.00) for each offense. *(Amended 1988)*

Section 4. The record owner of land on which a building is located shall display the street number or numbers of such building in a manner readily visible from the street and in compliance with the Regulations for Street Numbers issued by the Select Board. The street number or numbers so displayed or required to be displayed for said building shall be taken from the existing street numbering system shown on the annual Town of Sherborn Street List, provided that if the Select Board shall determine that due to irregularities in the numerical order of the street numbering

system affecting said building and other buildings located on the same street, the Select Board shall assign to each building the correct number required to eliminate such irregularities.

If the Select Board shall determine that the street number of any building in the Town shall be changed in order to correct the irregularities in the street numbering system as set forth in the preceding paragraph, the record owner of the land on which said building is located shall be allowed a period of ninety (90) days after receipt of written notice from the Select Board of the new street number to display such number. Failure to display such new number in the manner specified in this Section after said ninety (90) day period, shall constitute a violation of this Section and shall be subject to a fine of not more than one hundred dollars. Each day that any violation is allowed to continue after said ninety day period shall constitute a separate offense. *(Replaced previous Section 5 1986)*

Section 5. The use of Engine Brake, Compression Brake, Jake Brake, Jack Brake, so called, shall be prohibited on all streets in the Town of Sherborn. Engine ("Jake") braking is allowed in emergency situations and to avoid injury, or an accident, and the truck driver may use that claim as an affirmative defense if ticketed for violating the Town bylaw.

Any person violating this Section will be fined $300.00 for each offense. *(Added 2021)*

## CHAPTER 11. DANGEROUS EXCAVATIONS

Section 1. No owner of any land in the Town shall excavate his land or cause such land to be excavated, or permit an existing excavation to remain, if such excavation will constitute a hazard to the public safety. Within five (5) days after such owner has been notified in writing by the Select Board that in their opinion such excavation constitutes a hazard to the public safety, the owner shall erect barriers or take other suitable measures to protect the public from the excavation.

Section 2. The provisions of Chapter 82A of the General Laws and 520 CMR 14.00, regarding Excavation and Trench Safety, shall be expressly incorporated into this By-law. *(Amended 2008)*

Section 3. Permitting Authority. The Director of Department of Public Works or his or her designee, appropriately trained, shall administer the provisions of this Chapter in accordance with Chapter 82A, Section 2 of the General Laws and 520 CMR 14.00. *(Added 2008)*

Section 4. The fee for permits issued in accordance with this Chapter shall be set by the Director of Department of Public Works, in accordance with Chapter 82A, Section 2 of the General Laws. *(Added 2008)*

Section 5. Any person violating this Chapter shall be fined two hundred dollars ($200.00) for each offense. *(Added 2008)*

## CHAPTER 12. DISORDERLY BEHAVIOR *(amended 2010)*

Section 1. No person shall willfully remove, mar, destroy or damage any public tree, shrub, flowerbed, grassy border, structure, sign or device.

Section 2. No person shall enter upon the premises of another for the purpose of committing any wanton or malicious act, nor for the purpose or with the intention of invading the privacy of another by peeping into the window of a house or spying upon any person residing therein.

Section 2A. No person shall drink or possess an unsealed container of any alcoholic beverage as defined in Chapter 138, Section 1 of the Massachusetts General Laws (a) while in or upon any street to which the public has a right of access, whether in or upon a vehicle or on foot without permission of the Select Board or (b) while on or upon any public place or public building without permission of the Select Board or (c) while in or upon private parking lots and private ways to which the public has access unless prior consent has been obtained from the owner or authorized person in control thereof. All alcoholic beverages in possession of a person or persons shall be seized and safely held until final adjudication of the charge against the person or persons arrested or summoned before the court, at which time they shall be returned to the person or persons entitled to lawful possession.

It shall be the duty of any police officer of the Town to arrest any person or persons who violate the provisions stated above and to cause such person or persons to be brought before a Justice of the District Court of Middlesex at Natick upon a complaint made for violation of this section. *(Added 1975, amended 1979)*

Section 2B. No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol as defined by General Laws chapter 94C, section 1, within the limits of any park, playground, cemetery, school building, school grounds, parking lot, public building or public land owned or under the control of the Town of Sherborn, or on any public way or way to which the public has a right of access as invitees or licensees, including any person in a motor vehicle while it is on or upon any public way or any way to which the public has a right of access as aforesaid, within the Town of Sherborn.

All marijuana or tetrahydrocannabinol being used in violation of this section may be seized and held until final adjudication of the charge against any such person or persons has been made by the court. *(Added 2010)*

Section 3. Any person violating any of the provisions of this Chapter other than Sections 2A or 2B shall be punished by a fine of not more than fifty dollars ($50.00) for each offence. Violations of Sections 2A or 2B of this Chapter shall be punished by a fine of not more than three hundred dollars ($300.00) for each offence. *(Amended 2010)*

## CHAPTER 13. POLICE REGULATIONS

Section 1. The driver of any vehicle involved in an accident resulting in the destruction or damage to public property to an apparent total extent of twenty-five dollars ($25.00) or more, shall within twenty-four (24) hours make a full and complete report in writing of such accident to the Police headquarters in the Town. A driver who has been incapacitated as a result of such accident, and to such extent as to make reporting impossible or unfavorable to his recovery, shall not be required to report such accident until he has recovered sufficiently to be able to do so. The report shall be made on a form furnished by the Police Department, copies of which shall be available at the Police Department. Compliance with this section, however, shall not relieve such driver from

the additional responsibility of reporting to the Registrar of Motor Vehicles any accident required to be reported to the Registrar.

## CHAPTER 14. REPEAL OF BY-LAWS

Section 1. These By-Laws and the repeal of all By-Laws heretofore in force, shall not affect any act done, any right accrued, any penalty or liability incurred, or any suit, prosecution or proceeding pending at the time they take effect.

Section 2. All By-Laws heretofore in force shall be repealed at the time these By-Laws shall become effective, after approval by the Attorney General as required by Statute.

## CHAPTER 15. RECREATION COMMISSION *(Added 1972)*

Section 1. There shall be a Recreation Commission consisting of three members to be elected by ballot, one for a term of one year, one for a term of two years and one for a term of three years, at the annual meeting next following the adoption of this By-Law and at each annual meeting thereafter one member for a term of three years.

Section 2. The Recreation Commission shall have the powers and duties conferred by General Laws, Chapter 45, Section 14.

## CHAPTER 16. VIOLATIONS *(Added 1978; amended 1989, 1992, 2012, 2014)*

Section 1. Whoever violates any By-Law of the Town shall pay for each offense a fine not exceeding two hundred dollars unless some other penalty is expressly provided by law or by some By-Law of the Town.

Section 2. Any by-law of the Town of Sherborn or any rule or regulation of any town officer, board or department, the violation of which is subject to a specific penalty, may, in the discretion of the town official who is the appropriate enforcing person, be enforced in the method provided in Section 21D of Chapter 40 of the General Laws. Enforcing person as used in the by-law shall mean any police officer with respect to any offense; the Building Inspector, Animal Control Officer, Constable, Zoning Enforcement Officer, Department of Public Works Director, Conservation Commission Members or Agent, and any such other official as the Select Board may from time to time designate, each with respect to violation of by-laws and rules and regulations within their respective jurisdictions. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.

Without intending to limit the generality of the foregoing, it is the intention of this by-law that the following by-laws are to be included within the scope of this by-law, and that the specific penalties and enforcing persons as listed here shall apply in such cases:

| | |
|---|---|
| Chapter 5, Section 3 | (Unlicensed Dogs) |
| Penalty: | $50.00 per violation |
| Enforcing Persons: | Police Officers, Animal Control Officer |

| | |
|---|---|
| Chapter 5A, Section 3 | (Control of Dogs) |
| Penalty: | During any twelve month period: first violation, written warning; second violation, $50; third violation, $100; fourth and each subsequent violation, $250. |
| Enforcing Persons: | Police Officers, Animal Control Officer |
| Chapter 8, Section 2 | (Hunting prohibition) |
| Penalty: | $50.00 per violation |
| Enforcing Persons: | Police Officer, Constable |
| Chapter 9, Section 6 | (Unregistered cars) |
| Penalty: | $50.00 per violation |
| Enforcing Persons: | Police Officer, Zoning Enforcement Officer |
| Chapter 10, Section 4 | (Obstruction of public ways) |
| Penalty: | $100.00 per violation |
| Enforcing Persons: | Police Officer, Department of Public Works Director |
| Chapter 10, Section 5 | Engine, Compression, Jake/Jack, Brake Use |
| Penalty: | $300.00 per violation |
| Enforcing Persons: | Police Officers |
| Chapter 11, Section 2 | (Dangerous excavations) |
| Penalty: | $200.00 per violation |
| Enforcing Persons: | Police Officer, Department of Public Works Director |
| Chapter 12, Section 3 | (Disorderly behavior) |
| Penalty: | $50.00 |
| Enforcing Persons: | Police Officer |
| Chapter 16, Section 1 | (Violations) |
| Penalty: | $200.00 per violation |
| Chapter 17, Section 9 | (Wetlands) |
| Penalty: | $200.00 per violation |
| Enforcing Persons: | Police Officers, Conservation Commission members or agent |
| Chapter 21, Section 12 | (Groundwater Protection) |
| Penalty: | $200.00 per violation |
| Enforcing Persons: | Police Officers, Board of Health agents, Building Inspector, Conservation Commission designated agents, Fire Chief or Fire Chief's designees |
| Chapter 23, Section 3 | (Littering) |
| Penalty: | $300.00 per violation |
| Enforcing Persons: | Police Officers |

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|---|---|
| Chapter 24, Section 1 | (Farm Pond Violations) |
| Penalty: | $200.00 per violation |
| Enforcing Persons: | Police Officers, Farm Pond Rangers |
| | |
| Chapter 27 | (Registration of Solicitors) |
| Penalty: | $50.00 per violation |
| Enforcing Persons: | Police Officers |
| | |
| Sherborn Zoning By-Laws | 1st offense: warning; 2nd and subsequent offenses: |
| Penalty: | $100.00 per violation |
| Enforcing Persons: | Police Officer, Zoning Enforcement Officer |

## CHAPTER 17. GENERAL WETLANDS BY-LAW *(Added 1981, amended 2013)*

### Section 1: Application

The purpose of this By-Law is to protect the wetlands of the Town of Sherborn by controlling activities deemed to have a significant effect upon wetland values, including, but not limited to, the following: public or private water supply, ground water, flood control, erosion control, storm damage, water pollution, and wildlife habitat (collectively, the "interests protected by this By-Law").

No person shall remove, fill, dredge, alter or build upon or within one hundred feet of, any bank, fresh water wetland, beach, marsh, meadow, bog, swamp, or on or within one hundred feet of lands bordering on any estuary, creek, river, stream, pond or lake, or any land under said waters or on or within one hundred feet of any land subject to storm flowage, flooding or inundation, or within one hundred feet of the 100-year storm line, or within the riverfront area other than in the course of maintaining, repairing or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, telephone, telegraph and other telecommunication services, without filing written application for an order of conditions to remove, fill, dredge, alter or build upon, and receiving and complying with a permit issued pursuant to this By-Law. The application shall be accompanied by plans and analyses required by the Sherborn Conservation Commission.

The provisions of this section shall not apply to mosquito control work done under the provisions of G.L. c. 40, §5(36), G.L. c. 252 or any special act; maintenance of drainage and flooding systems of cranberry bogs; to work performed for normal maintenance or improvement of land in agricultural or aquacultural use; or to any project authorized by special act prior to January 1, 1973 and to qualifying forest management practices.

Such application may be identical in form to a notice of intent filed pursuant to Chapter 131, Section 40 of the General Laws, shall be filed by delivery in hand with receipt from the Commission or sent by certified mail to the Sherborn Conservation Commission ("the Commission"), shall be accompanied by a filing fee in an amount established by regulation payable to the Town of Sherborn and must be filed concurrently or after applications for all other permits, variances and approvals required by the Zoning By-Law, the Subdivision Control Law or any other by-law or regulation.

Any person desiring to know whether or not a proposed activity or an area is subject to this By-law may in writing request a determination from the Commission. Such a Request for Determination of Applicability (RDA) or Abbreviated Notice of Resource Area Delineation (ANRAD) filed under the Act shall include information and plans as are deemed necessary by the Commission.

Upon written request of any person, the Commission shall, within twenty-one days, make a written Determination (Determination of Applicability) as to whether this By-Law is applicable to any land or work thereon. When the person requesting a Determination is other than the owner, notice of the Determination shall be sent to the owner as well as to the requesting person.

The applicant shall give written notice of the filing of Notice of Intent and Abbreviated Notice of Resource Area Delineation at the time of such filing, by certified mail and return receipt requested, or hand delivery written acknowledgement of receipt, to all abutters within one hundred feet of the property line of the land where the activity is proposed at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and in another municipality or across body of water and to such other persons as the Commission may, by regulation, determine. The notice shall state a brief description of the project and the date of the Commission hearing or meeting date if known.

**Section 2. Hearing**

The Commission shall hold a public hearing on the application within twenty-one days of its receipt. Notice of the time and place of the hearing shall be given by the Commission at the expense of the applicant, not less than five days prior to the hearing, by publication in a newspaper of general circulation in Sherborn and by mailing a notice to the applicant, the Board of Health, the Select Board, the Planning Board, all abutters, and to such other persons as the Commission may, by regulation, determine.

Section 2.1 Order of Conditions

If, after the public hearing, the Commission determines that the area and/or activity that is the subject of the application is significant to the interests protected by this By-Law, the Commission shall, within twenty-one days of such hearing, issue or deny an order of conditions for the work requested. If it issues an order of conditions after making such determination, the Commission shall impose such conditions as it determines are necessary for protection of those interests and all work shall be done in accordance with those conditions. The conditions may include a condition that certain land or portions thereof not be built upon or altered, filled or dredged, that streams not be diverted, dammed or otherwise disturbed. The applicant may file a new application on any project, provided that the new application is accompanied by plans and analyses which reflect significant differences from the original filing.

If the Commission determines that the area that is the subject of the application is not significant to the interests protected by the By-Law, or that the proposed activity does not require the imposition of conditions, it shall issue a Determination of Applicability without conditions within twenty-one days. .

**Section 3. Emergency Projects**

This By-Law shall not apply to any emergency project as defined in Chapter 131, Section 40 of the General Laws.

**Section 4. Pre-acquisition Violation**

Any person who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of the provisions of this By-Law or in violation of any order of conditions issued pursuant to this By-Law shall forthwith comply with any such order or restore such land to its condition prior to any such violation; provided, however, that no action civil or criminal, shall be brought against such person unless commenced within three years following the recording of the deed or the date of death by which such real estate was acquired by such person.

**Section 5. Regulations**

After due notice and public hearing, the Commission may promulgate rules and regulations to effectuate the purposes of the By-Law. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this By-Law.

**Section 6. Burden of Proof**

The applicant shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not have significant effects upon the values protected by this By-Law. Failure to provide adequate evidence to the Commission supporting a determination that the proposed work will not have significant effects upon the values protected by this By-Law shall be sufficient cause for the Commission to deny an order of conditions or grant an order of conditions with conditions or, in the Commission's discretion, to continue the hearing to another date to enable the applicant or others to present additional evidence.

**Section 7. Definitions**

The following definitions shall apply in the interpretation and implementation of this By-Law.

Section 7.1 The term "person" shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town by-laws, administrative agencies, public or quasi-public corporations or bodies, the Town of Sherborn, and any other legal entity, its legal representatives, agents or assigns.

Section 7.2 The term "applicant" shall mean any person requesting an order of conditions, abbreviated notice of area delineation, or determination of applicability under this By-Law.

Section 7.3 The term "alter" shall include, but without limitation, the following actions when undertaken in areas subject to this By-Law.

a) Removal, excavation or dredging of soil, sand, gravel or aggregate material of any kind;
b) Changing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, and flood retention characteristics;
c) Drainage or other disturbance of water level or water table;
d) Dumping, discharging or filling with any material which may degrade water quality;
e) Driving of piles, erection of buildings or structures of any kind;
f) Placing of obstructions whether or not they interfere with the flow of water;
g) Changing of water temperature, biochemical oxygen demand or other physical or chemical characteristics of the water.

Section 7.4 The term “banks” shall mean that part of land adjoining any body of water which confines the water.

Section 7.5 The terms "freshwater wetlands", "swamps", "wet meadows", "bogs", and "marshes" shall have the meanings set forth in Chapter 131, Section 40 of the General Laws, as the same may be amended time to time.

Section 7.6 Plans and Analyses

The term “plans and analyses” shall mean such material, studies, and information as the Commission determines are necessary to describe the proposed activity and its effects on the interests protected by this By-Law. Plans and analyses may include without limitation:

a) Engineering drawings signed by a registered engineer or land surveyor;
b) Geological survey maps of the area in question;
c) Information regarding soil characteristics in the area;
d) Information regarding flood characteristics and maximum water table levels in the area;
e) Erosion and sedimentation prevention plans for the proposed activity.

Section 7.7 Forest Management Practices

The term “qualifying forest management practices” shall mean those forest management practices, including the harvesting of forest products, carried out in accordance with the Forest Cutting Practices Act (Mass. General Laws, Chapter 132, Section 40-46) and the Slash Law (Mass. General Laws, Chapter 48, Section 16).

If a cutting plan under Chapter 132 is required, a copy of said plan, approved by the State Forester, shall be forwarded to the Sherborn Conservation Commission prior to the commencement of work.

In the event that such qualifying forest management practices are carried out not in accordance with the above Acts and the relevant plan, and in a manner determined by the Conservation Commission to cause harm to wetlands, the Commission may take appropriate enforcement measures.

Section 7.8 The Commission may adopt additional definitions not inconsistent with this Section 7 in its regulations promulgated pursuant to Section 5 of this By-Law.

