

**TOWN OF WELLESLEY
BYLAWS**

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April 2003

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ARTICLE 1. GENERAL DEFINITIONS AND RULES OF INTERPRETATION

1.1. Scope. The provisions of this article apply to all of these bylaws unless a definition or other rule of interpretation is specifically provided or clearly implied.

1.2. Definitions. For the purposes of these bylaws:

- a. "Board" means any elected or appointed Town board, commission, or committee of any kind.
- b. "Officer" means the senior departmental staff employee appointed by a board named in these bylaws. A person employed primarily for secretarial duties is not an "officer". The Treasurer and Collector of Taxes, Town Counsel, the Inspectors named in Article 23 and the Sealer of Weights and Measures are also officers.
- c. "Official" means the Moderator and the Town Clerk.
- d. "Resident" means a person who occupies an established place of abode in the Town as his or her principal residence with no present intention of definite and early removal.

1.3. Gender and Number. The use of the masculine gender is not intended to be restrictive in any sense; words importing the masculine gender shall include the feminine gender. The singular and plural forms of words shall be deemed interchangeable wherever appropriate.

1.4. Statutory References. All references to the General Laws contained in these bylaws are references to the General Laws of the Commonwealth of Massachusetts and are intended to include any amendments or revisions to the chapters and sections cited or to the corresponding chapters and sections under any rearrangement of the General Laws enacted subsequent to the adoption of these bylaws, as well as any new statutory provisions directly related to the chapters and sections cited.

1.5. Conflict with Statutes. If any provision of these bylaws and a statute address the same issue, a reasonable effort shall be made to interpret the two provisions harmoniously. If this is not practicable, the statute shall govern and the bylaw shall be followed as closely as is practicable.

ARTICLE 2. MEETINGS

2.1. Meetings. Each board shall meet at least once during each calendar year.

2.2. Open Meetings. All meetings of all boards shall be subject to the Open Meeting Law, Chapter 39, Sections 23A to 23C of the General Laws. (See the appendix to these bylaws for the text of these sections.) Any person shall be permitted to attend any meeting except an executive session.

ARTICLE 3. NOTICES

3.1. Notice. No board shall hold any meeting, except in an emergency, unless a written notice of the meeting has been delivered to the Town Clerk and posted at least 48 hours, including Saturdays but not Sundays or legal holidays, before the meeting convenes. This notice shall be given in accordance with the Open Meeting Law, Chapter 39, Sections 23A to 23C of the General Laws. (See the appendix to these bylaws for the text of these sections.)

3.2. Form of Notice to Clerk. The notice given to the Town Clerk shall be in duplicate with both copies signed by the secretary or chairman of the board, or a designee of either.

3.3. Posting. The Town Clerk shall post each notice of a meeting both in the office of the Town Clerk and on the principal official bulletin board of the Town.

ARTICLE 4. ANNUAL REPORTS

4.1. Annual Reports Required. The following shall prepare and submit annual reports:

- a. each board,
- b. Chief of Police,
- c. Chief Engineer of the Fire Department,
- d. Inspectors listed in Article 23,
- e. Sealer of Weights and Measures,
- f. Department of Financial Services,
- g. Town Clerk, and
- h. Town Counsel.

4.2. Contents. An annual report shall include a summary statement of receipts and disbursements for the preceding fiscal year, a statement of the significant activities of the board, officer or official during the preceding fiscal year, and a discussion of any significant issues which the Town may face within the next several years within the jurisdiction of the board, officer or official.

4.3. Filing. All annual reports, except those portions which require the completion of the annual audit, shall be filed with the Selectmen no later than September 1. Those portions of reports which require the completion of the annual audit shall be filed with the Selectmen as soon after the receipt of the audit as possible and no later than a date determined by the Selectmen.

4.4. Annual Town Report. The Selectmen shall prepare an Annual Town Report and shall have said report printed in such quantities as in their opinion shall satisfy the usual and customary demand for such report, which will be made available to the public at the Town Hall. The report shall be available not later than the third Monday in December of each year. The Annual Report shall contain the annual reports for the last completed fiscal year and other matters required by law. The Selectmen may add such additional information as they find advisable to make the Annual Town Report an accurate and useful report to the residents of the Town.

4.5. Annual Reports of Subcommittees. Subcommittees, study committees, and other similar committees may file their annual reports with the board or body to which they are responsible no later than August 15. A board receiving such a report and the Selectmen may agree to include such a report in the Annual Town Report.

4.6. Annual Report of Contracts. In addition to and separate from the reports required by the preceding sections of this article, each board, officer, official, or person authorized to enter into contracts by these bylaws or Town Meeting shall submit to the Town Clerk on or before September 1 of each year a report describing the essential details of every contract for which competitive bids were required and entered into during the preceding fiscal year. The Town Clerk shall make these reports available for inspection by the public during regular business hours and place copies in the Wellesley Free Library.

ARTICLE 5. POLICIES AND PROCEDURES

5.1. Policies and Procedures. "Policies and procedures" include only policies and procedures regarding services provided to the public.

5.2. Copies of Policies and Procedures. Each Board, the Department of Financial Services, the Town Clerk, and the persons named in Article 23 shall make available copies of any of their written policies and procedures to the public upon request. Reasonable fees may be charged for the cost of reproduction.

5.3. Public Participation. Each board shall establish a written procedure which allows members of the public to comment orally at a public meeting or a public hearing of the board on policies (and), procedures and agenda items being discussed or considered for adoption, amendment, or repeal by the board.

5.4. Books of Policies and Procedures. Each Board, the Department of Financial Services, the Town Clerk, and the persons named in Article 23 are encouraged to put their policies and procedures into written form, to keep their policies and procedures in a usefully organized and up-to-date book, and to make the book available to the public during regular business hours. Boards which do not have offices shall keep their books of policies and procedures in the office of the Town Clerk.

ARTICLE 6. GENERAL PROVISIONS

6.1. Scope. The provisions of this article apply to all boards unless a specific provision of law otherwise provides.

6.2. Orientation. Each board should adopt policies and procedures providing for the full orientation of new members to their duties, to the jurisdiction and authority of the board, to the present activities and considerations of the board, and to such other matters as are appropriate. It shall be the responsibility of the chairman of the board to carry out these policies and procedures. When a new board is established, these provisions do not apply to the orientation of the initial members.

6.3. Staff Performance. Each board is responsible for the faithful and competent performance of duties by persons employed or appointed by it. The Town Clerk shall have the same responsibility with regard to persons the Town Clerk employs.

6.4. Engineering. Unless expressly authorized by statute, a vote of Town Meeting, or vote of the Board of Public Works, no board, officer, or official (except the Permanent Building Committee) shall incur expense for engineering services of the kind provided by the Department of Public Works.

6.5. Advisory Committees. Any board, by vote of its members, may establish advisory committees. When such a committee is established, the appointing board shall give to the Town Clerk and the Selectmen written notice of the creation of the committee and the names and addresses of its members. The appointing board shall give similar notice of the names and addresses of all subsequent persons appointed to the committee.

6.6. Committee Life. Any committee established under Section 6.5 or established by Town Meeting shall terminate one year from the date on which it was established, unless the creating body annually continues it or fixes a definite termination date no more than three years from the date of its establishment.

6.7. Initial Meeting. For a committee created by Town Meeting, the Moderator shall designate one member to call the initial meeting. For committees created by a board, the creating board shall designate the member to call the initial meeting.

6.8. Organization, Policies, and Procedures. Each board shall elect a chairman, vice-chairman, and secretary, inform the Town Clerk of those elected, and shall adopt policies and procedures governing the conduct of its affairs. These policies and procedures shall not conflict with the provisions of these bylaws or any other provision of law.

6.9. Quorum. No board shall take any action, except to set another meeting or to adjourn, unless a quorum of its members is present. A majority of the members of the board shall constitute a quorum.

6.10. Majority Vote. An affirmative vote of a majority of those present shall be required for board action.

6.11. Minutes. Each board shall keep and make available to the public on request minutes and records of its actions and meetings. Minutes of executive sessions may be withheld from the public only so long as the publication may defeat the lawful purposes of the executive session and no longer. At least once every calendar year, each board shall generate a list of its executive session minutes that still have to be withheld and those that no longer have to be withheld pursuant to Massachusetts General Law. The list shall set forth the date and reason for going into executive session for the still withheld executive session minutes and the date and subject matter of the no longer withheld executive session minutes. The list shall indicate if only a portion of the minutes of an executive session is released.

6.12. Public Information. In accordance with Chapter 66, Section 10 of the General Laws, every board and every person having custody of any public records (as defined in Chapter 4, Section 7 of the General Laws) shall make available copies of such records, including reports, data, background documents, and any material prepared for its use in accordance with Chapter 4 of the General Laws. If such records and materials are kept in machine-readable form, copies thereof in machine-readable form shall also be made available. Reasonable fees may be charged for the costs of search and reproduction.

6.13. Public Comments. Each board shall establish a procedure which allows members of the public to comment to the board at each open meeting on matters within the jurisdiction of the board. The procedure shall require that any person who has a personal or financial interest in any matter before the board shall disclose such interest either before, during or immediately after commenting on the matter to the board with the timing of the disclosure to be at the choice of such person.

6.14. Staggered Terms. The terms of all board members shall be arranged so that as equal a number of terms as possible shall expire each year.

6.15. Requests for Appropriations. Each board and official shall submit requests for appropriations in accordance with the provisions of Sections 11.11. - 11.13. Budgets are subject to review by the Department of Financial Services in the manner described in Section 24.1(e).

6.16. Capital Budgets. At least 90 days before the Annual Town Meeting, each board shall submit to the Selectmen estimates of the amounts recommended by the board for capital projects annually for a period of five years. An explanatory statement shall accompany each estimate and provide such additional information about the proposed capital project as may be requested by the Selectmen.

6.17. Conflict of Interest. No officer, official, member of a board, or paid employee of the Town, or agent of any such person shall:

- a. sell materials or supplies to the Town without the permission of the Selectmen expressed in a vote which shall appear on the records of the Selectmen with the reasons therefor;
- b. receive any compensation or commission for work done for the Town, except for official salary and fees allowed by law, without the permission of the Selectmen expressed in a vote which shall appear on the Selectmen's records with the reasons therefor

- c. use his or her official position, influence, or vote in any manner so as to obtain for himself or herself in his or her private capacity or otherwise, either directly or indirectly, any commission, discount, bonus, present, advantage, or profit whatever;
- d. engage in any conduct prohibited by Chapter 268A of the General Laws, the Commonwealth's conflict of interest statute.

6.18. Bonding. Any officer, official, or paid employee required by statute or the Selectmen to be bonded shall be bonded in accordance with statute or in amounts determined by the Selectmen.

6.19. Design Review. Before any board, officer or official can construct, install, alter or remove any structure or portion thereof, work of art, ornament or decoration placed or to be placed on any public way, on Town lands other than cemeteries, or on or in Town buildings or make payments on account of any such work, the work shall be reviewed by the Design Review Board in accordance with the provisions of Section 46.3. of these Bylaws.

6.20. Publishing the Agenda. The Board of Selectmen, School Committee, Board of Public Works, Municipal Light Board, the Planning Board and Board of Trustees of the Wellesley Free Library shall publish the agendas of their scheduled meetings in a newspaper, other than a Boston daily newspaper, that is generally circulated in the Town prior to each such meeting. The published agenda shall include sufficient detail to apprise the public of the specific topic of each agenda item. The failure to publish an agenda or the omission of an item from a published agenda shall not invalidate any action taken by the Board nor shall it prevent a Board from holding an emergency meeting and acting upon any emergency item.

ARTICLE 7. VACANCY

7.1. Vacancy. A vacancy occurs when an official or board member:

- a. resigns;
- b. ceases to be a resident of the Town, if required to be a resident or registered voter;
- c. dies;
- d. is barred by law from serving in the position; or
- e. no longer has the qualifications statute or these bylaws required for the position.

7.2. Vacancy in Board of Selectmen. A vacancy in the Board of Selectmen shall be governed by the provisions of Chapter 41, Section 10 of the General Laws, which provides for a special election under certain conditions.

7.3. Vacancy in Other Elected Positions. A vacancy in an elected board other than the Board of Selectmen shall be filled by appointment in accordance with Chapter 41, Section 11 of the General Laws, or by election in accordance with Chapter 41, Section 10. A vacancy in the office of Town Clerk shall be filled in accordance with Chapter 41, Section 14 of the General Laws.

7.4. Vacancy in Appointed Positions. A vacancy in any appointed board or office shall be filled by appointment in the same manner as the original appointment was made, except as otherwise specifically provided by law.

ARTICLE 8. TOWN MEETING

Part I. GENERAL PROVISIONS

- 8.1. Definitions. For the purposes of this article,
- a. the term "Annual Town Election" refers to the annual election of Town board members and officials;
 - b. the term "Annual Town Meeting" refers to the meeting of Town Meeting Members required by the General Laws to be held in the month of February, March, April or May; and
 - c. the term "Special Town Meeting" refers to all other meetings of Town Meeting Members.

Part II. TOWN ELECTIONS

8.2. Date for Annual Town Election. The annual Town Election shall be held on the first Tuesday in March of each year. In any year in which presidential primaries are to be held, the date of the Annual Town Election shall be held on a date to be announced by the Selectmen. The announcement shall be made not later than December 31st of the year preceding the year in which such primary elections are to be held.

8.3. Notice. Whenever practicable, at least 20 days before the date of any Town Election or any Town Meeting, whether Annual or Special, the Selectmen shall give notice of their intention to call such election or meeting by publishing said notice in a newspaper generally circulated in the Town. The Selectmen shall also follow the procedure for notice given in Section 8.10.

8.4. Special Election. The following procedure shall apply in the event that a vacancy occurs in the full number of Town Meeting Members of any precinct whether arising from a tie vote among those who received the highest vote as defeated candidates at the last preceding Annual Town Election or for any other cause which requires an election by the other Members of the precinct. Whenever such vacancy occurs, the Town Clerk shall promptly notify the Members of the precinct that a vacancy in the full number of Members of the precinct has occurred and that a special meeting of said Members will be called no earlier than fourteen days from the date of such notification for the purpose of filling said vacancy. The Town Clerk shall include in such notification a copy of Chapter 202, Sections 2, 8 and 8A of the Acts of 1932 as amended, and the time, place and date of the special meeting.

In the event such election is held for any reason other than a tie vote among candidates who received the highest vote as defeated candidates, the Town Clerk shall in said notification also inform the Members that they may file nominations for said vacancy with the Town Clerk up to seven days before the meeting and that any registered voter in the precinct may be so nominated. Following expiration of the said seven day period, the Town Clerk shall then notify the Members of the precinct of the nominations that have been filed.

At the meeting a majority of the Members from such precinct shall constitute a quorum. The Town Clerk shall preside, conducting the meeting in two parts. In the first part, the candidates among whom there is a tie vote or the nominees, if the election is held for a reason other than a tie vote, may address the meeting and answer any questions. In the second part, said candidates or nominees shall leave the meeting and the Members shall vote by ballot. A majority of the votes cast shall be required for a choice. If no candidate or nominee receives a majority of the votes cast on the first ballot or any succeeding ballot, then there shall be a run-off vote between the two candidates or nominees who received the highest number of votes cast on the preceding ballot. The Town Clerk shall count the ballots, make a certificate of the choice for the records and notify the person so chosen.

8.5. Termination, Resignation. Any elected Member shall cease to be an elected Member upon becoming a "Town Meeting Member ex officio" and shall cease to be a Member upon moving from the

Town. A Member may resign by filing a written resignation with the Town Clerk; the resignation shall take effect on the date of filing. A Member who moves from the precinct from which the Member was elected to another precinct may serve only until the next Annual Town Election.

Part III. TOWN MEETINGS

8.6. Date of Annual Town Meeting. The Annual Town Meeting shall be held not earlier than seven days after the Annual Town Election and shall commence in the month of February, March, April or May. The Selectmen shall fix the time and place for the Meeting.

8.7. Membership. There shall be 240 Town Meeting Members, exclusive of Town Meeting Members ex officii, elected from the residents of the Town, or such lesser number as may be required by Chapter 202, Section 2 of the Acts of 1932 as amended.

8.8. Town Meeting Members, Ex Officiis. The Moderator, Town Clerk and Town Counsel shall be "Town Meeting Members, ex officii" and shall be non-voting Members of the Meeting.

8.9. Duties. The Town Meeting shall be the legislative body of the Town. It shall meet, deliberate, act, and vote in the exercise of the corporate powers of the Town.

8.10. Notice of Meeting. Notice of each Town Meeting, whether Annual or Special, shall be given by the Selectmen by posting attested copies of the warrant for that Meeting in not less than two conspicuous places in the Town including but not limited to the Town Hall and Town Square, and either by mailing a copy of the warrant to each dwelling in the Town, or by publishing a copy of the warrant in a newspaper generally circulated in the Town at least seven days before the date on which the Annual Town Meeting and at least 14 days before the date on which a Special Town Meeting is to commence.

8.11. Calling Special Meeting. The Selectmen shall call a Special Town Meeting upon request in writing of 200 registered voters. The meeting shall commence not later than 45 days after receipt of such request, in accordance with Chapter 39, Section 10 of the General Laws. The Selectmen may also call a Special Town Meeting on their own initiative.