**Section 8. Security**

The Commission may require, as a permit condition, that the performance and observance of other conditions be secured by one or both of the following methods:

a) By bond or deposit of money in an amount determined by the Commission to be sufficient and payable to the Town of Sherborn upon default;
b) By a conservation restriction, easement or other covenant running with the land, executed and properly recorded (or registered, in the case of registered land).

**Section 9. Enforcement**

Any person who violates any provision of this By-Law or any condition of an order of conditions issued pursuant to it shall be punished by a fine of not more than $200.00. Each day or portion thereof during which a violation continues shall constitute a separate offense; if more than one, each condition violated shall constitute a separate offense. Alternatively, this By-Law may be enforced pursuant to Mass. General Laws, Chapter 40, Section 21D under Chapter 16, Section 2 of the Town of Sherborn General By-laws. Upon request by the Commission, the Select Board and the Town Counsel shall take such legal action as may be necessary to enforce this By-Law and orders of conditions issued pursuant to it.

## CHAPTER 18. HISTORIC DISTRICT COMMISSION *(Added 1983)*

**Section 1. Membership**

A. The HISTORIC DISTRICT COMMISSION shall consist of seven members, all of whom (1) when possible should be residents of the Town and (2) should have demonstrated interest and ability to understand, appreciate, and promote the purpose of the By-Law.

   The Commission shall be appointed by the Select Board.

B. The seven members shall be comprised of the following:

   1. One from two nominees submitted by the Sherborn Historical Commission.
   2. One from two nominees submitted by the chapter of the American Institute of Architects covering the area.
   3. Three residents or property owners of a property within a Sherborn Historic District.
   4. Two Sherborn residents including preferably a registered landscape architect, building trades contractor, a Realtor, or an attorney.

C. It shall be the duty of the Select Board to request nominees from the organizations listed above. If, after thirty days, a nomination requested has not been made then the appointment shall be made without the nomination.

**Section 2. Term**

Historic District Commission members shall be appointed for three years. However, the initial appointment shall be staggered so that three members shall be appointed for three years, two members for two years, and two members for one year. Members shall serve no more than two successive terms. In the event of a vacancy, interim appointments may be made by the appointing authority to complete the unexpired term.

**Section 3. Officers/Quorum**

The Historic District Commission shall annually elect a Chairperson, Vice-Chairperson, and Secretary from its own membership.
Four members of the Commission shall constitute a quorum for the conduct of business.

**Section 4. Meetings**

The Commission shall hold regular meetings and may hold special meetings at the call of the Chair provided that public notice requirements are met.

**Section 5. Powers and Duties of the Commission**

The Historic District Commission shall have all the powers and duties of an Historic District Commission as described in the Historic District Act, Chapter 40C General Laws of the Commonwealth of Massachusetts, and as set forth in this Chapter and not inconsistent with said Chapter 40C. The Historic District Commission:

a) Shall establish and amend rules, regulations, and forms for the conduct of business which are consistent with the purpose of this Chapter.

b) Shall keep accurate records of meetings, applications, findings, and determinations, all of which shall be part of the public record.

c) May, subject to appropriation, employ consultants or obtain other assistance and incur expenses appropriate to performing its duties, and may accept money gifts and expend the same for such purposes. The Commission may administer on behalf of the Town any properties or easements, restrictions, or other interests in real property which the Town may have or may accept as gifts or otherwise as the Town may designate.

d) May determine a fee schedule for Certificates of Appropriateness, Certificates of Non-Applicability, and Certificates of Hardship for the purpose of reimbursing the Town for expenses for notices to abutters, legal advertising, and administrative costs of the Commission.

e) Shall have, in addition to the powers, authority and duties granted to it by this Chapter, such other powers, authority, and duties as the Town Meeting may, from time to time, delegate.

f) Shall provide its assistance to all property owners in the Historic Districts by making available its expertise, experience, standards, and policies regarding the preservation of the Historic Districts, and shall assist owners, when requested, to make applications for the appropriate Certificate of Appropriateness, Non-Applicability, or Hardship in the most expeditious way.

g) Shall review all proposed new construction or alterations to buildings or structures within the Historic District which add to or alter the exterior architectural features visible from the public ways, excepting only the buildings, structures, and exterior architectural features specifically exempted from consideration of the Historic District Commission by the Zoning By-Laws.

h) Shall, upon application by an owner or an owner's agent in such form and with such information as the Commission shall reasonably require, determine the appropriateness of any proposed construction or alteration under its jurisdiction and issue the appropriate Certificate of Appropriateness, Non-Applicability, or Hardship or Determination of Disapproval after giving public notice and holding public hearings as required by this Chapter and the Zoning By-Laws.

i) Shall advise the Building Inspector whether each and any application for a building permit within the Historic District requires a Certificate of Appropriateness, Non-Applicability, or Hardship prior to the issuance of a building permit, and such building permit shall not be issued prior to issuance of such certificate except for work explicitly exempt from the jurisdiction of the Commission.

j) May adopt from time to time after the required hearings and consistent with the intent of this Chapter, rules exempting additional architectural features within the Historic District from the jurisdiction of the Commission, and may rescind such rules.

## CHAPTER 19. COMMON VICTUALLER'S LICENSE *(Added 1984, amended 2006)*

The Select Board may grant licenses to Common Victuallers.

## CHAPTER 20. PERSONNEL BY-LAW *(Added 1988, amended 1992, 1996, 2010)*

### Section 1. Definitions

"Appointing Authority": The authority granted to appoint employees for a particular board or department by the town by-laws, state statute, or town meeting vote

"Board": The Personnel Board as described in Section 3 of this by-law

"Department": Any department, board, committee, commission or other employing authority of the town subject to this by-law

"Department Head": The officer, department, board, committee, commission or other body having immediate supervision and control of a department. In the case of a department serving under the supervision and control of The Select Board, the officer, board, committee, commission or other body immediately responsible to The Select Board for the administration of the department

"Employee": An employee of the town occupying a position of employment subject to this by-law

"Plan": The Personnel Administration Plan

"Town": The Town of Sherborn

**Section 2. Application**

a) This by-law shall apply to all Town Departments, and to all positions of all Employees in the service of the Town, whether full-time or part-time, seasonal, special or any other type of employment other than the following:

- Those positions filled by popular election; provided, however, that the Board shall, if so requested by the Advisory Committee, make recommendations prior to the annual Town meeting relative to salaries for elective positions;
- Those positions which are covered by collective bargaining agreements;
- Those positions under the direction of the School Committee
- The Town Administrator and any other town employees who have an individual contract of employment with the Town pursuant to General Laws chapter 41 sections 108N and 108O.

b) This by-law may be amended by a majority vote at any Town Meeting. The Board may, on its own initiative, propose amendments to this by-law which may affect the Personnel Administration Plan. Where amendments to this by-law are proposed by persons or authorities other than the Board, the Board shall be given a copy of any proposed amendment at least thirty (30) days before the Town meeting at which it is to be considered. The copy shall contain the names and addresses of the proponent(s).

**Section 3. The Personnel Board**

a) There shall be an unpaid Personnel Board consisting of three or more members appointed by the Select Board. Members of the Board, serving upon the effective date of this by-Law, shall serve as members of the Board until the expiration date of their respective terms or upon their written resignation to the Select Board. If a member of the Board resigns their position before the expiration of their term, the Select Board is responsible to replace that member, with a new member, to serve for the balance of the unexpired term.

b) For the purposes of fulfilling its duties, with a minimum of three members constituting the Board, two members shall constitute a quorum for the transaction of the business of the Board, and an affirmative vote of two members of the Board shall be necessary for any official act of the Board.

c) With more than three members, increase the quorum as follows: four or five members, a quorum of three; six or seven members, a quorum of four.

d) The Chairperson of the Advisory Committee, or his or her designee, will serve as ex-officio, but will not vote on any matter coming before the Board.

e) The Board members must meet all of the following criteria:

- A Board member must be a registered voter in the Town;
- A Board member cannot be an Employee of the Town including being in an elected office;

- A Board member cannot be a member of any other permanent Town committee, board or commission, if the committee, board or commission is responsible for supervision of any Employee, whether full-time or part-time.

**Section 4. Duties of the Personnel Board**

a) The Board shall maintain a relevant Personnel Administration Plan that is compliant with state law including operating within the meaning of Section 108A and 108C of Chapter 41 of the General Laws, as amended.

b) The Board may choose to revise the Personnel Administration Plan, as necessary. Any revisions require Town approval, at the next scheduled Town meeting, and must be compliant with state law as mentioned in Section 4.a) of this by-law.

c) The Board shall provide advice to the Town, as requested, regarding any matters relating to the application of the Personnel Administration Plan.

d) The Board, as part of the application of the Personnel Administration Plan, shall make a cost-of-living (COLA) recommendation to the Advisory Board for each fiscal year no later than November 1 prior to such fiscal year.

e) The Board shall establish its own rules of procedure and shall keep a record of its official actions, which shall be kept open for public inspection to the extent provided by law, and subject to appropriation, therefore, may make such expenditures, as may be necessary, for the performance of its duties.

f) For the purposes of interpreting the Personnel Administration Plan; complying with state law; and seeking a professional opinion; the Board may seek advice from Town Counsel, as necessary.

**Section 5. Severance Clause**

The provisions of this by-law are hereby declared to be severable, and if any provision and the application of any such provisions to any person or under any circumstances shall be held to be invalid, illegal or unconstitutional, such invalidity, illegality or unconstitutionality shall not be construed to effect the validity, legality, or constitutionality of any of the remaining provisions or of that provision with respect to persons or circumstances other than those as to which the offending provision is held to be invalid, illegal or unconstitutional.

## CHAPTER 21. GROUNDWATER PROTECTION BYLAW *(Added 1992, amended 1993, 2006)*

**Section 1: Preamble: Interests protected by this Bylaw.**

The purpose of this Bylaw is to promote the health, safety and welfare of the inhabitants of the Town of Sherborn by protecting, preserving and maintaining the groundwater supplies of the Town. The groundwater underlying the Town is the sole source of the drinking water for the residents of the Town. Because there is no public water supply available, residents maintain private

wells located on the various lots within the Town. Spills and discharges of petroleum products and other toxic and Hazardous Material and Discharges of sewage and salt have repeatedly threatened the quality of groundwater and related water resources, throughout the Commonwealth and elsewhere, posing potential public health and safety hazards and threatening economic losses to the affected communities. By adopting this bylaw, the Town intends to reduce the threat of such spills and discharges. An additional purpose of this Bylaw is to protect the residents of the Town and the Town itself from the potentially devastating financial and environmental consequences of contamination of wells or groundwater due to leakage arising from failure of underground storage tanks.

**Section 2: Definitions.**

"Discharge" shall mean the introduction of a liquid or soluble or leachable solid material upon or into land or water bodies having an effect within the Town of Sherborn. Discharge includes, without limitation, leakage of such materials from failed or discarded containers or storage systems and includes disposal of such materials into any wastewater disposal or treatment system, dry wall, catch basin or landfill which has not received approval by the Board of Health.

“Fertilizer” shall mean any of a large number of natural and synthetic materials including, but not limited to, nitrogen, phosphorus and potassium compounds, the normal use of which is by spreading on or working into soil to increase its capacity to support plant growth.

"Groundwater": all water below the surface of the ground, including that in bedrock.

"Hazardous Material" shall have the same definition as is set forth in 310 Code of Massachusetts Regulations (CMR) 40.000, as follows: material, including, but not limited to, any material in whatever form which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare or to the environment, when improperly stored, treated, transported, disposed of, used or otherwise managed. The term shall not include oil, but shall include waste oil and all those substances which are included under 42 U.S.C. §9601(14), but it is not limited to those substances. The term shall also include, but is not limited to all material regulated as hazardous waste or recyclable material under 310 CMR 30.000.

“Manure” shall mean barnyard or stable dung, which may include discarded animal bedding, used to fertilize soil. It shall not mean manure deposited naturally.

"Pesticides" shall mean any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest, any insecticide, herbicide, rodenticide, any other substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant, provided that the term "pesticide" shall not include (i) any article that is a "new animal drug" within the meaning of section 201w of the Federal Food, Drug and Cosmetic Act (21 U.S.C. s.321(w)), or that has been determined by the Secretary of the United States Department of Health, Education and Welfare not to be a new animal drug by a regulation establishing conditions of use for the article; (ii) any article that is an animal feed within the meaning of section 201(x) of such act (21 U.S.C. s.321(x)), or (iii) any chemical the storage of which is governed by regulations adopted by

the Commonwealth of Massachusetts State Pesticide Board pursuant to c. 132B of the General Laws of the Commonwealth.

"Stockpiling or disposal of snow" shall mean the transportation of snow by means of a truck, excavator, loader or similar equipment to a location off the property onto which it has fallen. It shall not refer to simply plowing, shoveling or blowing such snow to the edges of a highway, street, road, sidewalk or parking lot.

"Tank" shall include any tank of any design and any capacity, whether above or under the ground, and includes both the Tank itself together with related piping and controls, and shall also include drums, and bulk storage containers of any kind, description and design but excluding tanks that are part of aircraft or motorized vehicles and contain fuel for such vehicles, and excluding tanks used exclusively for the storage of propane.

**Section 3: Regulation of Storage Tanks.**

A. New underground Tanks prohibited. Following the effective date of this bylaw, the installation of any underground Tank of any design and of any capacity for storage of any material other than water, propane or septage if part of a septic system approved by the Board of Health is prohibited within the Town of Sherborn. New commercial, municipal or agricultural Tanks meeting all requirements of 527 CMR, including those requirements that have deferred effective dates, are exempt from this provision.

B. Storage Tanks. Following the effective date of this bylaw, storage Tanks may be installed either:

(1) within a building as defined in Section 1.5 of the Zoning Bylaw of the Town, such as a basement of a residence, only where there is full compliance with 527 CMR and with the rules and regulations of the Fire Chief, adopted pursuant to Section 3C of this Chapter;
(2) above ground outdoors, only where there is full compliance with 527 CMR and with the rules and regulations of the Fire Chief, adopted pursuant to Section 3C of this Chapter.

C. Local Rules and Regulations. The Fire Chief may adopt rules and regulations implementing, detailing and specifying additional requirements so that

(1) underlying each Tank shall be a surface that is designed and at all times operated so that it is free of cracks and gaps and is sufficiently impermeable to contain leaks and spills until the leakage or spillage of stored material is detected and removed; and further
(2) each Tank shall be placed on such surface so that the surface beneath the Tank is visible for inspection for spills and structural integrity; and further
(3) piping and related fittings are to meet specifications set forth in the regulations; and
(4) such regulations shall contain a procedure for the issuance of variances from such requirements upon good cause shown when unusual conditions related to size, location, or geography exist and when an alternative design would accomplish the intent of this Bylaw.

D. Existing Underground Tanks – Any existing underground tank shall be removed from the ground or closed in accordance with 527 CMR by April 30, 2007, unless documentation is provided that it has been upgraded to comply with the requirements of 527 CMR regarding

equipment for the prevention and detection of leaks, including cathodic protection, double walls and monitoring systems. Documentation of compliance with the testing requirements of 527 CMR must also be provided.

**Section 4: Hazardous Material.**

A. Outdoor Storage. Because of the risk of soil contamination from rain, wind and weather conditions, the outdoor storage of Hazardous Material, except as exempted by Section 4D of this Chapter, is prohibited within the Town of Sherborn. Unless exempted in Section 4D, Hazardous Material lawfully used within the Town may be stored only in sheltered conditions within weatherproof buildings or under waterproof roofs where there exists an impermeable floor graded to contain spills or discharges, or an impermeable floor with a containment berm or wall.

B. Disposal Prohibited. The release or disposal of Hazardous Material within the limits of the Town, other than at such lawful disposal sites and times as may be designated by the Board of Health, is prohibited.

C. Notification Requirements. In order that the Town, the abutters and public safety officials may know of the existence and locations where Hazardous Materials is stored, every person who regularly stores or keeps at one location two hundred (200) pounds or more of any one Hazardous Material, or a cumulative total of two hundred (200) pounds of several different Hazardous Materials, except as exempted in Section 4D of this Chapter, shall notify the Select Board prior to initiating such storage and on or before December 31 of each year thereafter**.** The notification shall consist of a statement setting forth the owner's name, the quantity and type of Hazardous Material, the date when the Hazardous Material will be or was first stored and location thereof.

D. Exemptions. The following are exempt from the requirements of this Section:

(1) Pipelines: existing utility pipeline facilities constructed and used for the purpose of transporting and conveying petroleum products and natural gas; provided, however, that any such transportation and conveyance complies with all applicable law and is designed, constructed, operated and used so as to prevent contamination of groundwater or surface water.
(2) Commercial or Agricultural Tanks: existing or new commercial or agricultural Tanks meeting all requirements of 527 CMR, including those requirements that have deferred effective dates.
(3) Any Hazardous Material that is subject to the requirements of section 5, 6 or 7 of this Chapter, except that this exemption shall not relieve a person who regularly stores or keeps such Hazardous Material from the requirements of section 4C of this Chapter.

**Section 5: Fertilizer and Manure.**

A. Fertilizer Storage. Because of the risk of groundwater contamination from rain, wind and weather conditions, the outdoor storage of two hundred (200) pounds or more of fertilizers at any one location is prohibited, except as follows:

(1) The temporary and transitory outdoor storage of fertilizer of no more than one week duration shall be allowed as of right in areas other than within one hundred feet of a well head, bank, or freshwater wetland, beach, marsh, meadow, bog, or swamp, or within two hundred

feet of any estuary, creek, river, stream, pond or lake or any land under said waters or bordering lands subject to flooding as defined in the Sherborn Wetlands Regulations.
(2) Fertilizers may be stored under waterproof roofs where there exists an impermeable floor; **or** in or upon a motor vehicle or trailer, provided that such fertilizers are sealed within waterproof containers and are covered by a waterproof tarp, roof or the equivalent overhead coverage from exposure to weather;-

B. Manure Storage. Manure piles of more than 200 pounds shall not be stored:

(1) within 100 feet of any water supply well head; or
(2) within 100 feet of (a) any bank, freshwater wetland, beach, marsh, meadow, bog, swamp, estuary, creek, river, stream, pond or lake; or (b) bordering land subject to flooding (generally the 100-year storm flood line); all as defined in the Sherborn Wetlands Regulations, unless such storage is covered or within a waterproof container or structure with an impermeable floor that prevents the release of runoff from the manure.