8.12. Warrant Articles. The Selectmen shall insert in the warrant all subjects requested of them in writing by:

- a. any board,
- b. any official,
- c. ten or more registered voters, for an Annual Town Meeting, and
- d. 100 or more registered voters, for a Special Town Meeting. The Selectmen may also insert subjects on their own initiative, and
- e. those persons or boards authorized by Chapter 40A, Section 5 of the General Laws to initiate adoption of or changes in Zoning Bylaws.

8.13. Motions. The Selectmen shall include, in the notice given under Section 8.10. a date by which motions to be offered to the Town Meeting must be submitted to the Selectmen. The Selectmen shall forward copies of motions to the Advisory Committee, Town Counsel, and any other board, officer or official they deem appropriate.

No motion or amendment thereof shall be voted on by Town Meeting unless the exact form of the motion or amendment being voted on shall have been distributed generally to Town Meeting Members or at the time of the vote the exact form is projected on a screen at Town Meeting. This paragraph shall not apply to procedural motions and amendments thereof.

Nothing herein shall preclude a sponsor or other person who has filed a copy of a draft of a motion with the Selectmen from making any change therein prior to or at the Town Meeting, compel the sponsor or other person to make any motion whatsoever under such article, or prevent any person other than a sponsor from making a motion at Town Meeting even though a copy thereof was not previously filed with the Selectmen.

Motions for the acquisition and improvement of land, buildings, or other physical assets valued over \$5,000, excluding replacement of similar equipment, whether by purchase, gift or otherwise, shall be accompanied by financial estimates showing the impact of annual maintenance costs thereto.

After the initial call to order of any Annual or Special Town Meeting, if a proponent informs the Moderator of an intention to present any amendment or substitute motion or resolution, such proponent shall thereafter post a notice of same at the place provided therefor, along with a text of what is being proposed. Such notice shall be posted as soon as practicable and in advance of when action is to be taken on the article to which it relates.

8.14. Compensation. No Town Meeting Member shall receive compensation for serving as such.

8.15. Quorum. A quorum shall be a majority of the voting Members, but a lesser number may adjourn the meeting to another time.

8.16. Persons Authorized to Address Meeting. All residents of the Town, whether or not Town Meeting Members or registered voters, may address a Meeting. Non-residents may address the Meeting with the approval of the Moderator or a majority of the Meeting.

8.17. Conflict of Interest. A Member who has a personal or financial interest in any matter before the Meeting may speak or vote thereon, but if the Member does speak, the Member shall disclose such interest. Failure to comply with the provisions of this section shall not affect the validity of any action taken by the Meeting.

8.18. Motions by Members. Motions may be made only by a Member of the Meeting. All motions other than procedural motions must be in writing signed by the sponsoring Member. No seconds are needed for any motion.

8.19. Secret Ballots. There shall be no secret ballots or other secret votes at Town Meeting.

8.20. Vote Questioned at Meeting. If a vote declared by the Moderator is immediately questioned by seven or more Members, the Moderator shall verify it by taking a standing vote.

8.21. (A) Vote By Ballot: Upon a motion supported by not less than 20 members made prior to a vote on any question (whether required by law to be a counted vote or not), the vote shall be taken by ballot in such form as will in the opinion of the Moderator indicate how individual Town Meeting Members have voted on a question. The results of such vote shall be announced in terms of the numbers of aye, nay or abstain votes cast. The Town Clerk shall, within a reasonable time after the session has been adjourned compile a list of members voting on the question, which list shall disclose how each member voted. Said list, together with the original ballots, shall be open to public inspection so that the public shall be able to determine the way in which each Town Meeting Member voted on the question, and shall be preserved for at least 3 years.

(B) Declaring the Vote: If a law or a bylaw requires a two-thirds vote for action by the Meeting, the Moderator is authorized pursuant to G.L. c. 39, §15 to declare the vote without taking a count, subject to Bylaws 8.20, 8.21(A) and 8.22; and if more than a two-thirds vote is required the Moderator may

first determine whether the vote is unanimous, and if it is not, the vote shall be counted either by means of a standing vote or by a roll call, or by ballot as provided in said bylaws.”;

8.22. Roll Call Votes. Upon motion supported by not less than 60 Members made prior to a counted vote on any question, there shall be a roll call of Members. The Town Clerk shall record the vote of each Member "Aye", "Nay", "Abstain", or "Not Present" as the case may be. Abstentions shall not be included in the tally.

8.23. Reconsideration. No action taken at any session of a Town Meeting shall be reconsidered at any subsequent session, unless notice of intention to move for reconsideration shall have been given at the session at which such action was taken. If action taken at the final session is to be reconsidered, debate and a vote on a motion for reconsideration may occur at the same session only after all articles have been acted upon unless, in the Moderator's discretion, debate and a vote on the motion at an earlier point in the session would expedite the conduct of the session. Any vote which requires more than a simple majority for passage shall require a 3/5ths vote in order to be reconsidered by the Town Meeting.

8.24. Park Land. No action at any Town Meeting authorizing the sale, grant, lease, license, abandonment or use for any other purpose of land acquired for park purposes shall be valid unless it shall be approved by a two-thirds vote.

ARTICLE 9. MODERATOR

9.1. Election. The Town shall have an elected Moderator who is a registered voter in the Town.

9.2. Term. The term of office shall be one year.

9.3. Vacancy. When the office of Moderator is vacant because of one of the conditions described in Section 7.1. it shall be filled by Town Meeting Members at a Town Meeting held for the purpose of filling the vacancy. When the office of Moderator at a Town Meeting is vacant for any reason, the Town Meeting Members shall elect a Moderator Pro Tempore. A Town Meeting Member may be elected as Moderator Pro Tempore. The Town Clerk shall preside at these elections.

9.4. Presiding at Meetings. The Moderator shall preside and regulate the proceedings at any Town Meeting, and shall decide all questions of order. The Moderator shall make a public declaration of all votes.

9.5. Assistance at Meetings. The Moderator may seek assistance in the conduct of Town Meetings, including the counting of votes.

9.6. Distribution of Material. The Moderator may establish reasonable procedures for the distribution of material at Town Meetings.

9.7. Appointment of Committees. The Moderator shall appoint the members of the following committees:

- a. Advisory Committee;
- b. Permanent Building Committee;
- c. Human Resources Board;
- d. Audit Committee;

and shall appoint the members of other committees as authorized by Town Meeting.

9.8. General Provisions. The Moderator shall also be governed by the applicable provisions of Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to boards, except as the Moderator is specifically directed by law or a provision of these bylaws to act otherwise.

ARTICLE 10. REFERENDUM

10.1. Procedure. The Town shall have a referendum procedure for contesting certain votes taken at Town Meeting. The procedure is set forth in Chapter 202, Section 9 of the Acts of 1932 as amended. (See the appendix.)

ARTICLE 11. ADVISORY COMMITTEE

11.1. Membership. The Town shall have an Advisory Committee consisting of 15 residents appointed by the Moderator. No member of the Committee shall be a board member, officer, official or paid employee of the Town, except that a Town Meeting Member may be a member of the Committee.

11.2. Term. The term of office shall be three years commencing on July 1.

11.3. General Duties. The Committee shall consider all matters included within the articles of any warrant for a Town Meeting, and shall, after due consideration, publish a written report of its recommendations or comments on each article. The Committee may also consider and make reports or recommendations on other matters, including without limitation referenda questions, which in the Committee's judgment affect the interests of the Town. In making any written or oral recommendations as to matters which are not included among, or which differ from, those made in its written report the Committee shall announce to the Town Meeting its numerical vote thereon.

11.4. Investigatory and Review Powers. The Committee may also consider and make reports or recommendations on other matters, including without limitation referenda questions, which in the Committee's judgment affect the interests of the Town. The Committee at any time shall have authority to investigate or review the books, accounts, records and management of any board, official or department of the Town for any purpose deemed necessary or advisable by the Advisory Committee. The books, accounts and records of all boards, officials and departments of the Town shall be open to inspection by the Committee and any person employed by it. In connection with the performance of its duties or exercise of its powers, the Committee shall also have authority to interview board members, officers, officials and paid employees of the Town. The Committee may employ such expert assistance and other assistance as the Committee may deem advisable in carrying out its investigatory powers provided in this section. Counsel may be engaged only in accordance with Section 25.5.

11.5. Staff. The Committee shall appoint such staff as it deems necessary.

11.6. Reserve Fund. The Committee shall request appropriations for the Reserve Fund at the Annual Town Meeting and shall have the authority to vote the transfer of monies from the Fund.

11.7. Public Hearing. The Committee shall hold a public hearing, unless impracticable, on the articles in the warrant prior to any Town Meeting.

11.8. Report. A copy of the report of the Committee shall be mailed or delivered to each dwelling in the Town at least seven days before the commencement of any Town Meeting. A minority may present a separate report which shall be included in the report of the Committee. The report shall set forth the numerical vote of the Advisory Committee on each recommendation.