**Section 6: Road Salt and Deicing Chemicals.**

A. Prohibition of introduction of snow from outside Town into the Town for storage and/or melting. Because of the use of road salt and other deicing chemicals in snow removal and snow clearing, following the effective date of this Bylaw, the transportation of snow from outside the Town into the Town for storage and/or melting within the Town limits is prohibited**;**

B. The stockpiling or disposal of snow or ice removed from highways, streets, roadways, sidewalks and parking lots is prohibited except as follows:

(1) In the event of severe winter weather the DPW Director may stockpile snow as necessary only at locations designated by the Select Board.
(2) Where the Planning Board has required snow removal to maintain parking spaces as a condition of its site plan approval, property owners may remove snow from the premises and stockpile it in coordination with the DPW Director.

C. Bulk storage. The bulk storage outside of road salt or deicing chemicals or any mixture of sand and road salt or sand and deicing chemical is prohibited. Bulk storage of road salt or deicing chemicals or any mixture of sand and road salt or sand and deicing chemicals, whether mixed or unmixed, is allowed within weatherproof buildings or under waterproof roofs where there exists an impermeable floor graded to contain spills or discharges or an impermeable floor with a containment berm or wall.

D. Exemption. The following are exempt from the requirements of this Section:

(1) The outside storage of one 25 lb. or less bag of salt or deicing chemical for normal home, office or store use on the premises; or
(2) The outside storage of one 55 gallon drum or equivalent container of sand-salt mixture, provided that the open end of the drum is equipped with a covering.

**Section 7: Certain Petroleum-based Commercial Activities Regulated within the Town.**

Because of the existence within the Town of certain types of commercial petroleum-based activities and because of the unreasonable risk of groundwater contamination created by such commercial activities, any commercial operation within the Town, whether new or pre-existing, involving new or used automobile and/or truck sales or storage establishments, gasoline service stations, automobile repair shops, truck service stations, or similar commercial petroleum-based establishments, shall be required following the effective date of this Bylaw to comply with the standards set forth below, without regard to whether such activities are new or pre-existing:

A. Such activity is at all times to be in full compliance with a site management plan prepared by the owner or operator of the site and approved by the Board of Health, which plan is to specify

(i) storage, use and handling of any Hazardous Materials or petroleum products utilized on the site and
(ii) the precautions taken or to be taken to minimize the threat of spills and to prevent the discharge of contaminants into the soil and groundwater of the Town; and

B. The activity must at all times be in compliance with the requirements of Sections 3 and 4 of this Chapter, if applicable; and

C. Such activity shall at all times be conducted so that all reasonable precautions are taken to minimize the threat of spills and to prevent the discharge of contaminants into the soil and groundwater of the Town of Sherborn.

**Section 8: Solid Waste.**

The disposal within the Town of solid waste except grass, compost, brush and other decomposing plant or animal material other than at the Sherborn Transfer Station, or at such locations as may be established from time to time by the Board of Health, is prohibited.

**Section 9: Application of this Bylaw to Operations and Activities of the Town of Sherborn.**

All Departments of the Town of Sherborn shall comply with all Sections of this Bylaw.

**Section 10: Report of Leaks, Spills and Discharges.**

In the event of a Discharge, spill or loss of petroleum product, pesticides, Hazardous Materials or other chemicals regulated by this Bylaw, or the unaccounted for decline in volume of such substances that may indicate that a leak or discharge) has occurred, that requires such owner or operator to report such spill, loss or discharge to representatives of the governments of the United States or the Commonwealth of Massachusetts, such owner or operator shall also immediately provide duplicate notification or report to the Fire Chief and to the Board of Health.

**Section 10A: Pesticide Storage**

The Town recognizes that Pesticides play an important and necessary role in controlling insects and other pests. To protect further the groundwater of the Town, the storage of two hundred and

fifty (250) pounds or more of Pesticides on one lot of land within the Town of Sherborn is prohibited unless such Pesticides are stored in sheltered conditions within weatherproof buildings where there exists an impermeable floor. This Section 10A shall take effect on January 1, 1995.

**Section 11: Enforcement.**

Violations of this Chapter shall be governed by Chapter 16 of the General Bylaws. Each day during which the violation occurs shall constitute a separate offense.

**Section 12: Severability.**

Provisions of this Chapter are severable and if any provision hereof shall be held invalid by any court of competent jurisdiction under any circumstances, such invalidity shall be construed as narrowly as possible and the balance of the Chapter shall be deemed to be amended to the minimum extent necessary to effect its purposes.

## CHAPTER 22. DRIVEWAYS *(Added 1994)*

Section 1. No driveway shall be constructed or substantially altered at the point of intersection with a public street or private way unless a written permit is first obtained from the Superintendent of Streets in accordance with rules and regulations adopted by the Select Board. No provision of these rules and regulations shall operate so as to prevent construction on any lot on which such construction would otherwise be permitted.

No foundation or building permit shall be issued for the construction of a new dwelling unless such driveway permit has first been obtained. The Superintendent of Streets may impose such conditions in said permit as will reasonably protect said streets or private ways from damage or obstruction as a result of said construction or substantial alteration. *(Amended 1999)*

Section 2. Where a new driveway or a driveway for a new dwelling will exceed 500 feet in length from a public street or private way to any dwelling located on any lot, said driveway shall meet the following minimum standards:

a. Minimum Width - Said driveway shall have a minimum width of fourteen feet (14') with a minimum 10 inch gravel base and a top surface of either gravel or bituminous concrete or combination of both.
b. Minimum Weight Bearing - The Superintendent of Streets shall approve the minimum weight bearing capacity as certified by a Registered Professional Engineer of all such driveways at such locations where the driveway shall consist of a bridge or shall have located under it any culverts or pipes for the purpose of water flow.
c. Vertical Clearances - All overhead utilities or structures of any kind shall have minimal vertical clearance above said driveway of 15½ feet.
d. Turnaround - All said driveways shall be constructed with a maintained turnaround area or circular turnaround, in proximity to the dwelling as may be approved by the Superintendent of Streets.
e. Maximum Grades and Minimum Radii - Said driveway shall be constructed with maximum grade slopes of no more than 8% and minimum turning radii in all locations of not less than 40 feet.

f. Other Conditions - All applicants for such driveway permits shall submit suitable plans to the Superintendent of Streets for approval, who may impose such conditions in said permit as will reasonably assure access to and from said public street or private way to any dwelling built on the property of the applicant for the purpose of assuring access to such structures of all public safety services.
g. Waivers - The Superintendent of Streets shall waive any of the requirements of this Section in a given case upon written request by the Planning Board.

Section 3. This Chapter shall not apply to any driveway in existence upon the effective date hereof or to any repair or replacement thereof.

## CHAPTER 23 ANTI-LITTERING AND DUMPING *(Added 2004)*

Section 1. No person, without lawful authority so to do, shall throw, sweep or place and suffer to remain on any street, public place or right of way any papers, ashes, earth, garbage, rubbish, litter, refuse or any noxious liquid or solid substance, or any glass, nails, tacks, scrap iron or similar articles.

Section 2. No person, unless having the authority so to do, shall dump, or deposit any ashes, rubbish, refuse, offal or trash on any street, public place or right of way contrary to the rules and regulations of the Selectmen.

Section 3. The penalty for the violation of this By-Law shall be $300.00 for each offense.

## CHAPTER 24 FARM POND *(Added 2006, Amended 2010)*

Section 1. Any violation of the Rules and Regulations of Farm Pond adopted by the Select Board pursuant to Chapter 304 of the Acts of 1935, shall be punished by a fine of Two Hundred ($200.00) Dollars as set forth in General Laws Chapter 45, Section 24 by means of non-criminal disposition in accordance with Section 21D of General Laws, Chapter 40.

## CHAPTER 25. COMPREHENSIVE STORMWATER MANAGEMENT BY-LAW *(Added 2011, Amended 2019)*

### Section 1: Authority

This By-law is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

### Section 2: Purpose

The purpose of this By-law is to regulate discharges to the Municipal Separate Storm Sewer System (MS4) to protect the Town of Sherborn's water bodies and groundwater and to safeguard the public health, safety, welfare and the environment. Increased and contaminated stormwater runoff associated with construction sites, developed land uses and the accompanying increase in

impervious surface are major causes of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater. This purpose is accomplished through the following:

**2.1** Institute water resource protection measures identified in the Supplemental Final Comprehensive Water Resource Management Plan / Environmental Impact Report - Commonwealth of Massachusetts EOEA File Number 8844 (CWRMP);

**2.2** Protect groundwater and surface water from degradation;

**2.3** Promote groundwater recharge;

**2.4** Require practices to control the flow of stormwater from new and redeveloped sites into the Town storm drainage system in order to prevent flooding and erosion;

**2.5** Require practices that eliminate soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from land disturbance activities;

**2.6** Prevent pollutants from entering the Town's Municipal Separate Storm Sewer System (MS4) and minimize discharge of pollutants from the MS4;

**2.7** Ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained;

**2.8** Ensure adequate long-term operation and maintenance of structural stormwater best management practices so that they work as designed;

**2.9** Comply with state and federal statutes and regulations relating to stormwater discharges;

**2.10** Establish the Town's legal authority to ensure compliance with the provisions of this By-law through inspection, monitoring, and enforcement.

Nothing in this By-law is intended to replace the requirements of the Town of Sherborn Zoning By-law, General By-laws, or any other By-law that may be adopted by the Town of Sherborn. Any activity subject to the provisions of the above-cited By-laws must comply with the specifications of each.

**Section 3: Definitions**

Except as listed below, words, all terms, abbreviations and acronyms that appear in this bylaw and are also defined in Appendix A of the Final 2016 Massachusetts Small MS4 General Permit ("Appendix A") signed April 4, 2016 with an effective date of July 1, 2018, (MS4 General Permit) or as most recently amended, shall be construed to have the meaning presented in Appendix A.

Illicit Connection – A surface or subsurface drain or conveyance, which allows an illicit discharge (as described in Section 4.1 below) into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains,

sinks, or toilets, regardless of whether said connection was previously allowed or approved before the effective date of this Bylaw.

Any other definitions that apply in the interpretation and implementation of this By-law shall be included as part of any Stormwater Regulations promulgated as permitted under Section 5.2 of this By-law.

## Section 4: Applicability

**4.1 Illicit Discharges** - The following activities are prohibited:

a. Illicit Discharges – No person shall dump, discharge, cause or allow to be discharged any pollutant, unauthorized stormwater or non-stormwater discharge into the municipal separate storm sewer system (MS4) and/or Town right-of-way.
b. Illicit Connections – No person shall construct, use, allow, maintain or continue any illicit connection to the municipal separate storm sewer system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
c. Obstruction of MS4 – No person shall obstruct or interfere with the normal flow of storm water into or out of the MS4 without prior written approval from the Director of Department of Public Works (DPW)
d. Yard Wastes – No person shall dump or dispose of yard waste (leaves, grass clippings, etc.) into the MS4, or into catch basins, retention/detention basins or any other component of a stormwater management system which discharges to the MS4.

**4.2 Permitted Non-Stormwater Discharges**

A limited category of non-stormwater discharges are only allowed with a permit from the Director of DPW. Such permits may be granted only following an examination of potential alternatives and a finding by the Director that there is no viable alternative. These categories are:

a. Uncontaminated pumped ground water
b. Foundation drains
c. Water from crawl space pumps
d. Footing drains

**4.3. Prohibited Non-Stormwater Discharges**

The following non-stormwater discharges are strictly prohibited:

a. De-chlorinated swimming pool discharges
b. Discharging water from any source into the street

**4.4 Land Disturbance**

No person shall undertake construction activity that requires **(a)** Planning Board review (including new subdivisions, special permits for multi-family development, and site plan review for new commercial/industrial development or redevelopment), **(b)** a Building Permit (such as new single family residential development or redevelopment), or **(c)** utility line work, AND if the activity will disturb or alter one acre or more of land, either initially or as part of a common plan for

development that will disturb or alter one acre or more of land, without obtaining a Stormwater Management Permit (SMP) from the Planning Board.

Any activity that is subject to Site Plan Review or the Subdivision Control Law or requires a Special Permit from the Planning Board per the Sherborn Zoning Bylaw shall be eligible for an SMP to be reviewed and granted as a component of such other permitting process.

### 4.5 Exemptions

The following activities shall be exempt from the requirement for an SMP:

**4.5.1** Normal maintenance and improvement of land in agricultural use as defined by M.G.L. Chapter 128 Section 1A.

**4.5.2** Maintenance of existing landscaping, gardens or lawn areas.

**4.5.3** Creating impervious area consisting of a previously existing unpaved driveway for a single family dwelling, or expansion of an existing paved driveway for a single family dwelling.

**4.5.4** The construction of fencing that will not alter existing terrain or drainage patterns.

**4.5.5** Construction or maintenance and repair of utility service lines (gas, water, electric, telephone, fire alarms, etc.) other than drainage lines or systems, which will not alter terrain, ground cover, or drainage patterns.

**4.5.6** Emergency repairs to any stormwater management facility.

**4.5.7** Any work or projects for which all necessary approvals and permits, including building permits, have been issued before the effective date of this By-law.

**4.5.8** Construction of items normally appurtenant to residential uses, such as decks; patios; walkways; fruit, vegetable, or flower gardens; driveways; sheds; swimming pools; and tennis or basketball courts**.**

**4.5.9** Repair or replacement of septic systems.

**4.5.10** Any construction activity or project wholly within the jurisdiction of the Conservation Commission provided that an Order of Conditions has been issued by the Conservation Commission.

## Section 5: Administration

**5.1** The Planning Board shall administer and implement the Land Disturbance provisions of this By-law, and Department of Public Works shall administer and implement the Illicit Discharges provisions.

**5.2 Rules And Regulations** - The Planning Board and DPW may adopt, and periodically amend, Rules and Regulations relating to the terms, performance standards, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of this Comprehensive Stormwater Management By-law by majority vote of the

Planning Board, after conducting a public hearing to receive comments on any proposed Rules and Regulations or revisions thereto. Such hearing dates shall be advertised in a newspaper of general local circulation, at least seven days prior to the hearing date. After public notice and public hearing, the Planning Board may promulgate Rules and Regulations to effectuate the purposes of this By-law. Failure by the Planning Board to promulgate such Rules and Regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this By-law.

**5.3 Stormwater Management Handbook and NPDES Permits** - The Planning Board will utilize the policy, criteria and information including specifications and standards of the latest edition of the Massachusetts Stormwater Management Standards and Handbook for execution of the provisions of this By-law. This Handbook includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. The standards and handbook may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. The Planning Board will also utilize the provisions of the MS4 General Permit and other NPDES permits.

**5.4 Actions** - The Planning Board may take any of the following actions as a result of an application for a Stormwater Management Permit as more specifically defined as part of Stormwater Regulations promulgated as a result of this By-law: Approval, Approval with Conditions, or Disapproval.

**5.5 Appeals Of Actions** - A decision of the Planning Board shall be final. A decision by the Planning Board made under this Section 24 shall be reviewable in the Superior Court in an action in the nature of certiorari filed within 60 days thereof, in accordance with Massachusetts General Laws chapter 249 Section 4.

**5.6 Permits And Procedures** - Permit Procedures and Requirements shall be defined and included as part of any Rules and Regulations promulgated as permitted under Section 5.2 of this By-law.

**5.7 Water Resources Mitigation Fund** - The Planning Board may allow the applicant to contribute to the Town of Sherborn Water Resources Mitigation Fund where it has been demonstrated that there are not sufficient conditions for onsite stormwater best management practices in order to meet the Performance Standards as described in the Regulations promulgated under this By-law. Funds may be used to design and construct stormwater projects that will improve the quality and quantity of surface waters in Sherborn by treating and recharging storm water from existing impervious surfaces that is now discharged to said waters with inadequate treatment or recharge. The amount of the contribution to the fund shall be determined by the Planning Board.

## Section 6: Enforcement.

### 6.1 Land Disturbance

**6.1.1** The Department of Public Works Director (DPW), Building Inspector and the Police shall be the enforcement agents. When the Planning Board or its enforcing agent determines that an

activity is not being carried out in accordance with the requirements of this Chapter, Stormwater Regulations or an SMP, the agent shall issue a written notice of violation to the owner of the property. Persons receiving a notice of violation may be required to:

**6.1.2** Halt all construction activities until there is compliance. A "stop work order" will be in effect until the Planning Board or its agent confirms that the activity is in compliance and the violation has been satisfactorily addressed.

**6.1.3** Maintain, install or perform additional erosion and sedimentation control measures;

**6.1.4** Monitor, analyze and report to the Planning Board regarding progress in addressing activities cited in a notice of violation;

**6.1.5** Remediate erosion and sedimentation resulting directly or indirectly from the activity.

**6.1.6** Failure to comply with a notice of violation in the time specified therein constitutes a violation of this By-law and may result in penalties in accordance with the enforcement measures authorized in this Chapter.

**6.1.7** Upon identification of the illicit source all responsible parties will be notified. Immediate cessation of improper disposal practices are required. Where elimination of an illicit discharge within 60 days of its identification is not possible, DPW shall immediately commence actions necessary for elimination. DPW will then establish an expeditious schedule for its elimination and report the dates of identification and schedules for removal in the annual MS4 reports to EPA. In the interim, DPW shall take all reasonable and prudent measures to minimize the discharge of pollutants to and from its MS4.

### 6.2 Illicit Discharges

**6.2.1** The DPW Director or his designee shall be the enforcement agent for illicit discharges.

**6.2.2** Penalty. Any person who violates any provision of this Chapter, Regulations, or SMP's or violation notices issued thereunder, may be punished by a fine of not more than $250.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense, and each provision of the Chapter, Regulations or SMP violated, shall constitute a separate offense.

**6.2.3** Non-Criminal Disposition. As an alternative to the penalty in Section 6.2, the enforcing authority may elect to utilize the non-criminal disposition procedure set forth in Chapter 16, Section 2 of the General Bylaws of the Town of Sherborn. Each day or part thereof that such violation occurs or continues shall constitute a separate offense, and each provision of this Chapter, Regulation or permit violated shall constitute a separate offense. The penalty for non-criminal disposition shall be $200.00 per violation.

## Section 7 Severability

If any provision, paragraph, sentence, or clause of this By-law shall be held invalid for any reason, all other provisions shall continue in full force and effect.

## CHAPTER 26 STRETCH ENERGY CODE *(Added 2011, amended 2023)*

**Section 1 Definitions.**

**International Energy Conservation Code (IECC)** - The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards and published in state regulations as part of 780 CMR.

**Specialized Energy Code** - Codified by the entirety of 225 CMR 22 and 23 including Appendices RC and CC, the Specialized Energy Code adds residential and commercial appendices to the Massachusetts Stretch Energy Code, based on amendments to the respective net-zero appendices of the International Energy Conservation Code (IECC) to incorporate the energy efficiency of the Stretch energy code and further reduce the climate impacts of buildings built to this code, with the goal of achieving net-zero greenhouse gas emissions from the buildings sector no late

**Stretch Energy Code** - Codified by the combination of 225 CMR 22 and 23 1 , not including Appendices RC and CC, the Stretch Energy Code is a comprehensive set of amendments to the International Energy Conservation Code (IECC) seeking to achieve all lifecycle cost-effective energy efficiency in accordance with the Green Communities Act of 2008, as well as to reduce the climate impacts of buildings built to this code.

**Section 2 Purpose.**

The purpose of 225 CMR 22.00 and 23.00 including Appendices RC and CC, also referred to as the Specialized Energy Code is to provide a more energy efficient and low greenhouse gas emissions alternative to the Stretch Energy Code or the baseline Massachusetts Energy Code applicable to the relevant sections of the building code for both new construction and existing buildings.

**Section 3 Applicability.**

The Specialized Energy Code applies to residential and commercial buildings effective on January 1, 2024.

**Section 4 Specialized Energy Code.**

The Specialized Energy Code, as codified by the entirety of 225 CMR 22 and 23 including Appendices RC and CC, including any future editions, amendments or modifications, is herein incorporated by reference into this Chapter.

The Specialized Code is enforceable by the inspector of buildings or building commissioner.

## CHAPTER 27 REGISTRATION OF SOLICITORS *(Added 2012)*

**1. Purpose**

This by-law adopted pursuant to chapter 43B, section 13, of the General Laws and Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts, establishes registration requirements and specific operational requirements for persons intending to engage in

door-to-door canvassing or soliciting in the Town of Sherborn in order to protect its citizens from disruption of the peaceful enjoyment of their residences and from the perpetration of fraud or other crimes; and, to allow for reasonable access to residents in their homes by persons or organizations who wish to communicate either commercial or non-commercial messages.

**2. Definitions**

For the purpose of this By-Law, the following definitions shall apply:

**2.1.** "Soliciting" shall mean and include any one or more of the following door-to-door activities:

a) selling, or seeking to obtain orders for the purchase of goods or services, including advertising in any type of publication, for any kind of consideration whatsoever;

b) selling, or seeking to obtain prospective customers for application for purchase of insurance of any kind;

c) selling, or seeking to sell subscriptions to books, magazines, periodicals, newspapers or any other type of publication;

d) seeking to obtain gifts or contributions of money, or any valuable thing for the support or benefit of any association, organization, corporation or project wholly or in part for commercial purposes or by a professional solicitor or commercial co-venture for a charitable or other non-commercial organization; and

e) seeking to obtain information on the background, occupation, economic status, political affiliation, attitudes, viewpoints, or the like of the occupants of a residence for the purpose of selling or using such data, wholly, or in part, for commercial purposes.

**2.2**. "Canvassing" shall mean and include any one or more of the following door-to door activities:

a) person-to-person distribution of literature, periodicals, or other printed materials for commercial purposes, but shall not include placing or dropping off printed materials on the premises:

b) seeking to enlist membership in any organization for commercial purposes: and

c) seeking to present, in person, organizational information for commercial purposes.

**2.3**. "Residence" shall mean and include every individual dwelling unit occupied for residential purposes by one or more persons.

**2.4**. "Registered Solicitor" shall mean any person who has obtained a valid certificate of registration for the Town of Sherborn as required by this By-Law.

**2.5**. "Charitable Organizations", "Charitable" and "Commercial co-venturer" shall be defined as follows:

"Charitable", including but not limited to benevolent, educational, philanthropic, humane, patriotic, scientific, literary, religious, health, safety or welfare-related, or in furtherance of governmental or civic objectives, and benefiting the general public or some indefinite class thereof.

"Charitable organization", any person whose purposes or actual operation are charitable in nature or one holding himself out to be a charitable organization in whole or in part, including any person who in any manner employs a charitable appeal as the basis of any solicitation or an appeal which could be reasonably interpreted to suggest that there is a charitable purpose to any such solicitation.

"Commercial co-venturer", any person who for profit or other commercial consideration, conducts, produces, promotes, underwrites, arranges or sponsors a performance, event, or sale to the public of a good or service which is advertised in conjunction with the name of any charitable organization or as benefiting to any extent any charitable purpose. Any such person who will benefit in good will only shall not be deemed a commercial co-venturer if the collection and distribution of the proceeds of the performance, event or sale are supervised and controlled by the benefiting charitable organization.

**2.6**. "Professional solicitor" shall be defined as defined in General Laws chapter 68, §18.

**3. Registration**

Every person or organization intending to engage in soliciting or canvassing door-to-door in the Town of Sherborn must apply for a permit with the Chief of Police by filing a registration application form with the Sherborn Police Department. Application for both individual and organizational registrations shall be filed at least seven business days in advance.

**3.1**. Organization application forms shall include the following information:

a) The name and address of the organization applying for registration, and the names and addresses of the organizations' principal officers. If the organization is a charitable organization, a certification that the most recent Annual Registration Statement required to be filed with the Attorney General's Division of Public Charities has been so filed. If the organization is a professional solicitor or a commercial co-venturer for a charitable organization, a copy of the contract with the charitable organization must be provided with this application. Failure to include a copy of the contract with the charitable organization under such circumstances will render the application incomplete and no action will be taken thereon:

b) The name, title and telephone number, date of birth and valid driver's license or other government-issued photo identification of the person(s) filing the application form:

c) The names, addresses and telephone numbers of the person(s), if any, who will be directly supervising the solicitation or canvassing operation in the Town of Sherborn:

d) A list of the names, addresses, date of birth of all individuals who will be employed in solicitation or canvassing, in the Town of Sherborn, by the applicant:

e) Period of time for which certificate of registration is needed; provided, however, that no certificate may be granted for longer than a 90-day period:

f) Names of the last three communities, if any, in which the organization has conducted a solicitation or canvassing operation, complete with the date of the issuance and date of the expiration of any permits or licenses issued by those communities to the organization.

g) Insurance information and license, if applicable.

**3.2**. Individual registration forms shall be required for all individuals, including those who are affiliated with an organization registered under Chapter 26.3.1 hereof. Individual registration forms shall contain the following information:

a) Name and address of the present place of residence and length of residence at that address; if less than three years residence at present address, the address of residence(s) during the past three years:

b) Date of birth:

c) Name, address and telephone number of the person or organizations whom the applicant represents and the length of time the applicant has been associated with or employed by that person or organization. If the individual is a professional solicitor or a commercial co-venturer for a charitable organization, a copy of the contract, if any, with the charitable organization must be provided with this application. Failure to include a copy of the contract with the charitable organization under such circumstances will render the application incomplete and no action will be taken thereon:

d) Period of time for which certificate of registration is needed; provided, however, that no certificate may be granted for longer than a 90-day period;

e) Names of the last three communities, if any, in which the applicant has solicited or canvassed door-to-door, complete with the date of issuance and date of the expiration of any permits or licenses issued by those communities to the applicant.

f) Valid driver's license or other government issued photo identification; and

g) Make, model and registration number of any vehicle to be used by the applicant while soliciting or canvassing.

**4. Registration Fee**

There shall be a $20.00 application fee for an individual registration card or re-registration. There is no application fee for organizational applicants that apply for registration or re-registration.

**5. Registration Cards**

**5.1.** The Police Chief or his designee, after a review of the application, which will include an investigation of the applicants pursuant to Section 26.5.4, but in no event more than seven business days after receipt of a fully-completed application, shall furnish each person with a registration card which shall contain the following information:

a) The name of the person;
b) A recent photograph of the person;
c) The name of the organization, if any, which the person represents:
d) A statement that the individual has been registered with the Town of Sherborn Police Department but that registration is not an endorsement of any individual or organization: and
e) Specific dates or period of time covered by the registration.

**5.2**. Persons engaged in solicitation or canvassing as defined in this By-Law must carry the registration card while soliciting or canvassing and present the card to any person solicited or upon request of any police officer.

**5.3**. Registration cards are valid only for the specific dates or time period specified thereon and in no case for longer than 90 days.

**5.4**. The Police Chief shall routinely grant registrations without further inquiry but shall refuse registration to an organization or an individual where registration has been revoked for violation of this By-Law within the previous two-year period or who has been convicted of murder, manslaughter, rape or any other sex crime, kidnapping, robbery, arson, burglary, breaking and entering, felony assault, illegal possession of a firearm or dangerous weapon, distribution of any illegal narcotic drugs, felony larceny, three or more misdemeanor assaults or three or more misdemeanor larcenies, as such persons pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of the violent crimes so listed. The police chief shall also refuse to register a person who is a sex offender required to register with the Massachusetts Sex Offender Registry Board, or any other similar government entity, and who is a classified or considered to be a moderate to high risk or re-offending. Such individuals pose a substantial degree of dangerousness to minors or to other persons vulnerable to becoming victims of sex crimes. For the purposes of this By-Law, a "Continued without a finding" or similar disposition will be considered the same as a conviction.

## 6. Exceptions

**6.1**. Registration shall not be required for officers or employees of the Town, County, State or Federal governments when on official business.

**6.2**. Individual registration shall not be required for minors under the age of 17.

**6.3**. Nothing in this By-Law shall be construed to impose any registration requirement or otherwise restrict or in any way regulate any activity for religious, political, newspaper distribution or public policy purposes or other non-commercial purposes, including, charitable, benevolent or fraternal activities, regardless of whether such activity includes acts that would otherwise constitute soliciting or canvassing.

## 7. Duties of Persons Going Door-to-Door

7.1. Upon going into any residential premises in the Town of Sherborn, every solicitor, canvasser or other person must first examine any notice that may be posted, prohibiting solicitation or other activities. If such a notice is posted, the solicitor, canvasser or other person shall immediately and peacefully depart from the premises.

7.2. Any solicitor, canvasser or other person who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

7.3. Immediately upon gaining entrance to any residence, each solicitor or canvasser as defined in this By-Law must do the following:

a) Present his registration card for inspection by the occupant:
b) Request that the occupant read the registration card; and
c) Inform the occupant in clear language of the nature and purpose of his business and, if he is representing an organization, the name and nature of that organization.

**8. Restriction on Methods of Solicitation, Canvassing, or Other Door-to Door Activities.**
It shall be unlawful for a solicitor, canvasser or other person to do any of the following:

a) Falsely represent, directly or by implication, that the solicitation, canvassing or other activity is being done on behalf of a governmental organization, or on behalf of any municipal employee or elected official;
b) Solicit, canvass or conduct any other activity at the residence without express prior permission of an occupant, before 9:00 a.m. or after 8:00 p.m., where there is no sign posted otherwise limiting solicitation or the hours of solicitation or such other activities;
c) Continue to solicit, canvass or conduct activities after being advised by police of the registration requirements or after a registration certificate has been revoked or denied;
d) Utilize any form of endorsement from any department head currently employed or serving the Town of Sherborn; and
e) Solicit, canvass or conduct any other activity at any residence in an illegal fashion.

**9. Penalty**
9.1. Any person or organization who violates Section 7.2, with an accompanying signed statement of the offended party, or Section 8 of this By-Law, may be punished by a fine of up to three hundred dollars for each and every offense, which may be recovered upon complaint before the district court and shall enure to the town, all in accord with chapter 40, section 21 of the General Laws. Any person or organization who violates any other provision of this By-law shall be punished by a fine of up to one hundred dollars for each and every offense, which may be recovered upon complaint to the district court and shall enure to the town, all in accord with chapter 40, section 21 of the General Laws. As an alternative, a noncriminal penalty may be assessed by the appropriate enforcement person, in accordance with Chapter 16 of these By-laws.

9.2. Any person or organization who for himself, itself, or through its agents, servants or employees is found after investigation by a police officer to have:

a) violated any provision of this By-Law, or applicable state for federal laws governing soliciting or canvassing; or
b) knowingly provided false information on the registration application,

shall have his, her or its registration revoked by the Chief of Police by written notice delivered to the holder of the registration in person, or sent to the holder by certified mail at the address set forth in the application.

**10. Appeals**
Any person or organization who is denied registration or whose registration has been revoked may appeal by filing a written notice of appeal with the Town of Sherborn Town Administrator. Such appeal must be filed within five days after the receipt of the notice of denial or revocation. The Town Administrator shall hear the appeal within ten days after the filing of the written notice of appeal, provided, however, that if the Town Administrator fails to make a determination within thirty days after the filing of the appeal, the registration shall be deemed granted or reinstated as the case may be.

**11. Severability**
Invalidity of any individual provision of this By-Law shall not affect the validity of the By-Law as a whole.

## CHAPTER 28 REVOLVING FUNDS *(Added 2017, amended 2019, 2020)*

Section 1. There are hereby established pursuant to the provisions of General Laws chapter 44, section 53E½, the following Revolving Funds:

| Program or Purpose | Authorized Representative or Board to Spend | Department Receipts |
|---|---|---|
| Elder Housing | Elder Housing Committee | Rents for units at Woodhaven to maintain Buildings and Grounds |
| Farm Pond | Select Board | Fees in connection with Farm Pond Sticker Fees used to maintain the property and pay Waterfront Personnel |
| Council on Aging Programs | Council on Aging | Fees in connection with Lifetime Learning, Social Events, Transportation and Home Delivered Meals for Sherborn Seniors |
| Board of Health Immunization Clinic | Board of Health | Fees and Charges received from Emergency Clinics from Medicare and other private insurance reimbursements from administration of vaccines at BOH immunization clinics |
| Town Forest Sale of Firewood | Town Forest Committee | Fees and Charges received from the Sale of Firewood |
| Recycling Committee Sale of Bins | Recycling Committee | Fees and Charges received from the Sale of Bins |
| Ambulance | Fire Chief | Fees and Charges in connection with Ambulance Services |
| Parks and Recreation | Recreation Commission | Fees and receipts in connection with providing recreational programs and activities. |
| DPW, Fire, Police & Facilities | Select Board | Fees and receipts in connection with the sale of surplus equipment & materials. |

Section 2. Expenditures from each revolving fund set forth herein shall be subject to the limitation established annually by Town Meeting or any increase therein as may be authorized in accordance with General Laws chapter 44, section 53E½."

## CHAPTER 29 MARIJUANA NOT MEDICALLY PRESCRIBED *(Added 2017)*

Consistent with M.G.L. Chapter 94G, Section 3(a)(2), all types of marijuana establishments as defined in M.G.L. Chapter. 94G, Section 1, to include all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited in the Town of Sherborn. This Chapter shall be effective upon passage by the voters at a Town election.

## CHAPTER 30. DENIAL OR REVOCATION OF PERMITS *(Added 2018)*

Section 1. The Town Collector (hereinafter referred to as the "Collector") shall annually, and may periodically, furnish to each department, board or commission (hereinafter referred to as the "Licensing Authority") that issues licenses or permits, including renewals and transfers, a list of any person, corporation or business enterprise (hereinafter referred to as the "Party") that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

Section 2. Process for Denial, revocation or suspension of license or permit.

a. The Licensing Authority may deny, revoke or suspend any license or permit, including renewals and transfers, of any Party whose name appears on said list furnished to the Licensing Authority from the Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any Party whose name appears on said list furnished to the licensing authority from the Collector; provided, however, that written notice is given to the Party and the Collector, as required by applicable provisions of the law, and the Party is given a hearing, to be held no earlier than 14 days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any Party.

b. The Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension of said license or permit to any party.

c. Any findings made by the Licensing Authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding, and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension.

d. Any license or permit denied, suspended or revoked under this Section shall not be reissued or renewed until the Licensing Authority receives a certificate issued by the Collector that the Party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges payable to the Town as of the date of issuance of said certificate.

Section 3. Payment agreement.
Any Party shall be given an opportunity to enter into a payment agreement, thereby allowing the Licensing Authority to issue a certificate indicating said limitations to the license or permit, and validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and hearing as required by applicable provisions of law.

Section 4. The right to waive.
The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family as defined in Massachusetts General Laws Chapter 268A, Section 1, in the business or activity conducted in or on said property.

Section 5. Non-applicability
Sections 1 through 4 inclusive, shall not apply to the following licenses and permits:
A. Open burning (MGL Chapter 48 Section 13)
B. Sale of articles for charitable purposes (MGL Chapter 101 Section 33)
C. Children work permits (MGL Chapter 149 Section 69)
D. Clubs, Associations dispensing food or beverage licenses (MGL Chapter 140 Section 21E)
E. Dog licenses (MGL Chapter 140 Section 137)
F. Fishing, hunting, trapping licenses (MGL Chapter 131 Section 12);
G. Marriage licenses (MGL Chapter 207 Section 28)
H. Theatrical events, public exhibition permits (MGL Chapter 140 Section 181)
I. Bicycle permits (MGL Chapter 85 Section 11A)"

## CHAPTER 31. SHERBORN AFFORDABLE HOUSING TRUST BY-LAW *(Added 2020)*

The Sherborn Housing Trust shall be constituted and operate under MGL Chapter 44, Section 55C and subject to the limitations contained in these Bylaws.