11.9. General Provisions. The Committee shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

11.10. Definition. “Annual appropriation” means the general appropriation requested each year by any board, official or officer for those amounts necessary for the proper administration of their respective offices or departments for the ensuing fiscal year, including those amounts necessary for capital improvements.

11.11. Requests for Annual Appropriations. Any board, official or officer intending to request an annual appropriation at the Annual Town Meeting shall furnish to the Committee detailed estimates, with appropriate explanations, of the amounts necessary for the proper administration of their respective offices or departments for the ensuing fiscal year at least 90 days before the commencement of the Annual Town Meeting. The Advisory Committee may authorize a late filing of such information. The request shall also include estimates of amounts necessary for capital improvements. There shall also be included estimates of all probable items of income which may be received by the requesting board, official or officer during the ensuing fiscal year in connection with the administration of their departments or offices.

11.12. Notice of Request for Capital Projects. The information required to be submitted to the Permanent Building Committee in accordance with Section 14.6. shall be submitted at the same time to the Advisory Committee.

11.13. Notice of Request for Other Appropriations. For any appropriation other than those involving collective bargaining or covered by Sections 11.11. and 11.12. the requesting board, official or officer shall file written notice thereof, including the amount to be requested and its purpose, with the Advisory Committee and the Board of Selectmen at least 14 days before the session of the Town Meeting at which such appropriation will be acted upon. In the event of emergency requiring immediate consideration, this provision may be waived by the Town Meeting but only upon the advice of the Advisory Committee that it has duly considered the request.

ARTICLE 12.

(Reserved for Future Provisions)

ARTICLE 13. AUDIT COMMITTEE

13.1. Membership. The Town shall have an Audit Committee consisting of five residents having financial expertise to be appointed by the Moderator. No member of the Committee shall be a board member, officer, official or paid employee of the Town, except that a Town Meeting Member may be a member of the Committee. Provided, that the foregoing power of appointment shall be subject to the members in office serving to the completion of their present terms.

13.2. Term. The term of office shall be two years commencing on April 1. No member shall serve more than two full consecutive terms.

13.3. Audits. The Committee shall annually appoint an independent certified public accountant or a firm of such accountants to make an audit of the financial statements of the Town, including all its departments. The examination shall conform with generally accepted auditing standards. Such audits shall be made annually as of the close of the fiscal year, and may also be made at such other times as the Committee, with the approval of the Selectmen, may direct.

13.4. General Duties. The Committee shall define the scope of the auditors' assignments and review their findings and recommendations with the appropriate boards and departments. It may submit any reports it deems advisable to the Town or to any board, officer or official.

13.5. Audit Reports. The Committee shall receive all reports of the auditors. It shall give any board, officer or official which is audited a copy of that portion of the audit report relating to that board, officer or official. It shall also file a copy of each audit report with the Town Clerk within 120 days after the close of the fiscal year and the copy shall be a public record.

13.6. Annual Report. In addition to the requirements of Article 4. the Committee's annual report shall include copies of summary balance sheets and summary statements of receipts and expenditures of the accounts of the Town for the preceding fiscal year, together with such other financial statements and recommendations as the Committee may deem appropriate.

13.7. General Provisions. The Committee shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

ARTICLE 14. PERMANENT BUILDING COMMITTEE

14.1. Definitions. For the purposes of this article:

- a. "Project" means any of the following in connection with any Town building or other structure or any of the service equipment thereof:
 - erection,
 - alteration,
 - rehabilitation,
 - remodeling,
 - acquisition and installation of original equipment and furnishings,
 - demolition,
 - removal,
 - excavation,
 - filling, and
 - grading.

It does not include:

buildings or other structures or any of the service equipment thereof of the Municipal Light Plant or of the Housing Authority;

public works such as sewers, streets and the like, including those uninhabited buildings and other structures used exclusively in connection therewith; and

routine maintenance and upkeep of a building or other structure and its service equipment which are performed on a regular basis.

- b. "Project goals" means the general objectives and the particular needs to be met through the construction of the project.
- c. "Design" means schematic design, design development, and construction documents (or equivalent documents) developed from the project goals established by the proposing board.

- d. "Construction" means whatever is necessary to implement or complete a project, except design and acquisition of funds.
- e. "Service Equipment" means the mechanical, electrical and elevator equipment, including piping, wiring, fixtures and other accessories, which provide sanitation, lighting, heating, ventilation, fire-fighting and transportation facilities essential for the habitable occupancy of the building or structure for its designated use and occupancy. It also means process piping and specialized electrical systems.

14.2. Membership. The Town shall have a Permanent Building Committee consisting of five residents appointed by the Moderator. Appointments shall be made so that the Committee shall at all times include an attorney, an architect, an engineer, and an individual who is primarily engaged in the construction business. No such member shall be an officer, official, or paid employee of the Town, or a member of any board, except that a Town Meeting Member may be a member of the Committee.

14.3. Term. The term of office shall be three years commencing on July 1.

14.4. Temporary Member. The Committee may appoint as a temporary additional member or members one or more individuals who are members or representatives of the board for which a project is being planned or constructed. A temporary member shall not have a right to vote, and may participate in the activities of the Committee only with respect to the particular project of that board and only for the period of time during which the Committee is exercising its functions with respect to such project.

In the case of a schoolhouse project, the School Committee shall appoint one of its members, or its designee, hereinafter referred to as the School Committee member, to be a temporary additional member of the Permanent Building Committee. The School Committee member shall have the right to vote and to participate fully in the activities of the committee with respect to all schoolhouse projects.

14.5. General Duties. The Committee shall be responsible for:

- a. Financial estimates;
- b. The design of every project; and
- c. The construction of those projects for which funds are appropriated to the Committee.

The Committee shall work to achieve the project goals of the proposed board.

14.6. Financial Requirements and Notification. Any board which intends to propose a project to Town Meeting shall provide information regarding the project goals and the financial requirements of the project to the Committee at least 90 days in advance of the Town Meeting at which funding of any kind for the project will be requested. This information shall be simultaneously submitted to the Advisory Committee in accordance with Section 11.12. The Committee shall review the information provided to determine whether the sums requested are reasonable with respect to the financial requirements of the project and shall report to Town Meeting thereon.

14.7. Appropriations. The funds for the design and construction of a project shall be appropriated to and expended under the direction of the board which will supervise the construction of the project in accordance with Section 14.9.

14.8. Design Review. A proposing board which is to supervise the project in accordance with Section 14.9. shall submit to the Committee the design for that project.

a. The Committee shall approve, disapprove, or modify the design within 30 days of the receipt thereof. Failure to approve, disapprove, or modify the design within the 30-day period shall constitute approval.

b. Every project must be completed in accordance with a design approved by the Committee. Any modification of an approved design must be approved by the Committee before being incorporated into the project.

14.9. Supervision of Project Construction. Prior to the initial funding of a project, the determination shall be made whether the Committee or the proposing board shall supervise the construction of a project as follows:

a. The Committee shall supervise the construction of all projects for which the Town incurs bonded debt.

b. The proposing board shall, after receiving design approval, supervise the construction of all projects within its maintenance or equivalent budget.

c. Any proposing board at its discretion may supervise the construction of any other project involving any one building and estimated to cost less than \$25,000.

d. The Committee shall supervise the construction of all other projects, unless the Committee and the board proposing the project agree that the proposing board shall supervise the construction.

14.10. Project Feasibility Studies. Any board undertaking a project feasibility study shall inform the Committee of the study.

14.11. Design Review Board. Whenever a board submits a project to the Committee, the Committee shall notify the Design Review Board of the project and the project shall not proceed except in compliance with Section 46.3.

14.12. Records. The Committee shall retain record drawings and specifications. These copies shall be kept on file in the Building Department's office.

14.13. Policies and Procedures. The Committee shall adopt and make available to all boards, officers, and officials policies and procedures implementing the provisions of this Article. They shall cover at least the following subjects:

- a. The information to be submitted under Sections 14.6. and 4.8. and
- b. The criteria the Committee will use in reviewing project designs.

14.14. General Provisions. The Committee shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

ARTICLE 15.

(Reserved for Future Provisions)

ARTICLE 16. CELEBRATIONS COMMITTEE

16.1. **Membership.** The Town shall have a Celebrations Committee consisting of 12 residents appointed by the Selectmen. Two members of the Committee shall be members of the Wellesley Veterans' Council.

16.2. **Term.** The term of office shall be three years commencing on November 1st.

16.3. **Duties.** The Committee shall plan and carry out a proper observance of the annual Town Veterans' Celebration and such other events as the Selectmen may designate.

16.4. **Budget.** The Committee shall prepare an annual budget. The budget is subject to approval by the Selectmen. The Selectmen are responsible for presenting the budget to the Advisory Committee and for presenting the motion for the budget appropriation to Town Meeting.