Section 1. Name of the Trust
The trust shall be called the "Sherborn Affordable Housing Trust."

Section 2. Purpose
The purpose of the Trust shall be to provide for the preservation and creation of affordable housing in the Town of Sherborn for the benefit of low and moderate income households. In furtherance of this purpose, the Trustees are hereby authorized, in accordance with the procedures set forth herein, to acquire by gift, purchase, or otherwise real property, personal property, or money, both tangible and intangible, of every sort and description; to use such property, both real and personal, and money in such manner as the Trustees shall deem most appropriate to carry out such purpose, provided however, that all property and money held by the Trust and tenet earnings thereof shall be used exclusively for the preservation and creation in the Town of Sherborn of affordable housing for the purposes for which this Trust was formed.

Section 3. Board of Trustees

The Board of Trustees shall consist of five or seven members appointed by the Select Board for two-year terms. The Board shall consist of one Select Board member and one member nominated to the Board of Trustees from each of the two following boards and committees: Planning Board and the Land Acquisition Committee. Such nominated members shall be representatives of their respective boards and shall continue serving both at the pleasure of the Select Board as well as their respective boards. Only persons who are residents of the Town of Sherborn shall be eligible to hold the office of Trustee. Trustees shall serve for a term of two years, except that two of the initial trustee appointments shall be for a term of one year, and may be re-appointed at the discretion of the Select Board. Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk. If a Trustee shall die, resign, or for any other reason cease to be a Trustee here under before his/her term of office expires, a successor shall be appointed by the Select Board to fill such vacancy provided that in each case the said appointment and acceptance in writing by the Trustee so appointed is filed with the Town Clerk. Upon the appointment of any succeeding Trustee and the filing of such appointment the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees. Reference to the Trustee shall mean the Trustee or Trustees for the time being hereunder.

Section 4. Powers of Trustees

The Trustees shall have the following powers which shall be carried out in accordance with and in furtherance of the provisions of MGL c.44, §55C as outlined below except that it shall have no ability to borrow money, or mortgage or pledge Trust assets, purchase, sell, lease, exchange, transfer or convey any interest in real property without prior approval of the Sherborn Select Board:

To accept and receive property, whether real or personal, by gift, grant, devise, or transfer from any person, firm, corporation or other public or private entity, including without limitation grants of funds or other property tendered to the trust in connection with provisions of any zoning ordinance or by-law or any other ordinance or by-law or any General Law or Special Act of the Commonwealth or any other source;

1. With Select Board approval from Trustee recommendation to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income, taking into account of safety, liquidity and yield. All officers who control the investment of such funds shall invest them in accordance with M.G.L. c. 44, § 54;

2. With Select Board approval from Trustee recommendation to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract;

3. To execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper

or incident to any transaction in which the Board of Trustees engages for the accomplishment of the purposes of the trust;

4. To employ advisors and agents, such as accountants, appraisers and lawyers as the board deems necessary;
5. To pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board of Trustees deems advisable;

6. To apportion receipts and charges between incomes and principal as the Board of Trustees deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;

7. To participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;

8. To deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Trustees may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the Board of Trustees may deem necessary and appropriate;

9. To carry property for accounting purposes other than acquisition date values;

10. With Select Board approval from Trustee recommendation to borrow money on such terms and conditions and from such sources as the Board of Trustees deems advisable, to mortgage and pledge trust assets as collateral;

11. To make distributions or divisions of principal in kind;

12. To compromise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Board of Trustees may deem appropriate;

13. To manage or improve real property; and to abandon any property which the Board of Trustees determined not to be worth retaining;

14. To hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate; and

15. To extend the time for payment of any obligation to the trust.

16. The Board of Selectmen may require a financial audit in any fiscal year if deemed appropriate.

Notwithstanding anything to the contrary herein, Select Board approval shall be required for any of the following actions:
a) To purchase real or personal property

b) To sell, lease, exchange, transfer or convey any personal, mixed, or real property; and

c) To borrow money, or to mortgage or pledge Trust assets as collateral to the extent of the Trust's assets.

Notwithstanding anything to the contrary herein, the Trustees may not borrow, mortgage, or pledge greater than the current Trust assets unless approved by the Select Board.

Section 5. Meetings of the Trustees
The Trust shall meet at least quarterly at such time and such place as the Trustees shall determine. Special meetings may be called by the Chairperson or by any two (2) Trustees. Notice of any meeting of the Trust shall be filed with the Town Clerk and posted in accordance with the Open Meeting Law, MGL Chapter 39, § 23A, 23B, and 23C.

A quorum of the Board of Trustees shall be the majority of the number of authorized Trustees.

The Trustees shall annually elect one (1) Trustee who shall not be a member of the Board of Selectmen to serve as Chairperson. The Chairperson may establish sub-committees and/or ad hoc task related committees to carry out the purposes of the Trust. Chairpersons of the sub-committees may be selected by the member of the sub-committees.

If any Trustee is absent from five (5) consecutive regularly scheduled meetings of the Trust, expect in the case of illness, his/her position shall be deemed vacant and shall be filled with a new appointment as set forth above.

Section 6. Acts of Trustees
A majority of Trustees may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate.

Section 7. Liability
Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town, except in the manner specifically authorized herein. The Trust is a public employer and the Trustees are public employees for the purposes of MGL c. 268A. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purposes of MGL c. 268A.

Section 8. Custodian of Funds
The Town Treasurer shall be the custodian of the funds of the Trust. The books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices for municipalities.

Section 9. Duration of the Trust
The Trust shall be of infinite duration, until terminated in accordance with applicable law. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town and held by the Select Board for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the Select Board, sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

Section 10.
The Select Board may authorize the Trustees to execute, deliver, and record with the Registry of Deeds any documents required for any conveyance authorized hereunder.

Section 11. Titles
The titles to various Articles herein are for convenience only and are not to be considered part of said Articles nor shall they affect the meaning or language of any such Article.

**TOWN OF SHERBORN**
**PERSONNEL ADMINISTRATION PLAN**

*(Added 1989; amended 1996, 1998, 2000, 2011, 2012, 2013, 2015; amended and restated 2009, 2017, 2022, 2023)*

The Personnel Administration Plan for the Town of Sherborn, Commonwealth of Massachusetts originally approved by the Town of Sherborn at its Annual Town Meeting held on April 25-26, 1988 pursuant to Section 4 of Chapter 20 of the General By-Laws of the Town of Sherborn, as amended, is now fully amended and restated as the Personnel Administration Plan approved by the Town of Sherborn at its Annual Town Meeting on April 25/27, 2017.

1. DEFINITIONS

As used in this Personnel Administration Plan, the following terms shall have the following meanings:

a. "Appointing Authority" has the meaning given in Section 1 of the By-Law.

b. "By-Law" shall mean the Personnel By-Law of the Town of Sherborn, as adopted and amended from time to time as Chapter 20 of the By-Laws of the Town of Sherborn.

c. "Department" has the meaning given in Section 1 of the By-Law.

d. "Department Head" has the meaning given in Section 1 of the By-Law.

e. "Employee" has the meaning given in Section 1 of the By-Law.

f. "Employment" shall mean the time during which an Employee is actively employed by the Town or is absent from active Employment as authorized pursuant to this Plan.

g. "Fiscal Year" shall mean the 12-month period beginning on July 1 and ending on the following June 30.

h. "Job Classification Plan" shall mean Appendix A to this Plan, as amended from time to time by the Town Administrator with the consent of the Personnel Board.

i. "Plan" shall mean this Personnel Administration Plan, as amended from time to time in accordance with the By-Law.

j. "Supervisor" shall mean a Department Head or any other position that directs an activity or an Employee.

k. "Town" shall mean the Town of Sherborn, Commonwealth of Massachusetts.

l. "Work Week" shall mean the period of time beginning at 12:00 a.m. on Sunday and ending at 11:59 p.m. on the next Saturday.

2. APPLICATION

The Plan shall apply to all Departments and to all positions in the service of the Town to which the By-Law is applicable, provided, however, that (a) the terms and conditions of Employment for any Department Head or Police Department Superior Officer with whom the Select Board has negotiated and entered into a written employment agreement or person covered by a collective bargaining agreement shall be governed by the terms of that employment agreement or collective bargaining agreement and (b) sections 11, 12, 13, 14, 23, 24, 25, 27, 28 and 30 of the Plan shall apply to all Employees of the Town including elected or appointed Employees and Employees subject to a collective bargaining agreement or who have entered into a written employment agreement with the Town. If the Plan and a written employment or collective bargaining agreement conflict, the written employment agreement or collective bargaining agreement shall govern but solely to the extent of the conflict.

3. JOB CLASSIFICATIONS AND EMPLOYMENT CATEGORIES

Employees of the Town shall be designated as working in one of the Job Classifications listed in the Job Classification Plan and be assigned to one of the following Employment Categories:

a. REGULAR FULL-TIME
   Employees regularly scheduled to work at least 40 hours per Work Week are Regular Full-Time Employees.

b. REGULAR PART-TIME
   Employees regularly scheduled to work at least 20 hours per Work Week but not more than 39 hours per Work Week for no less than 10 consecutive months in any 12 consecutive month period are Regular Part-Time Employees.

c. SUPPLEMENTAL PART-TIME
   Employees regularly scheduled to work fewer than 20 hours per Work Week are Supplemental Part-Time Employees.

d. CASUAL PART-TIME
   Employees who work for the Town on an occasional basis and are paid an hourly rate for such work are Casual Part-Time Employees.

e. TEMPORARY OR SEASONAL
   Employees employed on a full-time or part-time basis for a specific short and defined period of time not exceeding six (6) consecutive months in any one 12 consecutive month period are Temporary or Seasonal Employees.

4. WORK HOURS AND PAY

a. Work Schedule: Employees are generally scheduled to work four (4) or five (5) days per Work Week with their allotted hours distributed over the Work Week, based on the needs of their Departments. An Employee who works six (6) or more hours in any one (1) day is scheduled for a one-half hour unpaid meal period. Daily and weekly work schedules

may be changed from time to time at the discretion of the Town, acting through the Appointing Authority, to meet the varying needs of the Town. An Employee may be asked to work more or fewer than eight (8) hours in any given day, and to work those hours consecutively or with a break of several hours, depending on the Town's needs.

b. Fair Labor Standards Act (FLSA) Status:

i. Non-Exempt: Non-exempt Employees will receive compensatory time for all hours worked in any single Work Week in excess of their regularly scheduled hours. A non-exempt Employee will accrue one (1) hour of compensatory time for every hour worked in excess of his or her regular hours in any Work Week up to 40 hours and 1.5 hours of compensatory time for each hour worked in excess of 40 in any Work Week. Compensatory time must be approved by the Employee's Supervisor, and Supervisors must maintain written records of all additional hours worked. Such compensatory time may be used in the same manner as vacation time. Employees must use accrued compensatory time, if any, before using vacation time. When an Employee's Employment terminates for any reason, the Employee will be paid for all accrued, unused compensatory time at the Employee's hourly rate in effect at the time of his or her termination.

ii. Exempt: Exempt Employees are salaried, and are expected to work the hours necessary to complete their assignments in a professional manner. Department Heads may exercise discretion in modifying schedules from time to time in recognition of excess hours worked, provided that such scheduling changes do not result in increased payroll expense.

Under the FLSA, Exempt Employees are paid on a "salary basis," meaning that the Employee regularly receives a predetermined amount of compensation each pay period. The predetermined amount cannot be reduced because of variations in the quality or quantity of the Employee's work. Subject to exceptions listed below, an Exempt Employee must receive the full salary for any Work Week in which the Employee performs any work, regardless of the number of days or hours worked. Exempt Employees do not need to be paid for any Work Week in which they perform no work.

Deductions from the pay of Exempt Employees will be made only in the following circumstances: (1) an Exempt Employee is absent from work for one or more full days for personal reasons other than sickness or disability and has used all of his or her vacation and personal days; (2) an Exempt Employee is absent from work for one or more full days due to sickness or disability, the Employee has used all of his or her sick days, and the Employee is not eligible for short term disability pay; or (3) to offset amounts Employees receive as jury duty fees, or for military pay. Also, the Town is not required to pay the full salary in the first or last Work Week of Employment or for Work Weeks in which an Exempt Employee takes unpaid leave under the Family and Medical Leave Act (FMLA). In these circumstances, either partial day or full day deductions may be made. Nothing in this Section would prevent an Exempt Employee from being demoted into another position or from having their employment terminated.

The Town's policy is to comply with the salary basis requirements of the FLSA. Therefore, any improper deduction may not be made from the salaries of Exempt Employees. If an Employee believes that an improper deduction has been made from his or her salary, the Employee should immediately report this information to the Finance Director/Accountant or designee.

c. Improper Deductions: The Finance Director or his or her designee shall promptly investigate reports of improper deductions. Employees shall be promptly reimbursed for any improper deduction.

d. Work From Home:

i. General Rule: The Town does not permit Employees to self-determine a work-from-home schedule. Every Employee is expected to perform his or her work at the designated workplace during their designated work hours.

ii. Exceptions to General Rule: From time to time, a Department Head may, however, determine that working from home may be appropriate, on a temporary basis, for a certain Employee. Work from home arrangements shall be assessed by the Town Administrator on a case-by-case basis in a timely manner, focusing on the operational needs of the Department. Approval to work from home in no way changes the terms and conditions of Employment with the Town.

iii. Exception Request Procedure: If an Employee's Department Head deems that working from home is warranted, the Department Head shall file a written request with the Town Administrator with as much advance notice as possible. The written request shall detail the basis for, and the length of, the work-from-home request. The request must also explain how an Employee working from home will perform all functions of his or her position. If working from home requires the use of Town property, the written request must include a written explanation of how the security, confidentiality and privacy of the Town property will be maintained. The Town Administrator's written approval or disapproval of the request shall be final. If a Department Head does not follow the process described in the Plan or does not accept the Town Administrator's final decision, the Town Administrator will send written notification of the Plan violation to the Select Board and Personnel Board.

5. VACATIONS

a. All Regular Full-Time and Regular Part-Time Employees shall be eligible for vacation days as follows:

- 10 vacation days per Fiscal Year in each of the first five (5) Fiscal Years of continuous Employment;
- 15 vacation days per Fiscal Year in each of the next five (5) Fiscal Years of continuous Employment; and
- 20 vacation days per Fiscal Year in each of the Fiscal Years of continuous Employment after 10 Fiscal Years of continuous Employment.

Vacation days shall be earned and accumulated pursuant to Schedule 1.

b. Eligibility Computation:

i. In determining vacation day credit pursuant to Schedule 1, an Employee shall be given vacation day credit for a full month of Employment for the first month of Employment if the date of commencement of Employment was on or before the 15th day of that month. Likewise, the Employee will be given a full month of vacation credit when determining his or her vacation day credit if the date of Employment termination is after the 15th day of the month in which the termination of Employment occurs. Except as provided in this subsection of the Plan, the computation of an Employee's vacation entitlement shall be made counting only full calendar months of consecutive Employment toward the service required for eligibility.

ii. No Employee is eligible to use any vacation day credit until the Employee has been employed by the Town for a least six (6) months.

iii. An Employee who terminates his or her Employment having earned and accumulated but not used vacation day credit shall be eligible for payment for the earned and accumulated vacation day credit at the time of his or her Employment termination. If Employment is terminated because of an Employee's death, the Town shall pay his or her estate for the deceased Employee's earned and accumulated vacation day credit as of the date of death. Employees who have not been in the Town's Employment for at least six (6) months shall not be eligible for any vacation credit or payment for any unused vacation days.

iv. Any Employee who is involuntarily called to fulfill his or her military service duty shall receive payment for the vacation day credit on the date of his or her leaving the Town's active Employment as if he or she had terminated Employment on that date.

c. Vacation day credit shall not be cumulative from Fiscal Year to Fiscal Year except as provided in the Plan. Employees entitled to two (2) weeks of vacation day credit may carry over up to one (1) week of vacation day credit to the following Fiscal Year. Employees with three (3) or more weeks of vacation day credit may carry over up to two (2) weeks of vacation day credit to be taken in the following Fiscal Year. Vacation day credit not taken in the Fiscal Year immediately following the Fiscal Year in which it was earned or in the Fiscal Year to which it is carried over as provided in the Plan shall be forfeited. The Finance Director/Accountant or his or her designee will notify the Employee's Supervisor and each Employee of his or her leave accumulation vacation day credit as of July 1 of each Fiscal Year. The annual vacation day credit notice also shall advise the Employee of the amount of vacation day credit that may be carried over and the amount that will be forfeited if not taken within the Fiscal Year.

d. All Employees eligible for vacation days shall use vacation days in accordance with a schedule mutually agreed upon by the Employee and his or her Supervisor or Department Head. Employees are encouraged to use vacation days in full week increments. Each Supervisor or Department Head shall establish notice and scheduling requirements

governing the scheduling of use of vacation days for the Employees in his or her respective Departments.

e. A Regular Full-Time Employee shall be paid for vacation days at the per diem rate of pay received by the Employee at the time a vacation day is used.

f. A Regular Part-Time Employees shall be paid during vacation days at the per diem rate of pay received by the Employee at the time the Employee takes the vacation. The vacation day credit granted to Part-Time Employees shall consist of the same percentage of the day or vacation day that his or her Employment bears to full-time Employment.

6. HOLIDAYS

a. Regular Full-Time Employees shall be paid for each of the holidays set out in this subsection of the Plan. Payment shall be at the Employee's regular hourly rate or daily rate as applicable. Paid holidays shall not be granted to Temporary, Casual Part-Time, Supplemental Part-Time, or Seasonal Employees.

b. Regular Part-Time Employees shall be paid for each of the holidays set out in subsection c. If a holiday does not fall on a Regular Part-Time Employee's regularly scheduled work day, the Regular Part-Time Employee will be given compensatory time on a pro-rata basis in lieu of the paid holiday. The paid holiday granted to Part-Time Employees shall consist of the same percentage of a day that his or her Employment bears to Full Time Employment. A paid holiday that falls on a day which an Employee's Department is normally closed and Employees of the Department normally do not work shall be celebrated on the regular work day for that Department that is closet in time to the actual date on which the paid holiday falls.

c. Schedule of Paid Holidays: New Years Day, Memorial Day, Veterans Day, Martin Luther King Day, Presidents Day, Patriots Day, Juneteenth National Independence Day, Independence Day, Labor Day, Columbus Day, Thanksgiving Day and Christmas Day. The paid holiday schedule may be altered by the Select Board at the beginning of a calendar year, provided that Employees are granted an equivalent number of paid holidays.

7. SICK PAY

a. Regular Full-Time and Regular Part-Time Employees who have completed 30 days of Employment shall accrue one (1) sick day for each month of Employment completed. Employees may accumulate a maximum of sixty (60) sick days. Regular Part-Time Employees shall be paid for sick days on a pro-rata basis, in the same proportion that their regularly scheduled weekly hours bears to Full-Time Employment.

b. An Employee may use sick days for the following reasons: (i) absence due to an Employee's illness or injury; (ii) absence to care for an Employee's spouse, child or parent, or to care for their spouse's child or parent, due to illness or injury, or, (iii) absence up to three (3) days per Fiscal Year for an uncategorized reason with the prior written approval of his or her Department Head and the Town Administrator (a copy of such approval shall be placed in the Employee's personnel file)

c. An Employee may be required to provide his or his Supervisor, Department Head, or the Town Administrator with a physician's certificate of incapacity due to illness or injury after three (3) consecutive working days of absence or after a series of repeated absences within 60 calendar days. Such certification shall include, at a minimum, the date the illness began or injury occurred and the probable date of the Employee's return to work. The Employee shall provide the requested physician's certificate within five (5) working days of the Town's request. The Town Administrator shall also have the right to require that an Employee be examined by a Town designated physician at the Town's expense to determine an Employee's fitness for duty, and to ensure that he or she can safely perform the essential functions of his or her position with or without a reasonable accommodation.

d. No payment will be made for accrued but unused sick pay at the end of a Fiscal Year or upon termination of Employment.

e. Supplemental Part-Time, Casual Part-Time, Temporary and Seasonal Employees shall not be entitled to paid sick days.

8. PERSONAL DAYS

Regular Full-Time and Regular Part-Time Employees shall be eligible for three (3) days of paid personal time in any Fiscal Year for the purpose of attending to personal business that unavoidably conflicts with the Employee's work schedule. Regular Part-Time Employees shall be paid for personal days on a pro-rata basis, in the same proportion that their regularly scheduled weekly hours bears to full time Employment.

9. JURY DUTY LEAVE

An Employee who is summoned for jury duty shall be paid by the Town an amount equal to the difference between the compensation he or she would normally earn and the compensation paid by the court for any day on which the Employee is summoned for jury duty.

10. BEREAVEMENT LEAVE

Any Regular Full-Time Employee or Regular Part-Time Employee is eligible for up to three (3) paid days off with pay for the purpose of making arrangements for and attending the funeral of a parent, parent-in-law, sister, brother, sister-in-law, brother-in-law, spouse, child, grandchild, step-child or his or her spouse's grandparent or in special situations by obtaining the prior written approval of the Department Head and the Town Administrator.

11. MILITARY LEAVE

Employees will be granted military leave in accordance with federal and state law.

12. FAMILY MEDICAL LEAVE ACT (FMLA) AND SERVICE MEMBER FAMILY LEAVE

a. FMLA Leave: The Town will grant a leave of absence to Employees who meet the eligibility requirements described in this section of the Plan for: (1) the care of a child after birth or adoption or placement with the Employee for foster care; (2) the care of a spouse, child, or parent (each a "Family Member" for purposes of this section of the Plan) with a serious health condition; (3) an Employee's own serious health condition; or (4) a "qualifying

exigency" arising because a Family Member is on or is called to active duty in the Armed Forces in support of a military contingency operation ("FMLA Leave"). FMLA Leaves will be granted for a period of up to twelve (12) Work Weeks in any rolling 12-month period, which is measured backward from the date of an Employee's qualifying FMLA event. Any FMLA Leave used during the previous 12 months is subtracted from the Employee's 12-week FMLA allotment.

To be eligible for an FMLA Leave, an Employee must have completed at least one (1) full year of service with the Town and have worked a minimum of 1,250 hours in the 12-month period preceding the FMLA Leave.

If an Employee's FMLA Leave is planned in advance, the Employee must provide the Town Administrator with at least 30 days' notice prior to the anticipated FMLA Leave date, using the Town's official FMLA Leave Forms. FMLA Leave Forms must be obtained from the Town Administrator. If the FMLA Leave is unexpected, the Employee should notify the Town Administrator as far in advance of the anticipated FMLA Leave date as is practicable.

All Town benefits that operate on an accrual basis will continue to accrue during the paid FMLA Leave period. However, such accruals will cease once the Employee is on unpaid leave status. Employees will be required to use all available paid leaves during the FMLA Leave period. Once such benefits are exhausted, the balance of the FMLA Leave will be without pay. All group health benefits will continue during the FMLA Leave for so long as the Employee continues regular Employee contributions to these plans.

Employees requesting a FMLA Leave to care for a covered Family Member with a serious health condition may be required to provide medical certification to the Town Administrator from the Family Member's physician attesting to the nature of the serious health condition, probable length of time treatment will be required, and the reasons that the Employee is required to care for the Family Member. Employees may also be required to provide additional physician's statements at the Town Administrator's request.

If an Employee expects to be or is absent for more than five (5) consecutive work days as a result of the Employee's own serious health condition (including pregnancy), the Employee will be required to submit appropriate medical certification to the Town Administrator from the Employee's physician. Such certification must include, at a minimum, the date the disability began or is expected to begin, a diagnosis, and the probable date of the Employee's return to work. During an FMLA Leave, Employees may also be required to provide the Town Administrator with additional physician's statements on request from the Town Administrator attesting to the Employee's continued disability and inability to perform the essential functions of their position with or without reasonable accommodation.

Before an Employee will be permitted to return from FMLA Leave due to the Employee's serious health condition, the Employee will be required to present the Town Administrator with a note from the Employee's physician indicating that the Employee is capable of returning to work and performing the essential functions of his or her position with or without reasonable accommodation. If required, the Town Administrator will consider making reasonable accommodation for any disability the Employee may have in accordance with applicable laws.

FMLA Leave taken to care for a newborn child, an adopted child, or for a child placed in the Employee's home for foster care, must be taken in consecutive Work Weeks. Leave taken for any other reason may be taken consecutively, intermittently, or on a reduced work/leave schedule based on certified medical necessity. In such instances, the Town Administrator will follow applicable law in reviewing and approving such leave requests.

b. Service Member Family Leave: The Town Administrator acting on behalf of the Town will also grant a leave of absence to Employees who meet the eligibility requirements described below to care for a Family Member or next of kin who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on a temporary disability retired list, for a serious injury or illness which was incurred in the line of duty and which renders the service member unfit to perform the duties of the service member's office, grade, rank or rating. Eligible Employees may take up to 26 Work Weeks of Service Member Family Leave in any rolling 12 month period (calculated the same way as FMLA Leave). Employees cannot exceed a combined total of 26 Work Weeks of FMLA and Service Member Family Leave in any 12-month period.

Employees who intend to take an FMLA Leave because of a qualifying exigency covered by the Service Member Family Leave shall provide notice to the Town Administrator as soon as is practicable. Employee requests for a Service Member Family Leave shall be supported by a certification of the need for such leave.

c. Return from Leave: Upon return from FMLA or Service Member Family Leave, an eligible Employee is entitled to be reinstated to his or her former position, or an equivalent position with equivalent Employment benefits, pay, and other terms and conditions of Employment. Exceptions to this reinstatement requirement may apply if circumstances have changed (e.g., if the Employee's position is no longer available due to a job elimination.)

To the extent any provision in this Plan conflicts with the provisions of the FMLA, the terms of the FMLA shall prevail.

13. SMALL NECESSITIES LEAVE

Employees who are eligible for FMLA Leave are also eligible for Small Necessities Leave. An eligible Employee (as defined in the FMLA Leave policy described above) is entitled to a total of 24 hours of Small Necessities Leave during a rolling 12-month period, which is measured backward from the date of an Employee's Small Necessities Leave event. Any Small Necessities Leave used during the previous 12 months is subtracted from the Employee's 24-hour Small Necessities Leave allotment. In addition to FMLA Leave, Small Necessities Leave may be granted for the following purposes:

- To participate in activities directly related to the educational advancement of a son or daughter of the Employee, such as parent-teacher conferences or interviewing for a new school;
- Accompanying a son or daughter of the Employee to routine medical or dental appointments, such as check-ups or vaccinations; and

- Accompanying an elderly relative of the Employee to routine medical or dental appointments or appointments for other professional services related to the elder's care, such as interviewing at nursing or group homes.

Employees will be required to use all available paid leaves during the Small Necessities Leave period. Once exhausted, the balance of the Small Necessities Leave will be without pay. Employees may take Small Necessities Leave intermittently or through a reduced work schedule.

If the necessity for Small Necessities Leave is foreseeable, the Employee must provide the Town Administrator with not less than seven (7) calendar days' advance written notice before the date on which Small Necessities Leave is to begin. If the necessity for Small Necessities Leave is not foreseeable, the Employee shall provide such notice as is practicable.

14. PARENTAL LEAVES OF ABSENCE

Full-time Employees who do not qualify for an FMLA Leave or who have used all of their FMLA leave and who have been employed by the Town for at least three consecutive months may request a Parental Leve of Absence for the purpose of giving birth, adopting a child under the age of eighteen, or adopting a child under the age of twenty-three if the child is mentally or physically disabled.

Leave requests must be made in writing at least two weeks in advance of the date the Employee would like the leave to begin or, in emergency situations, with as much advance notice as is practicable.

Parental Leaves of Absence will be unpaid and may be taken for up to eight (8) Work Weeks. However, an Employee may elect to use available paid leave time. Employees will not accrue additional paid leave time during a Parental Leave of Absence.

An Employee on Parental Leave must give the Town Administrator written notice of his or her intention to return to work, at least two (2) calendar weeks before the end of the eight (8) Work Week leave period. An Employee who returns from Parental Leave by the end of the eight (8) Work Week period will be reinstated to the same position in which he/she worked prior to leave, or a similar position with similar status and pay.

When applicable, FMLA leave and parental leave may be applied and used concurrently.

15. ADMINISTRATIVE LEAVE

An Employee may submit a written request for up to three (3) days of unpaid Administrative Leave during each Fiscal Year. The Town Administrator may grant the Employee administrative leave for reasons that are jointly determined to be in the best interest of the Town. An Employee may submit a written request for up to three (3) days of unpaid Administrative Leave during each Fiscal Year. The Town Administrator may grant the Employee administrative leave for reasons that are jointly determined to be in the best interest of the Town.

16. GROUP INSURANCE

The Town offers Regular Full-Time Employees and Regular Part-Time Employees a group life insurance plan and group health insurance plan.

17. RETIREMENT

Pursuant to and in accordance with the applicable sections of M.G. L. Chapter 32, all Regular Full-Time and certain Regular Part-Time Employees who are under age 65 are required to join the Middlesex County Retirement System (MCRS). This contributory benefit is funded jointly through a mandatory payroll deduction and the Town.

18. PERFORMANCE EVALUATIONS

a. Annual Performance Evaluations: All Regular Full-Time and Regular Part-Time Employees of the Town shall be evaluated annually on or before July 1 of each Fiscal Year. Department Heads shall use the Employee Performance Evaluation Form issued by the Town Administrator and shall submit completed Performance Evaluation Forms on or before September 1 of each Fiscal Year to the Town Administrator.

b. Probationary Performance Evaluations: A newly hired Employee shall be evaluated, in writing, by his or her Department Head after the completion of the applicable probationary period (as defined and described in this Plan). If the probationary period (or any extension thereof approved by the Town Administrator) ends between April 1 and July 1 of the Fiscal Year, the first annual performance evaluation will take place the following Fiscal Year on or before July 1. All completed Performance Evaluation Forms shall be submitted to the Town Administrator within 30 days following the applicable probationary period.

c. All Performance Evaluations: The Employee and Department Head will each sign the Performance Evaluation Form after the Employee's evaluation is complete to signify their agreement that the evaluation has been conducted. The Department Head shall give the Employee a signed copy of the Performance Evaluation Form, retain a copy of the signed Performance Evaluation Form, and forward a copy of the signed Performance Evaluation Form to the Town Administrator for the Employee's personnel file.

d. Performance Evaluations Forms shall be locked and maintained under the control of the Town Administrator, acting as Human Resources Director. The Town Administrator's personnel file (including Performance Evaluation Forms) shall be maintained in a locked file at Town Hall under the control of the Select Board.

19. POSITION RECLASSIFICATION

a. All position reclassifications and related job description changes and pay rate adjustments shall be documented in an approved Personnel Action Form.

b. No position may be reclassified either higher or lower, until:

i. the Town Administrator has determined that such a reclassification will be consistent with the By-Law, the Job Classification Plan, and the operational needs of the Town and,

ii. the Personnel Board has approved the reclassification.

20. HIRING

a. All new hires must be initiated by submitting the Town's Personnel Requisition Form. A job description approved by the Appointing Authority, the Town Administrator, and the Personnel Board must be attached to the Personnel Requisition Form prior to the announcement of the job opening. Compensation for the position must be consistent with Section 21 of this Plan. Failure to complete the Town's Personnel Requisition Form may delay or nullify an applicant's Employment.

b. Job openings must be published at least once in a local paper of general circulation and/or a municipal publication, and posted on the Town's website and Town Hall Bulletin Board at least 14 calendar days prior to the job being filled, unless exigent circumstances require that the position be filled in a shorter timeframe. The announcement will include at least job title, pay range, summary of job duties, application deadline, and instructions on how to apply.

c. An applicant shall complete the Town's Application for Employment prior to being interviewed. For a period of no less than 12 months after the job has been filled, the Appointing Authority shall retained all materials submitted by the applicant, all of the Applications for Employment and associated records concerning the position and filling of the position. The Applications for Employment and related records shall be available for review at any time by the Town Administrator upon request during the 12 month period after the job has been filled.

d. Prior to offering Employment to an applicant on behalf of the Town, the Appointing Authority shall submit a copy of the applicant's Application for Employment and a draft Employment Offer Letter to the Town Administrator utilizing the Personnel Action Form. With this submission, the Appointing Authority shall: report the number of responses received; the number of applicants determined to be qualified; the number of applicants interviewed; and, where/when and by whom the interviews were conducted.

e. All hires must be in compliance with M.G.L. Chapter 268A, Conduct of Public Officials and Employees.

f. The Town reserves the right to conduct layoffs or eliminate positions due to budget constraints, reorganization, or other operational needs. Under such circumstances, the Employee will be given written notice from the Town Administrator. In the event that a position is restored within one (1) Fiscal Year, the Employee will be notified of the callback opportunity. The Employee must notify the Town whether he or she will accept the callback within three (3) business days. For a period of one (1) Fiscal Year, an Employee who had had his or her position eliminated or is involved in a layoff, will be given preference in hiring processes involving Town positions for which the Employee meets minimum qualifications.

21. PAY AND SALARY SCHEDULE

a. The Town endeavors to set competitive pay rates for each Town job that are comparable to pay rates for comparable work in similarly situated towns. Pay rates also take into consideration comparable Town positions and the Town's budgetary constraints.

b. The job classification for each job covered by the Plan is set forth in the Job Classification Plan.

c. The pay rate for each classification or job within a classification shall be determined by the Personnel Board in conjunction with the Town's budgetary process.

Section 22: LONGEVITY

I. Purpose

The purpose of this Policy is to implement systems and procedures to reward longevity service to the Town of Sherborn ***benefited employees*** as set out below.

II. Policy

The compensation is based on years of service to the Town. Any such employee with the following service levels shall be awarded:

| Years of Service | Award |
|---|---|
| 5 – 9 | $ 500 |
| 10 – 14 | $ 650 |
| 15 – 19 | $ 800 |
| 20 – 24 | $1,000 |
| 25 – 30 | $1,200 |
| 30+ | $1,300 |

This stipend will begin in FY24. It will be divided into 2 biannual payments following the employee's anniversary on September and March first dates. The above-listed amounts of Award shall be adjusted by a cost of living increase percentage each fiscal year after FY24, subject to appropriation. Employees on disability leave will receive longevity pay on the same date as active employees. Employees on unpaid leaves of absence will receive their longevity pay one month after they return to work. Employees who retire during the year between the September and March first pay-out dates will receive pro-rated amounts for the year in which they retire.

III. Eligibility

Effectively July 1, 2023, benefited employees, who have been employed by the Town continuously for at least five years, are eligible for the Longevity Stipend. A benefited employee is one whose position is included in the approved Town Pay Plan and who is eligible for all employee benefits, including health insurance. Employees under collective bargaining agreement, contract, seasonal employees, supplemental part time, casual part time, and temporary and elected employees are not eligible. For the purposes of longevity calculations, all paid leave, unpaid temporary layoffs, and authorized leave without pay periods of up to three months are included. An elected benefit eligible employee, who moves to a non-elected benefited position with the Town, will have all time serving in benefited employment counted toward longevity.

A. Periods of disability where some sick or annual leave is used to supplement disability payments are credited to service. If an employee leaves Town employment and then is reinstated or rehired, service time is adjusted to account for the period not worked. The adjusted service date is used to calculate longevity. The employee must have been in

pay status for at least half of the calendar year in order to receive longevity pay for the year.