16.5. **General Provisions.** The Committee shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

ARTICLE 17. HISTORICAL COMMISSION

17.1. **Membership.** The Town shall have an Historical Commission consisting of five residents appointed by the Selectmen.

17.2. **Term.** The term of office shall be three years commencing on July 1.

17.3. **General Duties.** The Commission shall have the powers and duties of historical commissions under Chapter 40, Section 8D of the General Laws. These include the preservation, protection and development of the historic assets of the Town. It shall conduct researches for places of historic value and shall seek to coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans, and pamphlets which it deems necessary for its work.

17.4. **Budget.** The Commission shall prepare an annual budget. The budget is subject to approval by the Selectmen. The Selectmen are responsible for presenting the budget to the Advisory Committee and for presenting the motion for the budget appropriation to Town Meeting.

17.5. **General Provisions.** The Commission shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

ARTICLE 18. HISTORIC DISTRICT COMMISSION

18.1. **Membership.** The Town shall have an Historic District Commission consisting of seven residents of the Town, appointed by the Board of Selectmen, one of whom shall be a member of the Wellesley Historical Society, one of whom shall be a member of the American Institute of Architects, one of whom shall be a member of a Board of Realtors and one of whom shall be a resident or property owner in the Historic District. The Selectmen need not appoint as regular members of the Historic District Commission one person from each of said categories of persons if such specially qualified persons are not available.

18.2. Term. Regular members will each serve a term of three years. When the Historic District Commission is first established, the Selectmen shall at first appoint three members who will serve for a term of three years, two members who will serve for a term of two years, and two members who will serve for a term of one year.

18.3. General Duties. The Commission shall have all powers and duties of Historic District Commissions in accordance with the Historic District Acts, Chapter 40C of the General Laws, as amended.

No building or structure within an historic district shall be constructed or altered in any way that effects exterior architectural features unless the Commission shall first have issued a certificate of appropriateness, a certificate of non-applicability, or a certificate of hardship, with respect to such construction or alteration in accordance with Section XIVD. Historic District of the Zoning Bylaws.

18.4. Regulations. The Commission shall be governed in its activities by the specific regulations contained within Section XIVD, Historic Districts of the Zoning Bylaws.

18.5. General Provisions. The Commission shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

ARTICLE 18A. COMMUNITY PRESERVATION COMMITTEE

18A.1. Establishment: The Town shall have a Community Preservation Committee, consisting of nine members who are residents of the Town.

18A.2. Appointment Authority/Terms: The composition of the Committee, the appointment authority and the term of office shall be as follows:

- a. One member of the Natural Resources Commission as designated by said Commission for a term of three years.
- b. One member of the Historical Commission as designated by said Commission for a term of three years.
- c. One member of the Housing Authority as designated by said Authority for a term of three years.
- d. One member of the Planning Board as designated by said Board for a term of three years.
- e. One member of the Recreation Commission as designated by said Commission for a term of three years.
- f. Four members appointed by the Moderator for a term of three years.

18A.3. Duties: The Committee shall carry out its duties consistent with the provisions of Chapter 44B of the General Laws and it shall:

- a. Study the needs, possibilities and resources of the Town regarding community preservation at least annually. The committee shall consult with existing municipal boards, including but not limited to those boards required to be consulted by Chapter 44B of the General Laws, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the Committee shall hold one or more public informational hearings regarding community preservation needs, possibilities and resources, notice of

which shall be posted publicly and published for each of two weeks preceding each hearing in a newspaper of general circulation in the town

- b. Make recommendations to the Town Meeting at least annually for the acquisition, creation and preservation of open space, the acquisition and preservation of historic resources, the acquisition, creation and preservation of land for recreational use, the creation, preservation and support of community housing, and rehabilitation or restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites. Recommendations to the Town Meeting shall include their anticipated costs.
- c. Recommend, at least annually, either that Town Meeting appropriate, or set aside for later spending, not less than 10% of the revenues made available that year from the Community Preservation Fund in each of the following areas: (i) open space (not including land for recreational use), (ii) historic resources; and (iii) community housing.
- d. Include in its recommendation to the Town Meeting, whenever applicable, a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

ARTICLE 19. BOARD OF SELECTMEN

PART I. GENERAL PROVISIONS

19.1. Membership. The Town shall have an elected Board of Selectmen consisting of five registered voters of the Town.

19.2. Term. The term of office shall be three years.

PART II. GENERAL DUTIES

19.3. Powers. The Selectmen shall be the chief executive board of the Town and oversee all matters affecting the interest and welfare of the Town. They shall exercise the power and authority vested in the Town not specifically delegated by law to any other board or office.

19.4. War Memorial Scholarship Fund Trustees. The Selectmen shall be ex officio the War Memorial Scholarship Fund Trustees, who shall manage said fund in accordance with the provisions of Chapter 229 of the Acts of 1951, as amended and as the same shall be amended from time to time hereafter. The Town Treasurer shall be the custodian of all funds and securities thereof. The Selectmen shall include in the Annual Report a financial report of said fund, showing the total amount thereof, investments, receipts and their sources and disbursements and their purposes.

19.5. Capital Budgeting and Investments.

19.5.1. "Capital Project" Defined. For the purposes of this section, a "Capital Project" means:

- a. A project, estimated to cost in excess of \$100,000, for the construction, reconstruction, replacement, major repair or renovation, extension or other improvement of a public building, highway, sidewalk, storm drain, sewerage installation, incinerator, bridge, playground, park or like public works, including any work done by any public utility operated by the Town or for a facility, structure, or utility appurtenant to any of them; or
- b. A purchase of land, equipment, buildings or structures, estimated to cost in excess of \$100,000; or
- c. The preparation of plans, specifications or working drawings (estimated to cost in excess of \$10,000) for any project described in subsections (a.) and (b.)

19.5.2. Report of Capital Projects. The Board of Selectmen shall coordinate the preparation and maintenance of the Town's Long Range Capital Budget Program as follows:

- a. The Selectmen shall work with other boards in coordinating the timing of proposed capital projects, taking into account the relative need for and cost of such projects, the effect the expenditures might have on the financial position of the Town, and alternative methods of financing.
- b. On the basis of the information submitted by each board pursuant to the provisions of Section 6.16. as may be modified with the consent of such board, the Selectmen shall compile and present to the Annual Town Meeting a Five Year Capital Budget Program for the Town showing anticipated capital projects and scheduled debt retirement.
- c. The Selectmen shall recommend to the Annual Town Meeting a proposed method of financing for each capital project proposed to be submitted for approval at such Town Meeting.

19.5.3. Investment of Town Funds. The Selectmen, after consultation with the Executive Director of General Government Services, shall set guidelines and criteria for the Department of Financial Services for the investment of any and all types of Town funds, including trust funds, and shall establish adequate procedures for the reporting of investments of Town funds.

19.6. General Duties. The Selectmen shall have all of the powers and duties of boards of selectmen under the General Laws.

19.7. Appointments. The Selectmen shall appoint qualified persons to those positions which by law the board fills by appointment. Those positions include but are not limited to:

- | | |
|--|---|
| 1. Executive Director of
General Government Services | 14. Public Weighers |
| 2. Fire Chief | 15. Constables |
| 3. Police Chief | 16. Civil Defense Director |
| 4. Town Counsel | 17. Inspector of Wires |
| 5. Zoning Board of Appeals
(including associate
members) | 18. Inspector of Gas |
| 6. Art Commission | 19. Building Inspector |
| 7. Historical Commission | 20. Council on Aging |
| 8. Celebrations Committee | 21. Youth Commission |
| 9. Registrars of Voters | 22. Keeper of the Lockup |
| 10. Election Officers
(three of four) | 23. Special Police |
| 11. Director of Veterans' Services | 24. Dog Officer |
| 12. Veterans' Grave Officer | 25. Historic District Commission |
| 13. Sealer of Weights and Measures | 26. Cable Television Committee |
| | 27. Wellesley Cable Access Board
(three members) |
| | 28. Municipal Light Board
(two members) |

19.8. Communication and Cooperation. The Selectmen shall encourage and facilitate close communication and cooperation among all boards, officers and officials.

19.9. Investigations. The Selectmen shall exercise the authority granted by Chapter 41, Section 23B of the General Laws to investigate the conduct and operation of any Town department and publish a report upon completion of such investigation.

19.10. Appearance Before Other Bodies. The Selectmen may appear personally, by counsel or by a designee before any committee of the General Court or before any other person or body to protect the interests of the Town. They are not authorized by this section to commit the Town to any course of action.

19.11. Legal Actions and Settlements. The Selectmen shall have full authority as agents of the Town, acting upon the advice of counsel, to institute, prosecute, defend and compromise any and all claims, actions, and proceedings on behalf of or against the Town and in which the interests of the Town are or may be involved. However, this authority shall not restrict the Collector of Taxes in the exercise of the powers for the collection of taxes and accounts due the Town conferred upon the Collector of Taxes by the General Laws. No settlement shall be made by a payment of more than \$5000 without authority from the Town.