B. Time spent in a supplemental part time, casual part time, temporary, or seasonal position, and those positions covered by contract or collective bargaining agreements are not eligible to be counted toward longevity. Leave without pay for periods greater than three months is also not eligible to be counted toward longevity.

C. Twelve eligible calendar months make up a year of service. Four weeks will be counted as one month after all complete years and calendar months have been calculated. Military leaves of absence (including extended tour) will not affect the longevity date.

IV. Administration

The Town Administrator along with the Director of Human Resources and the Personnel Board is responsible for the administration, revision, interpretation, and application of this Policy.

V. Amendments

This Policy may, from time to time, be amended by Town Meeting.

## 23. PROBATIONARY PERIOD FOR NEW HIRES

a. New Hires: The probationary period for newly hired Employees shall be six months. A probationary period may be extended for up to an additional six (6) months upon request to and approval by the Town Administrator using the Personnel Action Form. A copy of the approved probationary period extension shall be provided to the employee in writing. A probationary period may be established for up to one (1) Fiscal Year from the date of Employment at the discretion of the Appointing Authority.

b. Other Actions: A six-month probationary period shall also be implemented when an Employee's job is combined or reclassified, or an Employee is reassigned or voluntarily transfers to a new job.

## 24. EQUAL EMPLOYMENT OPPORTUNITY

a. Equal Employment Opportunity Policy: The Town provides equal employment opportunities to all Employees and applicants for Employment without regard to race, color, religion, sex, sexual orientation, national origin, age, disability, genetic information, status as a veteran or as a member of the military or status in any group protected by applicable federal or state laws. This policy applies to all terms and conditions of Employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

The Town expects that all Employees will treat one another with respect and cooperation. The Town expressly prohibits any form of unlawful Employee discrimination or harassment based on race, color, religion, sex, sexual orientation, national origin, age, disability, genetic information, status as a veteran or a member of the military, or status in any group protected by applicable federal or state law. The purpose of this equal employment opportunity policy is not to regulate Employees' personal morality but rather to ensure that interference with the

ability of a Town Employee to perform his or her expected job duties is not tolerated and may be cause for termination by the Appointing.

b. Equal Employment Opportunity Complaint Procedure: Supervisors and Department Heads are responsible for creating an atmosphere free of discrimination and harassment, and Employees are responsible for respecting the rights of their coworkers.

If an Employee experiences any job-related discrimination or harassment based on his or her race, color, religion, sex, sexual orientation, national origin, age, disability, veteran or military status, or status in any group protected by applicable law, or believes that he/she has been treated in an unlawful, discriminatory manner, the Employee should report the incident in writing to the Town Administrator.

When the Town Administrator receives a complaint, the Town Administrator shall report to the Chair of the Personnel Board that a complaint has been made. The Chair and the Town Administrator shall jointly determine, on a case by case basis, whether the Town Administrator will conduct the investigation. The complaint will be promptly investigated in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview with the complainant, the person about whom the complaint has been made and with witnesses as necessary.

When the investigation is completed, the Town Administrator may seek additional advice as appropriate. The Town Administrator or designee shall present the findings and conclusions about the facts of the matter in writing to the Employee and to the Chair of the Personnel Board. Thereafter, the appropriate Department Head will, to the extent appropriate, be informed of the complaint and the investigation results by Town Administrator. The Town Administrator will review recommended personnel actions, up to and including termination, with the Department Head and appropriate parties.

If the complaint filed pursuant to this section involves the Town Administrator, the Employee will report the matter to the Chair of the Personnel Board. The Chair shall then consult with Town Counsel and the Chair of the Select Board on a proper course of action, which may include designating Town Counsel, an outside party, or other member of the Personnel Board to promptly investigate the matter in a manner consistent with the procedures set forth in the previous subsections of this section. The findings of the investigation shall be submitted to the Chair of the Personnel Board and to the Chair of the Select Board.

The Town prohibits any form of retaliation against an Employee for filing a bona fide complaint under this equal employment opportunity policy or for assisting in a complaint investigation. However, if, after investigating any complaint of unlawful discrimination or harassment, the Town Administrator determines that an Employee has knowingly provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who knowingly provided false information. Disciplinary action may be taken, up to and including termination.

## 25. SEXUAL HARASSMENT POLICY AND COMPLAINT PROCEDURE

a. Introduction: The Town's goal is to promote a workplace that is free of sexual harassment. Sexual harassment of Employees occurring in the workplace or in other settings in which Employees may find themselves in connection with their Employment is unlawful and will not be tolerated by the Town. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated, and the Town has provided a procedure by which inappropriate conduct will be dealt with, if encountered by Employees.

The Town takes allegations of sexual harassment seriously. The Town will respond promptly to complaints of sexual harassment, and where it is determined that such inappropriate conduct has occurred, it will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate. An Employee may be placed on administrative leave pending investigation.

This sexual harassment policy sets forth the Town's goals of promoting a workplace that is free of sexual harassment. The sexual harassment policy is not designed or intended to limit its authority to discipline or take remedial action for workplace conduct which it deems unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment set forth below.

b. Definition of Sexual Harassment: In Massachusetts, the following legal definition applies:

"Sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

(a) Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of Employment or as a basis for Employment decisions; or,

(b) Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by any person employed by the Town for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued Employment constitutes sexual harassment.

In addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating or humiliating to the Town's Employee or Employees may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute

sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances - whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life, comment on an individual's body, comment about an individual's sexual activity, deficiencies or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments related to sexual harassment;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.

All Employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by the Town.

c. Complaints of Sexual Harassment: If any Town Employee believes that he or she has been subjected to sexual harassment, the Employee has the right to file a complaint with the Town. The complaint should be in writing and submitted to the Town Administrator.

The Town Administrator is also available to discuss any concerns the Employee may have and to provide information to the Employee about the Town's policy on sexual harassment and its complaint process.

d. Sexual Harassment Investigation: When the Town Administrator receives a complaint, the Town Administrator shall report to the Chair of the Personnel Board that a complaint has been made. The Chair and the Town Administrator shall jointly determine, on a case by case basis, whether the Town Administrator will conduct the investigation. The complaint will be promptly investigated. in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview with the person filing the complaint, the person about whom the complaint has been made, if possible, and with witnesses as necessary.

When the investigation is completed, the Town Administrator may seek additional advice as appropriate. The Town Administrator or designee shall present the findings and conclusions about the facts of the matter in writing to the Employee and to the Chair of the Personnel Board. Thereafter, the appropriate Department Head will, to the exent appropriate, be informed of the complaint and the investigation results by the Town Administrator. The Town Adminstrator will review recommended personnel actions, up to and including termination, with the Department Head and appropriate parties involved in the complaint.

In the event the complaint filed pursuant to this section involves the Town Administrator, the Employee will report the matter to the Chair of the Personnel Board. The Chair shall then consult with Town Counsel and the Chair of the Select Board on a proper course of action, which may include designating Town Counsel, an outside party, or other member of the Personnel Board to promptly investigate the matter in a manner consistent with the procedures set forth in the previous subsections of this section. The findings of the investigation shall be submitted to the Chair of the Personnel Board and to the Chair of the Select Board.

If it is determined that the Town Administrator is in violation of the Town's sexual harassment policy, the Select Board will act promptly to eliminate the offending conduct, and if appropriate, the Select Board may also impose disciplinary action up to and including termination.

e. State and Federal Remedies: In addition to the above, if an Employee believes that he or she has been subjected to sexual harassment, the Employee may file a formal complaint with either or both of the government agencies set forth below. Using the Town's complaint process does not prohibit Employees from filing a complaint with these agencies. Contact each agency directly to get information on time constraints for filing a claim.

1. **The United States Equal Employment Opportunity Commission ("EEOC")**

   For more information visit:

   *https://www.eeoc.gov/employees/charge.cfm/*

1. **The Massachusetts Commission Against Discrimination ("MCAD")**

   **For more information visit:**

   **http://www.mass.gov/cad/filing-complaint/**

   For more information visit:

   *http://www.mass.gov/,cad/filing-complaint/*

26. INDIVIDUALS WITH DISABILITIES

The Town complies with the Americans with Disabilities Act (ADA) and applicable state law providing for nondiscrimination in Employment against qualified individuals with disabilities. The Town also provides reasonable accommodation for such individuals in accordance with disability laws. Qualified individuals with disabilities may make requests for reasonable accommodation to the Town Administrator.

27. ABSENTEEISM AND TARDINESS

If an Employee is unable to work as scheduled, the Employee must notify his or her Supervisor prior to the start of the work day whenever possible. Failure to properly notify your Supervisor results in an unexcused absence. If an Employee is absent for more than three (3) consecutive

work days , a statement from the Employee's physician may be requested by the Town Administrator before the Employee will be permitted to return to work.
Absenteeism or tardiness that is unexcused or excessive in the judgment of the Appointing Authority is grounds for disciplinary action, up to and including dismissal. An Employee's absence from work without contacting his or her Supervisor for three (3) consecutive days may be considered job abandonment and result in termination.

28. SUBSTANCE ABUSE POLICY

No Employee may work or be on Town premises in an official capacity if he or she is using or is under the influence of alcohol, marijuana or drugs, unless such use involves prescription medication determined by the Town Administrator to be legal and permissible under the circumstances. Employees also may not use alcohol, marijuana, or drugs when conducting Town business away from the workplace. No Employee may possess, purchase, sell or distribute drugs or marijuana during work hours, on Town property, or while representing the Town in any manner.

Violations of this substance abuse policy are grounds for disciplinary action up to and including termination.

29. EMPLOYEE CONDUCT POLICY

All Employees must abide by the policies, practices and instructions of the Town and its Supervisors and Department Heads. The Town expects Employees to treat co-workers and Supervisors with respect. The Town does not tolerate conduct that is illegal or dishonest.

The Town cannot anticipate every form of misconduct that might call for discipline or dismissal. In addition to the other sections of the Plan related to misconduct, the following are unacceptable conduct:

i. Theft, destruction, misuse or willful abuse of property belonging to the Town or another Employee.

ii. Possession of a weapon or misuse of an object of any kind in a manner to harm, threaten, or intimidate other Employees.

iii. Insubordinate conduct (refusal or deliberate failure to comply with job-related requirements given by an Employee's Supervisor or Department Head).

iv. Falsification of any records or making a misrepresentation of authority.

v. Job abandonment.

vi. Violating the public trust to the extent that adversely affects the operation of the Town.

Although the Town reserves the right to decide appropriate discipline, any of the misconduct listed above generally results in termination of Employment.

30. PERFORMANCE IMPROVEMENT PROCESS

Although the Town maintains the right to terminate an Employee's Employment at any time and to select the form of discipline it considers most appropriate at the time, the Town believes that each Employee generally deserves the opportunity to improve his or her performance if his or her Department Head has determined that his or her performance is unsatisfactory but has a likelihood of improvement. The improvement process adopted by the Town consists of a Written Warning Memorandum, which will be given to the Employee and will outline each job duty that requires improvement. A Written Warning Memorandum must include the Personnel Action Form to ensure it is added to the Employee's personnel file.

If a Department Head believes that an Employee's performance is unsatisfactory and determines to use this performance improvement process, the Employee will be informed of the unsatisfactory performance, have an opportunity to discuss the situation with the Department Head, and be given an appropriate time period (not to exceed 90 days) to demonstrate improvement.

If the Employee's performance is still unsatisfactory after the end of the applicable time period, the Employee may be terminated.

In some situations, termination of Employment may be warranted at any time during the performance improvement process or without implementation of the performance improvement process.

Nothing in this Plan should be construed to change an Employee's status as an at-will Employee whose Employment may be terminated at the will of the Appointing Authority.

## 31. SOCIAL MEDIA/SOCIAL NETWORKING POLICY

The Town recognizes that Facebook, Twitter, LinkedIn, blogs, web sites, YouTube, wiki, and other social networking and online forums (collectively, "Social Media") are an integral part of how we communicate, both personally and professionally. The Town does not intend to infringe on its Employees' personal interaction or commentary using Social Media or restrict First Amendment or other legal rights but the Town has an interest in protecting its reputation, Employees and residents.

Employees are expected to comply with the Plan when using Social Media. For example, an Employee's use of Social Media violates the Plan when the Employee purposely posts misleading commentary or misrepresentations; displays content or images that violate community standards or are pornographic; or posts harassing or discriminatory comments that are sent to or discovered by other Employees and could create a hostile work environment. Employees must know that their Social Media activity, even when used personally may violate the Town's Equal employment opportunity policy or sexual harassment policy set forth in this Plan and may be grounds for disciplinary action up to and including termination.

## Appendix A
## Positions Within Job Classifications*

**Exempt Positions**

**Job Classification I**
Chief of Police
Fire Chief
Director of DPW

**Job Classification II**
Deputy Assessor
Town Accountant
Deputy Fire Chiefs
Library Director
Health Director
Police Lieutenant

**Job Classification III**
Facilities Manager
Clerk of the Works
Assistant Town Officers
Town Planner
Fire Captains & Lieutenants
Inspectors
Board of Health Administrator
Librarians
COA Director
Conservation Agent
Water Front Director

**Non Exempt Positions**

**Job Classification IV**
Administrative Assistants
Viewing/Assessors
Animal Control

**Job Classification V**
Head Life Guard
Life Guards
Reservation Ranger
Swim Instructors
Elder Advocate COA
Program Coordinator COA
Volunteer Coordinator COA
Library Senior Assistants

**Job Classification VI**
Clerks
Financial Clerks
Tax Clerk
Library Junior Assistants
Library Aides
Gate Guards
Farm Pond Aides

# Appendix B

TOWN OF SHERBORN
DAYS OF VACATION ACCUMULATION PER MONTH
FOR EACH FISCAL YEAR (BEGINNING WITH THE YEAR OF HIRE)
BASED ON MONTH OF HIRE

| | <---FISCAL YEAR--- | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| MONTH | 1 | 2,3,4 | 5 | | 6 | | 7,8,9 | 10 | | 11 | | 12+ |
| OF HIRE | | | | | | | | | | | | |
| (a) | | | (b) | (c) | (b) | (c) | | (b) | (c) | (b) | (c) | |
| Jul | 0.8334 | 0.8334 | 1.2500 | 0.8334 | 1.2500 | 1.2500 | 1.2500 | 1.6667 | 1.2500 | 1.6667 | 1.6667 | 1.6667 |
| Aug | 0.8182 | 0.8334 | 1.2500 | 0.8334 | 1.2500 | 1.2500 | 1.2500 | 1.6667 | 1.2500 | 1.6667 | 1.6667 | 1.6667 |
| Sep | 0.8000 | 0.8334 | 1.1667 | 0.8334 | 1.2500 | 1.1667 | 1.2500 | 1.5834 | 1.2500 | 1.6667 | 1.5834 | 1.6667 |
| Oct | 0.7778 | 0.8334 | 1.1667 | 0.8334 | 1.2500 | 1.1667 | 1.2500 | 1.5834 | 1.2500 | 1.6667 | 1.5834 | 1.6667 |
| Nov | 0.8750 | 0.8334 | 1.0834 | 0.8334 | 1.2500 | 1.0834 | 1.2500 | 1.5000 | 1.2500 | 1.6667 | 1.5000 | 1.6667 |
| Dec | 0.8572 | 0.8334 | 1.0834 | 0.8334 | 1.2500 | 1.0834 | 1.2500 | 1.5000 | 1.2500 | 1.6667 | 1.5000 | 1.6667 |
| Jan | 0.8334 | 0.8334 | 1.0000 | 0.8334 | 1.2500 | 1.0000 | 1.2500 | 1.4167 | 1.2500 | 1.6667 | 1.4167 | 1.6667 |
| Feb | 0.8000 | 0.8334 | 1.0000 | 0.8334 | 1.2500 | 1.0000 | 1.2500 | 1.4167 | 1.2500 | 1.6667 | 1.4167 | 1.6667 |
| Mar | 0.7500 | 0.8334 | 1.0000 | 0.8334 | 1.2500 | 1.0000 | 1.2500 | 1.4167 | 1.2500 | 1.6667 | 1.4167 | 1.6667 |
| Apr | 0.6667 | 0.8334 | 0.9167 | 0.8334 | 1.2500 | 0.9167 | 1.2500 | 1.3334 | 1.2500 | 1.6667 | 1.3334 | 1.6667 |
| May | 1.0000 | 0.8334 | 0.9167 | 0.8334 | 1.2500 | 0.9167 | 1.2500 | 1.3334 | 1.2500 | 1.6667 | 1.3334 | 1.6667 |
| Jun | 1.0000 | 0.8334 | 0.8334 | 0.8334 | 1.2500 | 0.8334 | 1.2500 | 1.2500 | 1.2500 | 1.6667 | 1.2500 | 1.6667 |

Vacation must be taken in full days which are determined by rounding accumulated days up or down. (.5 rounded up, less than .5 rounded down). For contracted employment at less than 40 hours per week, vacation days are determined by multiplying days above by the ratio of contracted employment to 40 hours.

(a) Month of hire for which employee receives credit per Section 5(c)(i).

(b) Accumulation for determination of next July 1 entitlement. This entitlement will be reduced by any days earned and taken in accordance with (c).

(c) Accumulation for determination of days earned since date of last July 1 entitlement and eligible to be taken and/or paid in accordance with Section 5(c).

# SPECIAL ACTS OF THE GENERAL COURT RELATING TO THE TOWN OF SHERBORN

1792 (3 Mass. Special Laws, 343) An Act ascertaining the boundary line between the Town of Medway and the Town of Sherburne.

1819 Chapter 95. An Act to annex John W. Perry, with his family and estate to the Town of Natick.

1852 Chapter 172. An Act to change the name of the Town of Sherburne.

1871 Chapter 141. An Act to incorporate the Sherborn and South Natick Railroad Company.

Chapter 179. An Act to incorporate the Sawin Academy in Sherborn.