19.12. Actions of Town Meeting. The Selectmen shall oversee the implementation of the actions of Town Meeting.

19.13. Enforcement of Bylaws and Regulations. The Selectmen shall be responsible for the enforcement of all bylaws and regulations of the Town.

19.14. Review of Bylaws and Government. The Selectmen shall periodically review the bylaws and the structure and functioning of Town government and make appropriate recommendations to the Town.

19.15. Budgets and Administration. Except as otherwise provided in or required by Chapter 164 of the General Laws, the Selectmen shall supervise those boards appointed by them and those departments responsible to them and shall recommend and present to the Advisory Committee and to the Town Meeting budgets for all those departments.

19.16. Long-Range Plan. The Selectmen shall be responsible for coordinating the preparation, maintaining and presenting annually to the Town Meeting a long-range Master Plan for the Town. All Town boards and officers shall fully cooperate and participate in a long-range planning process.

19.17. Weekly Warrant. The Selectmen shall approve all bills before payment by the Treasurer.

19.18. System for Citizen Inquiries. The Selectmen shall establish a system to be administered by the Executive Director of General Government Services to take effective and efficient action on citizen complaints and requests for service.

19.19. Licensing Board. The Selectmen shall serve as the licensing board for the Town under those statutes granting licensing powers to boards of selectmen.

19.20. House Numbers. The Selectmen may at any time in their discretion, and shall within ten days from the receipt of a request from the owner of any building, designate the numbers to be affixed to or painted on the building. The owner of each building so designated shall comply within ten days after receiving notice thereof.

19.21. General Provisions. The Board shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

PART III. PROFESSIONAL STAFF

19.31. Executive Director of General Government Services. The Town shall have an Executive Director of General Government Services (the "Executive Director") who shall be appointed by the Selectmen. The Executive Director shall be responsible, subject to these bylaws, to the Selectmen for the proper management and administration of the functions, officials and departments under the jurisdiction of the Selectmen and shall be the chief financial officer of the Town. The Executive Director shall have such specific duties and delegations as the Selectmen may from time to time specify. In addition the Executive Director of General Government Services shall coordinate the activities of Town departments and arrange meetings between Town department heads in order to deal with common problems and allow an interchange of ideas and information. The Executive Director shall act for the Selectmen in any matter that they may delegate to the Executive Director relating to the affairs of the Town or of any office or department under their supervision. When doing so, the Executive Director acts with the authority of the Selectmen.

19.32. Term and Staff. The Executive Director shall be appointed for such term as the Selectmen may determine and shall have such staff as the Selectmen deem appropriate.

PART IV. DEPARTMENT OF FINANCIAL SERVICES

19.41. Department. The Town shall have a Department of Financial Services under the jurisdiction of the Selectmen. The Department shall be under the supervision and management of the Executive Director, as the chief financial officer of the Town. Its duties and responsibilities shall include but not be limited to, assisting the Executive Director in the following:

- a. Coordination and administration of Town financial services and activities;
- b. Duties vested by law in comptrollers, Town accountants, and Town treasurers and collectors of taxes;

- c. Assisting in the development of budgets and reviewing of all budgets for format, completeness, and accuracy before submission to the Advisory Committee;
- d. Preparing and supervising purchasing and inventory control procedures;
- e. Administering the disposal of Town property; and
- f. Supervision of all network and information systems.

19.42. Town Accountant. The Town shall have a Town Accountant who shall be appointed for a three year term effective as of July 1, by the Executive Director, subject to the approval of the Selectmen. The Town Accountant shall be subject to the direction and supervision of the Executive Director and shall have, except as otherwise expressly provided by these bylaws, the powers and duties vested by law in Town accountants. Among the duties and responsibilities of the Town Accountant shall be the following:

- a. Maintenance of Town accounting records and financial statements
- b. Payment of all Town obligations, after securing required approvals;
- c. Monitoring of all expenditures of Town funds;
- d. Timely reporting to the Selectmen and to other appropriate boards of actual or foreseeable incurring of obligations or expenditures of funds in excess of budgeted appropriations;
- e. Maintenance of payroll and other financial records relating to all Town personnel; and
- f. At regular intervals send to each board a statement of the funds expended during the preceding month and a statement of the balances remaining under appropriated budgets.

19.43. Treasurer and Collector of Taxes. The Town shall have a Town Treasurer and Collector of Taxes, who shall be appointed for a three year term effective as of July 1 by the Executive Director, subject to the approval of the Selectmen. The Treasurer and Collector of Taxes shall be subject to the direction and supervision of the Executive Director. The Treasurer and Collector of Taxes shall have, except as otherwise expressly provided by these bylaws, the powers and duties vested by law in Town treasurers and collectors of taxes. Among the duties and responsibilities of the Treasurer and Collector of Taxes shall be the following:

- a. Collection of taxes and other funds due the Town, including the receipt of payments made on utility bills prepared and sent by the Department of Public Works;
- b. Initiation, with the assistance of the Executive Director and with the approval of the Selectmen, of legal action to collect overdue funds payable to the Town;
- c. Delivery of copies of any notice required by General Laws, Chapter 60, of intent to take land for the Town for nonpayment of taxes and of subsequent action relating to such taking and copies of any court order of judgment with respect to the validity or invalidity of the title in any parcel of land so taken, to the Selectmen, Planning Board, Board of Public Works, Natural Resources Commission, Housing Authority, Recreation Commission, School Committee and any other board that may request such notice, or their successors; and

d. Investment of Town funds in accordance with the guidelines and criteria set by the Board of Selectmen for the investment of any and all types of Town funds as provided in Article 19.5.3. Investment of Town Funds.

e. Inform all licensing authorities and assist in the collection of unpaid taxes, fees, assessments, betterments, and other municipal charges in accordance with the following procedure:

(I) The Tax Collector shall annually furnish to each department, board, commission or division, 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 for not less than a twelve month period, 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.

(II) 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 Tax Collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the Licensing Authority with respect to such license denial, revocation or suspension shall be made only for the purpose 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. 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 Tax 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 the date of issuance of said certificate.

(III) 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 the 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 a hearing as required by applicable provisions of law.

(IV) 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 Section one of Chapter two hundred and sixty-eight in the business or activity conducted in or on said property.

This section shall not apply to the following licenses and permits: (The references hereinafter set forth being to the General Laws): Open Burning (Section thirteen of Chapter forty-eight); Bicycle Permits (Section eleven A of Chapter eighty-five); Sales of Articles for Charitable Purposes (Section thirty-three of Chapter one hundred and one); Children Work Permits

(Section sixty-nine of Chapter one hundred and forty-nine); Clubs and Associations Dispensing Food or Beverage Licenses (Section twenty-one E of Chapter one hundred and forty); Dog Licenses (Section one hundred and thirty-seven of Chapter one hundred and forty); Fishing, Hunting, Trapping License (Section twelve of Chapter one hundred and thirty-one); Marriage Licenses (Section twenty-eight of Chapter two hundred and seven) and Theatrical Events, Public Exhibition Permits (Section one hundred and eighty-one of Chapter one hundred and forty).

19.44. Purchasing Guidelines. The Executive Director, in cooperation with the Superintendent of Schools, the Director of Public Works and any other Town Officers selected by the Executive Director, shall adopt policies and procedures governing the process by which each board or department of the Town purchases or leases any item or service. The policies and procedures shall, among other things:

- a. Implement the several General Laws governing procurements by all Town departments, by providing internal procedures and guidelines for all Town procurements including, without limitation, those procurements governed by General Laws, Chapter 30B, the Uniform Procurement Act, and such other governing authority, when deemed by the Executive Director to be helpful to the procuring departments and to the Department of Financial Services;
- b. Ensure compliance with the 3-year limitation in procurement contracts governed by the Uniform Procurement Act, except to the extent a longer term has been authorized by Town Meeting pursuant to General Laws, Chapter 30B, Section 12 (B), in the following respects:

	<u>TYPE OF CONTRACT</u>	<u>LIMIT ON DURATION</u>
1.	Communication, (Equipment and/or servicing thereof)	5 Years
2.	Trash removal from municipal buildings	5 Years
3.	Transportation of school children	5 Years
4.	Food services beverages	5 Years

- c. Facilitate cooperation among all Town boards and departments to ensure that, to the extent possible, all Town boards and departments jointly purchase materials and supplies used by more than one board and department;
- d. Encourage bidding for serial purchasing of major items, as defined by the Director, by requiring that each board or department prepare annually a schedule of the anticipated quantity of major items to be purchased and the anticipated timing for writing specifications, advertising for bid, awarding contracts, and receiving the merchandise.

19.45. Inventory Records and Controls. The Executive Director shall adopt policies and procedures by which all boards and departments maintain inventory records of all Town supplies, materials, and equipment and the procedures to be used for maintaining inventory controls.

19.46. Payment of Town Funds. The Executive Director shall adopt policies and procedures governing the disbursement of Town funds. These policies and procedures shall, among other things, require that payment for purchases shall be processed in the following manner:

- a. No money shall be paid from the treasury of the Town without a warrant or order prepared by the Town Accountant and signed by a majority of the Selectmen.
- b. The Town Accountant shall have custody of all vouchers which have been entered on warrants for payment and approved by the Selectmen. These vouchers shall be available for inspection during regular business hours.
- c. Whenever the account of any appropriation, other than an appropriation for a special purpose (such as a construction contract), for which the work has not been completed shows an unexpended balance at the end of the fiscal year, such balance (except in the case of the Municipal Light Plant) shall revert to the treasury of the Town as unappropriated funds; and
- d. No work, the payment for which is in any part to be contributed voluntarily by private individuals, firms or corporations shall be performed by the officer, official, department, or board of the Town having charge thereof, until a sufficient sum has been deposited with the Town Treasurer to cover such voluntary contributions.

19.47. Disposal of Town Property. The Executive Director shall adopt policies and procedures governing the disposal of surplus and obsolete Town property. "Disposal" includes any method by which the officer, official, board, or department responsible for the property terminates or substantially reduces its right to control the property. The policies and procedures shall, among other things:

- a. Implement the General Laws governing the disposal to a third party of a tangible supply no longer useful to the Town but having re-sale or salvage value (General Laws, Chapter 30B, Section 15) and the rental, conveyance or other disposition of real property (General Laws, Chapter 30B, Section 16).
- b. Establish internal procedures to ensure that no tangible or real property of the Town shall be disposed of to a third party without first ascertaining that it is not in the Town's interest to retain and/or transfer the property to another Town department.
- c. Provide that no property belonging to the Municipal Light Plant having a value in excess of \$30,000, no other tangible Town property having a value in excess of \$10,000, and no real property shall be disposed of without Town Meeting approval.
- d. Provide that each board, officer, official, and department shall annually view its property for obsolescence and report thereon to the Executive Director and shall promptly take steps for all surplus and obsolete property.

19.48. Evasion. No action shall be taken to increase or decrease, by combination or division or in any other way, the value of any item, service, or piece of property so as to avoid the effects of policies and procedures adopted by the Executive Director under Sections 19.44. and 19.47.

19.49. Annual Report. In addition to the requirements of Article 4, the Executive Director's annual report shall satisfy the requirements of Chapter 41, Section 61 of the General Laws and shall include financial statements showing the financial condition of the Town at the close of the last completed fiscal year, the results of operations in the fiscal year last completed (in the usual accounting format but of limited length and complexity), and a summary statement of (i) all investments made by the Town during the last completed fiscal year, including the rates of return, (ii) all borrowings, including amounts, rates of interest, and names of lenders from whom the money was borrowed and (iii) a list of insurance policies showing the property covered, the amount of each policy, the premiums, the names of the insurers, and the agents through whom the policies were purchased. The Executive Director's report need not repeat information contained in the annual report of the Audit Committee.

PART V. TOWN MEETING DUTIES

19.51. Town Meeting. The Selectmen are responsible for calling all Town Meetings and shall take such actions as are required by law or by Article 8 of these bylaws relative to Town Meeting.

19.52. Closing of Warrant. The Selectmen shall, by notice to each board and by notice in a newspaper generally circulated in the Town, specify the date when the warrant for any Town Meeting shall close.

19.53. Copies of Warrant. The Selectmen, after drawing a warrant for a Town Meeting, shall transmit as soon as possible a copy of the same to each member of the Advisory Committee and to each Town Meeting Member.

19.54. Copies of Motions. The Selectmen shall distribute copies of all draft motions received by them to the Moderator, Advisory Committee, Town Counsel, and to any board which in its opinion is likely to have an interest in the motion, so that they may communicate with the author of the motion as far in advance of the meeting as possible. Copies of such drafts shall also be available for public inspection at the Selectmen's office and at the Wellesley Free Library.

ARTICLE 20. TELECOMMUNICATIONS ADVISORY COMMITTEE

20.1. Membership. The Town shall have a Telecommunications Advisory Committee (hereinafter and elsewhere in these Bylaws referred to as the "Telecommunications Committee"), consisting of seven (7) members, five (5) of whom shall be residents of the Town, and two (2) of whom shall be staff employees of the Town, all of whom shall be appointed by the Board of Selectmen (hereinafter referred to as "the Board"), with the School Committee recommending one (1) of the resident and one (1) of the staff appointments.

20.2. Knowledge/Experience: Overall, the appointees to the Telecommunications Committee should preferably have knowledge and/or experience related and/or applicable to the broad and general area of telecommunications, including, but not limited to, the following: the Telecommunications Act of 1996, and other applicable federal and state laws regarding telecommunications; cable television networks; telecommunications networks; switched networks; Internet networks; electrical engineering; general law; and corporate finance.

20.3. Term: Members of the Telecommunications Committee shall each serve a term of three (3) years. When the Telecommunications Committee is first established, the Board shall appoint three (3) resident members for a term of three years, one (1) resident member for a term of two years, one (1) resident member for a term of one year, and two (2) staff members for a term of one year.

20.4. Duties of the Telecommunications Committee: The Telecommunications Committee shall advise the Board on all telecommunications matters affecting the Town and make recommendations thereto. The Telecommunications Committee shall act under such powers and authority as shall be delegated to it by the Board from time to time, and shall thereupon act on behalf of the Board with regard to all authorized matters. For purposes of this bylaw, telecommunications networks shall be deemed to include, among other things, cable television systems. The Telecommunications Committee shall have duties including, but not limited to, the following:

- a. To report to the Board on the status of applications to the Board and/or the Town by telecommunications companies, and to make recommendations to the Board thereto;

- b. To report annually to the Board, no later than November 1st of each year, on the status of compliance with the terms of any telecommunications agreements in the Town and applicable law including, but not limited to, cable television licenses and;
- c. To make inquiries as are necessary to insure that telecommunications operators in the Town, including, but not limited to, cable television licensee(s), maintain their system(s) and plant and provide services, as required;
- d. To establish procedures for the hearing and disposition of complaints from any person, firm, corporation and/or other entity in the Town relating to the operation of such telecommunications networks in the Town, including, but not limited to, cable television systems;
- e. To review all license records required to be maintained by the licensee(s) by Chapter 166 and/or Chapter 166A of the General Laws of the Commonwealth of Massachusetts, by the Cable Television Division and/or by the Federal Communications Commission and, in its discretion, to require the preparation and filing of additional information;
- f. To advise the Board on consumer matters in connection with such telecommunications networks including, but not limited to, customer service, rates and charges, and privacy; and
- g. To develop, publish and amend as necessary, from time to time, the rules and procedures that define the Telecommunications Committee's function and responsibilities, and submit the same to the Board for approval prior to final adoption and publication
- h. To conduct, and report to the Board on, an annual systems performance evaluation on the Institutional Network to ensure that it meets or exceeds predetermined performance levels as set by the Board.

20.5. Right to Appeal. Any telecommunications operator in the Town, including but not limited to, cable television licensees, shall have the right to appeal to the Board any decision of the Telecommunications Committee of which it is aggrieved, by filing notice thereof with the Board, citing the decision being appealed and fully stating the reasons for such appeal. A copy of said appeal shall be provided to the Telecommunications Committee at the time it is submitted to the Board. The Board shall thereupon convene a public hearing on the matter, giving public notice thereof of the time, date and place to such operator and/or licensee and the Telecommunications Committee.

20.6. General Provisions. The Telecommunications Committee shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards in the Town, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

ARTICLE 20A. WELLESLEY CABLE ACCESS CORPORATION

20A.1. Purposes: An independent non-profit corporation, called the Wellesley Cable Access Corporation, organized under Chapter 180 of Massachusetts General Laws (hereinafter referred to as the "Access Corporation"), shall be established for the purpose of encouraging, and assisting in increasing, local programming to be viewed over the cable television system(s) in the Town of Wellesley, as more explicitly delineated as follows:

- a. To provide a source of funding to assist in the development of local access programming in the Town;
- b. To develop and promote access programming for the Town;
- c. To work with and assist local organizations in the Town in developing access programming ideas;
- d. To work with and assist the Wellesley Public Schools in Developing and producing local access programming;
- e. To provide new equipment to facilitate access production(s) in the Town;

- f. To work and assist in the development of a tape library of local access programming in the Town; and
- g. To generally work and assist in the development of resources to further the goal of producing local access programming in the Town;

20A.2. Number of Directors/Term of Office: The Board of Directors of the Access Corporation shall consist of seven (7) Directors. The Directors shall be appointed and serve three year terms, except for the initial appointments, when three (3) Directors who shall be appointed by the Board of Selectmen, will be appointed as follows: one (1) Director for a two year term; and two (2) Directors for a three year term; the three Directors shall constitute the Board of Directors until the remaining four (4) Directors are appointed by the Corporation's Directors, as follows; two (2) Directors for a one year term; one (1) Director for a two year term; and one (1) Director for a three year term. The remaining four (4) Directors shall be appointed no later than 90 days from the appointment of the initial three (3) directors.