1874 Chapter 261. An Act in addition to an Act to incorporate the Sawin Academy in Sherborn.

1875 Chapter 63. An Act to change the name of the Second Parish in Sherborn.

1877 Chapter 104. An Act authorizing the Town of Sherborn to appropriate money in aid of Sawin Academy.

1885 Chapter 215. An Act providing for the removal of the remains of the dead from the cemetery on the Joseph Sanger estate in Sherborn.

1890 Chapter 273. An Act to annex part of the Town of Sherborn to the Town of Framingham.

1893 Chapter 346. An Act to authorize the Natick Electric Street Railway Company to extend its railway, increase its capital stock and acquire by purchase the railways, franchises and property of certain railway corporations.

1908 Chapter 466. An Act relative to Farm Pond in the Town of Sherborn.

1909 Chapter 253. An Act relative to Farm Pond in the Town of Sherborn.

1911 Chapter 100. An Act relative to the maintenance of a high school in the Town of Sherborn.

1913 Chapter 814. An Act to provide for the improvement of Beaver Dam Brook in the Towns of Ashland, Framingham, Sherborn, and Natick.

Chapter 194. An Act to authorize the restoration by the Town of Sherborn of certain funds for the perpetual care of cemetery lots.

Chapter 193. An Act to authorize payment of a certain note by the Town of Sherborn.

1914 Chapter 65. An Act to authorize the Town of Sherborn to reimburse George P. Carter for loss sustained by the non-sale of milk.

Chapter 66. An Act to authorize the Town of Sherborn reimburse Irving C. Hildreth for loss sustained by the non-sale of milk.

Chapter 117. An Act to authorize the Town of Sherborn to supply itself and its inhabitants with water.

Chapter 463. An Act relative to the authority of the Town of Sherborn to supply itself and its inhabitants with water.

Chapter 705. An Act to provide for the construction of a bridge and its approaches over the Charles River in the Towns of Medfield and Sherborn.

Chapter 764. An Act to provide for the relocating of certain public ways in Sherborn and Framingham near the reformatory for women.

1916 Chapter 355. An Act to authorize the Old Colony Railroad Company, the New York, New Haven and Hartford Railroad Company, lessee, to construct and operate a railroad upon the lands of the Commonwealth in Framingham and Sherborn.

1924 Chapter 235. An Act to annex a part of the Town of Sherborn to the Town of Framingham. *(Accepted May 31, 1924)*

1927 Chapter 338. An Act relative to the use of the water of Farm Pond in the Town of Sherborn by the Medfield State Hospital.

1935 Chapter 304. An Act relative to the control of Farm Pond in the Town of Sherborn.

1946 Chapter 354. An Act authorizing the Town of Sherborn to use certain playground property for fire station purposes.

Chapter 374. An Act providing for the laying out of an area for the parking of vehicles contiguous to Farm Road in the Town of Sherborn and providing for the establishment of a right of way for pedestrians and certain vehicles to Little Pond in said Town.

1950 Chapter 202. An Act to authorize the Town of Sherborn to borrow money for school purposes.

1957 Chapter 472. An Act authorizing the Town of Sherborn to transfer certain land parcels held a public domain in exchange for certain other lands. *(Accepted March 10, 1958)*

1958 Chapter 683. An Act authorizing the Town of Sherborn to refund a portion of the real estate and personal property taxes assessed in the year Nineteen hundred and fifty-seven.

1960 Chapter 144. An Act relating to the Dover-Sherborn Regional School District and validating proceedings relating thereto. *(Accepted March 7, 1960)*

1963 Chapter 200. An Act to authorize the Towns of Sherborn and Natick to enter into agreements relative to dumping facilities.

1968 Chapter 616. An Act authorizing the Commissioner of Correction to transfer and convey certain land to the Town of Sherborn.

1971 Chapter 88. An Act authorizing the Town of Sherborn to hold Town Meetings at the Dover-Sherborn Regional School in Dover.

1973 Chapter 862. An Act relating to the Regional Vocational-Technical School District and validating proceedings relating thereto. *(Accepted Annual Town Meeting, May 14, 1973)*

1975 Chapter 808. An Act regulating the Zoning Enabling Act. *(3 year term)*

1978 Chapter 283. An Act validating certain proceedings by the Town of Sherborn at the 1978 Town Meeting regarding the newspaper legal notice of the Public Hearing held by the Planning Board on the Zoning By-Law amendments.

1979 Chapter 424. An Act authorizing the Town of Sherborn to transfer certain land in said Town to the control of the Select Board and to convey said land to Sherborn Community Housing, Inc. for the purpose of providing certain elderly housing facilities.

1981 Chapter 332. An Act authorizing the Town of Sherborn to borrow money to provide certain programs for elderly persons. *(Woodhaven Bonding)*

Chapter 548. An Act authorizing the Town of Sherborn to establish a Special Fund for the payment of accumulated, unused sick leave granted pursuant to collective bargaining agreements entered into by the Town.

1986 Chapter 415. An Act authorizing the reimbursement of Call Fire and Call Ambulance Personnel in the Town of Sherborn for Certain Medical Expenses.

1991 Chapter 456. An Act relative to the use of a certain parcel of land in the Town of Sherborn. *(Elderly & Affordable Housing)*

1992 Chapter 43. An Act authorizing the town to permit the use of certain town land for a communication system. (Brush Hill)

1995 Chapter 279. An Act relative to the use of a certain parcel of land in the Town of Sherborn. (Sherborn Housing Partnership)

1997 Chapter 198. An Act authorizing Francis A. Heffron to extend his employment with the Fire Department of the Town of Sherborn.

2000 Chapter 127. An Act validating the proceedings of the Annual Town Election in the Town of Sherborn.

2001 Chapter 153. An Act authorizing the Town of Sherborn to convey certain town forest land. *(140 Hunting Lane)*

2001 Chapter 154. An Act relative to certain Conservation Lands in the Town of Sherborn. *(Ward Park/Laurel Farms)*

2010 Chapter 212 An Act making a technical correction in a Special Act relative to certain land in the Town of Sherborn. (*Correction to Acts of 2001 Chapter 154*)

2010 Chapter 260 An Act authorizing the Town of Sherborn to use certain Town Forest Land. (*Land swap for the Pine Hill Access Road*)

2010 Chapter 279 An Act conveying certain property to the Town of Sherborn (*Farm Pond water rights*)

2011 Chapter 96 An Act validating the Sherborn Annual Town Election.

2011 Chapter 179 An Act authorizing the Town of Sherborn to lease certain land in Sherborn Town Forest for the purpose of constructing, operating and maintaining a wireless telecommunications facility. (*Farm Road and Lake Street)*

2012 Chapter 93 An Act authorizing the Select Board of the Town of Sherborn to enter into an employment contract for the position of police chief. (*term not to exceed five years*)

2014 Chapter 190 An Act authorizing the Town Administrator of the Town of Sherborn to approve warrants for the payment of Town funds.

2014 Chapter 298 An Act increasing the number of Selectmen in the Town of Sherborn

2018 Chapter 411 An Act authorizing the removal of certain Financial Officials in the Town of Sherborn

## STATUTES OF THE COMMONWEALTH ACCEPTED BY THE TOWN OF SHERBORN

| | |
|---|---|
| Chapter 32, §§ 1-28 | Relative to a contributory retirement for Town Employees. *(November 5, 1946)* |
| Chapter 32B (excepting §§ 7 A, 8A, 9A, 9C, 9D, 9E, 11A, 11B, 11D, and 11E) | Relative to contributory group insurance for certain Town employees and their dependents. *(March 2, 1964)* |
| Chapter 32B, § 9A | Relative to contributory group insurance for certain retired Town employees. *(March 4, 1974)* |
| Chapter 32B, § 9D | Relative to payment by the Town of a portion of the group health insurance premium costs for surviving spouses of employees and retired employees. *(April 27, 1998)* |
| Chapter 32B, § 9F | Relative to increasing retired employees' Life Insurance from $1,000 to $2,000. *(October 31, 1972)* |
| Chapter 32B, § 11A | Relative to additional group insurance for Town employees. *(March 1, 1971)* |
| Chapter 32B, § 11B | Relative to group insurance for elderly government retirees and their dependents. *(March 3, 1969)* |
| Chapter 32B §18 | Relative to retiree Medicare benefits. *(April 26, 2006)* |
| Chapter 32B §20 | Relative to establishing OPEB trust fund & . (*April 29, 2010)* |
| Chapter 32B §20 | Relative to Town Treasurer to serve at OPED Trustee (August 15, 2020) |
| Chapter 32, § 85 H1/2 | Relative to providing for increased Town benefits for disabled volunteer firefighters. *(April 25, 2000)* |
| Chapter 39 §23D | Relative to Mullin Rule for adjudicatory hearings. (*April 30, 2009)* |
| Chapter 40, § 4G | Relative to inviting proposals for contracts of $4,000 or more. |
| Chapter 40, § 4J | Relative to a statewide public safety mutual aid agreement *(February 17, 2011)* |
| Chapter 40, § 4K | Allowing the Town to enter into mutual aid agreements with other cities or towns, to provide mutual aid programs for public works departments. *(February 17, 2011)* |
| Chapter 40, § 5B | To establish a Capital Stabilization Fund *(April 26, 2022)* |
| Chapter 40, § 6M | Relative to repair of private ways, used by the public for six or more years. *(May 17, 1976)* |

| | |
|---|---|
| Chapter 40, § 8B | Relative to the establishment of a Council on Aging. *(October 2, 1972)* |
| Chapter 40, § 8C | Relative to the establishment of a Conservation Commission. *(March 13, 1961)* |
| Chapter 40, § 8D | Relative to the establishment of an Historical Commission. *(March 14, 1973)* |
| Chapter 40, § 8G | Allowing towns to enter into mutual aid agreements with other cities or towns, to provide mutual aid programs for police departments. *(March 14, 1973)* |
| Chapter 40, § 15A | Relative to the transfer of the care, custody, management and control of the Dowse Memorial Library and the land on which it stands to the Select Board for use as Town Offices and for the Sherborn Historical Society. *(March 8, 1971)* |
| Chapter 40 § 22F | Relative to fixing fees for licenses and permits *(April 27, 1992)* |
| Chapter 40 § 57 | Relative to Local license & permits; denial, revocation or suspension for failure to pay municipal taxes or charges *(April 24, 2018)* |
| Chapter 40C, § 4 | Relative to the establishment of an Historic District Committee. *(March 11, 1974)* |
| Chapter 41 | Relative to establishment of a Planning Board *(July 9, 1940)* |
| Chapter 41, § 1 | To change the term of the Town Treasurer from ONE year to THREE years. *(March 14, 1973)* |
| Chapter 41, § 1 | To change the term of the Town Clerk from ONE year to THREE years. *(April 30, 1980)* |
| Chapter 41, § 1B | To change Treasurer from Elected to Appointed *(April 23, 2019)* |
| Chapter 41, § 1B | To change Town Board of Assessors from Elected to Appointed *(April 26, 2022)* |
| Chapter 41, §§ 1 and 2 | To establish and elect a Board of Health. *(March 11, 1957)* |
| Chapter 41, §38A | Tax Collector change to Town Collector *(April 17, 2015)* |
| Chapter 41, § 81A | Relative to terms of office for members of the Planning Board. *(May 17, 1976)* |
| Chapter 41, § 97A | Establishing a police department. *(March 11, 1957)* |
| Chapter 41 §100G¼ | Relative to police/firefighter funeral expenses. (*April 30, 2008)* |

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| Chapter 41, § 108L | Relative to the providing of a career incentive program for regular full-time police officers and partial reimbursement by the Commonwealth. *(March 13, 1972) (Rescinded April 27, 1981)* |
| Chapter 41, §110A | Close Town Offices on Saturday *(April 29, 2014)* |
| Chapter 41, § 111B | Relative to sick leave for Town employees. *(March 9, 1954)* |
| Chapter 44, § 20 | Pre-modernization Bond Premiums *(May 15, 2021)* |
| Chapter 44, § 53C | Relative to the payment of police officers for off-duty work details and the depositing and expenditure of funds related thereto. *(March 14, 1973)* |
| Chapter 44, § 53C | Relative to establishment of fund for off-duty police officer details. *(January 14, 1986)* |
| Chapter 44, § 53D | Relative to the creation of a revolving fund for the conduct of self-supporting recreation and park services. *(April 28, 1981)* |
| Chapter 44, § 53E | Relative to the offset of departmental expenses by estimated user fees *(April 27, 1998)* |
| Chapter 44, § 55C | Relative to the establishment of an Affordable Housing Trust Fund & creating a Board of Trustees *(April 2019)* |
| Chapter 46 §12, Acts of 2003 | Relative to call firefighters' health benefits. (*April 27, 2004) (amending MGL 32B:2)* |
| Chapter 48, §§ 42-44 | Relative to the establishment of a Fire Department. *(March 9, 1942)* |
| Chapter 48 § 59A | Allowing the Town to enter into mutual aid agreements with other cities or towns, to provide mutual aid programs for Fire departments. *(February 17, 2011)* |
| Chapter 54, § 1A | Emergency election workers *(April 28, 2008)* |
| Chapter 54 § 16A | Relative to appointment of election workers (*April 29, 2008)* |
| Chapter 59, § 5, | Relative to increasing the $175.00 exemption amount annually by 100% of the cost of living adjustment for clauses 17C and/or 17E. *(April 23, 2002)* |
| Chapter 59, § 5N | Veterans' Tax Abatement Program *(October 17, 2014)* |
| Chapter 59, § 5, cl. 17C | Relative to certain exemptions from real estate taxes. *(May 4, 1982)* |
| Chapter 59, § 5, cl. 17D | Providing certain exemptions from real estate taxes for surviving spouses or minors. *(April 29, 1987)* |

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| Chapter 59, § 5, cl. 17E | Relative to annually increase by the cost of living adjustment the asset level that certain applicants must have to qualify for an exemption. *(April 23, 2002)* |
| Chapter 59, § 5, cl. 37A | Relative to real estate tax exemptions for blind persons. *(April 24, 1984)* |
| Chapter 59, § 5 cl. 41A | Increase eligibility limits for seniors to defer property taxes *(April 27, 2010)* |
| Chapter 59, § 5, cl. 41B | Relative to real estate tax exemptions for certain elderly persons. *(April 24, 1984)* |
| Chapter 59, § 5, cl. 41C | Providing certain exemptions from real estate taxes for the elderly. *(April 29, 1987)* |
| Chapter 59, § 5, cl. 41D | Relative to annually increase by the cost of living adjustment the income and asset levels that certain senior citizens must have to qualify for an exemption. *(April 23, 2002)* |
| Chapter 59, Sec 57A | Repayment of Tax Bills *(August 15, 2020)* |
| Chapter 59, § 57B | Relative to interest on unpaid taxes under $50.00. *(April 1989)* |
| Chapter 59, § 57C | Relative to establishing quarterly tax payment system *(April 2019)* |
| Chapter 60, § 3D | Relative to establishing a fund to defray real estate taxes of elderly and disabled persons of low income. *(April 25, 2000)* |
| Chapter 60, §77C | Tax Taking/Deed in Lieu of Foreclosure *(August 2020)* |
| Chapter 64G, § 3A | Relative to excise tax on lodging in local hotel, lodging house or motel. *(April 28, 1986)* |
| Chapter 64L, § 2 | Local Meals Tax *(April 26, 2011)* |
| Chapter 67 | An Act designating certain streets in the Town of Sherborn as scenic roads. *(March 11, 1974)* |
| Chapter 71, § 14 | Relative to the creation of a Regional School District Planning Committee. *(October 2, 1972)* |
| Chapter 71, §§ 16-16L | Relative to forming a regional school district. *(May 12, 1953)* |
| Chapter 71, §§ 16-16L | Relative to the establishment of a regional technical and vocational school district. *(May 14, 1973)* |
| Chapter 71, § 71E | Community School programs funds expenditures *(April 25, 2006)* |
| Chapter 73 §4, Acts of 1986 | Relative to exemption increase. (*April 23, 2002) (as amended by Chapter 126 Acts of 1988)* |

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| Chapter 73 §4, Acts of 1986 | Relative to exemption increase. (*April 24, 2007)* |
| Chapter 90, § 18A | Relative to the use of public ways by pedestrians. *(March 8, 1965)* |
| Chapter 90, § 17C | Establish speed limits of 20 and 25 mph *(April 17, 2017)* |
| Chapter 90, § 20A 1/2 | Relative to collection of fines for parking tickets. *(May 3, 1982)* |
| Chapter 90, § 20C | Relative to the control of illegally parked vehicles. *(March 11, 1968)* |
| Chapter 114, §§ 22-27 | Relative to the election and duties of the Board of Cemetery Commissioners. *(April 2, 1984)* |
| Chapter 140, § 147A | Relative to the enactment by the Town of by-laws regulating dogs. *(April 27, 1998)* |
| Chapter 143 §3Z | Relative to part-time Building Inspector (*April 27, 2004)* |
| Chapter 149, § 31 | Relative to the eight hour day for certain employees of the Town. *(March 3, 1913)* |
| Chapter 152, § 69 | Relative to workmen's compensation for Town employees. *(December 17, 1945)* |
| Chapter 181, Acts of 1995 | Relative to exemption increase. (*April 23, 2002) (amending MGL 59:5)* |
| Chapter 184 §51, Acts of 2002 | Relative to age, income, asset adjustment. (*April 29, 2003) (amending MGL 59:5)* |
| Chapter 188, § 13 | (Acts of 1985), relative to supplementing compensation of teachers. *(January 14, 1986)* |
| Chapter 200A §9A | Unclaimed property *(August 15, 2020)* |
| Chapter 258, § 13 | Relative to indemnification of municipal officers up to $1,000,000. *(May 12, 1981)* |
| Chapter 291, Acts of 1990 | Relative to enhanced 911 services. *(April 29, 1991)* |
| Chapter 597, Acts of 1982 | Relative to exemption from motor vehicle excise taxes for former POW's. *(April 24, 1984)* |