20A.3. Promotion of Local Programming: The Access Corporation shall work to, among other things, promote the use of studio facilities in the Town for the production of local programming to be shown on the cable television system(s) in the Town. To this end, the Access Corporation shall work with, among other groups, the School Department, cable television licensees in the Town, the Board of Selectmen and civic groups in the Town.

20A.4. Revenues: All revenues to the Access Corporation, including revenues in the Cable Access Fund, shall be administered by the Board of Directors of the Access Corporation in the furtherance of the Purposes in Section 20-A above.

20A.5. Policies and Procedures: The Board of Directors of the Access Corporation shall adopt written policies and procedures to encourage the production of local programming in the Town. The Board of Directors shall also adopt written policies and procedures outlining the procedures for the Access Corporation's conduct of its business and other affairs. All such written procedures shall be made available to the public.

20A.6. Annual Report: The Access Corporation shall provide an Annual Report to such authorities as are appropriate and/or required pursuant to Chapter 180 of the Massachusetts General Laws, with a copy sent directly to the Board of Selectmen. Said Annual Report shall be a public document.

ARTICLE 21. POLICE DEPARTMENT

21.1. Establishment of the Department. The Town shall have a Police Department established by the Selectmen. It shall act under the supervision of the Chief of Police.

21.2. Responsibilities of Selectmen. The Selectmen shall:

- a. appoint a Chief of Police and such police officers as they deem necessary;
- b. have overall responsibility for the Police Department; and
- c. establish suitable policies and procedures governing the Police Department and the police officers, including standards for record keeping.

21.3. Responsibilities of the Chief of Police. The Chief of Police shall provide to the Town appropriate police and related services as determined by the Selectmen, supervise all police officers, and be responsible for all Town property used by the Department.

21.4. General Provisions. The Department shall also be governed by the applicable provisions of Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

ARTICLE 22. FIRE DEPARTMENT

22.1. Establishment of the Department. The Town shall have a Fire Department established by the Selectmen. It shall act under the supervision of the Chief Engineer of the Fire Department.

22.2. Responsibilities of the Selectmen. The Selectmen shall:

- a. appoint the Chief Engineer and such other Fire Engineers and employees as they deem necessary;
- b. have overall responsibility for the Fire Department; and
- c. establish suitable policies and procedures governing the Fire Department and the employees thereof, including standards for record keeping.

22.3. Responsibilities of the Chief Engineer. The Chief Engineer shall provide to the Town appropriate fire fighting and other services as determined by the Selectmen, supervise all fire engineers and other employees, and be responsible for all fire stations and equipment.

22.4. Pumping Water from Private Buildings. Subject always to the availability of fire protection services as the Chief Fire Engineer shall determine, the Fire Department is authorized, in an emergency, to pump water from private buildings; provided, that the property owner shall be charged the following fees for such service rendered to the same building if, in the opinion of the Chief Fire Engineer, the water condition could have been avoided by the installation of a sump pump or some other action of the property owner:

First Call	No/Charge
Second Call (made by the same property owner and due to the same cause)	\$100.00
Third and subsequent calls (made by the same property owner and due to the same cause)	\$200.00

22.5. General Provisions. The Department shall also be governed by the applicable provisions of Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

ARTICLE 23. INSPECTORS

23.1. Appointment. The Selectmen shall appoint the:

- a. Inspector of Wires;
- b. Inspector of Gas;
- c. Inspector of Buildings; and
- d. Sealer of Weights and Measures.

The Inspector of Buildings shall appoint the Inspector of Plumbing (who may, but need not, be the Inspector of Gas).

23.2. Term. The term of office shall be one year commencing on July 1, except as otherwise provided by law.

23.3. Inspector of Wires. The Inspector of Wires shall perform the duties prescribed for inspectors of wires in Towns under the General Laws and the Electric Code of the Commonwealth.

23.4. Inspector of Gas. The Inspector of Gas shall perform the duties prescribed for Town inspectors of gas piping and gas appliances in buildings under Chapter 143 of the General Laws and the Fuel and Gas Code of the Commonwealth.

23.5. Inspector of Buildings. The Inspector of Buildings shall perform the inspection and zoning enforcement duties prescribed for inspectors of buildings of Towns under Chapter 143 of the General Laws, Article XXIII of the Town Zoning Bylaws, and the Building Code of the Commonwealth.

23.6. Sealer of Weights and Measures. The Sealer of Weights and Measures shall perform the duties prescribed for sealers of weights and measures of Towns under the General Laws.

23.7. Inspector of Plumbing. The Inspector of Plumbing shall perform the duties prescribed for inspectors of plumbing of Towns under Chapter 142 of the General Laws and the Plumbing Code of the Commonwealth.

23.8. General Provisions. The Inspectors and the Sealer of Weights and Measures shall also be governed by the applicable provisions of Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as is specifically directed by law or a provision of these bylaws to act otherwise.

23.9. Requirements for Wiring. Every corporation or person proposing to place wires designed to carry a current of electricity for light, heat or power purposes shall give notice thereof to the Inspector of Wires before commencing any work. This notice shall be on an application furnished by the Inspector of Wires and shall indicate the general character of the proposed installation, and the number, rating and kind of current consuming devices to be connected. Upon receipt of such a notice and payment of the proper fee, a permit for the commencement of the work as described shall be issued by the Inspector of Wires if all legal requirements have been observed. No work, except of an emergency nature, shall commence until a valid permit has been issued.

No conduit, either within or connecting two buildings, or any wiring within or between two buildings to be used in connection with the distribution of current for light, heat, or power, shall be covered over until approved by the Inspector of Wires, and such approval posted in a conspicuous place on or within the building so wired.

No person engaged in the practice of electrical wiring for hire shall install wires designed to carry a current of electricity for heat, light or power in the Town unless that person has exhibited and registered a license or certificate at the office of the Inspector of Buildings.

Whoever violates any provision of this section shall, in cases not otherwise provided for, forfeit and pay for each offense a fine not exceeding \$50.

ARTICLE 24.

(Reserved for Future Provisions)

ARTICLE 25. TOWN COUNSEL

25.1. Office and Qualifications. The Town shall have a Town Counsel who shall be an attorney admitted to practice in the Commonwealth. Town Counsel need not be a resident of the Town or maintain a law office in the Town.

25.2. Term. The Town Counsel shall be appointed annually by the Selectmen for a yearly term to commence on July 1. The Selectmen shall have the power to remove Town Counsel whenever in their judgment the interests of the Town so require. In case of a vacancy in the office, the Selectmen shall fill the same by a new appointment.

25.3. Responsibility. Town Counsel shall be responsible for the performance of all legal services to the Town.

25.4. Duties. It shall be the duty of Town Counsel:

- a. to examine, or cause to be examined, all titles to property in which the Town may be interested;
- b. to draw, supervise the drawing, or review all deeds, obligations, contracts, bonds, leases, conveyances, agreements and other legal instruments, of whatever nature, which may be required by any bylaw, vote or action of the Town, or by any board or official, or to which the Town or its agent may be a party, and which by law, usage or agreement the Town is obligated to draw;
- c. to draw, or supervise and approve, all votes for the laying out, discontinuance, change or improvement of streets or ways, for the taking of lands for any municipal purpose whatever, for the assessment of betterments, and all other forms of assessment;
- d. to commence and prosecute all actions and other legal proceedings and suits by or on behalf of the Town or any board or official, upon vote duly taken by such board or written direction of such official and after the Selectmen have been notified of and approved such vote; except that approval by the Selectmen shall not be required if Town Counsel deems the situation to be of an emergency nature or in those instances when such board or official is vested by statute with the authority to commence and prosecute legal proceedings;
- e. to defend all actions and suits brought against the Town in any Court or other tribunal in this Commonwealth or elsewhere;
- f. to appear as counsel, when directed by the Selectmen, in any other action, suit, or prosecution which may involve the rights and interests of the Town;
- g. to defend all persons elected or appointed to any board and all officers and officials of the Town in suits or prosecutions against them for any official action, or for the performance of any official duty, when any right, privilege, act or direction of the Town may be brought into question;
- h. to defend, subject to the approval of the Selectmen, all employees of the Town in suits or prosecutions against such employees for acts within the scope of their authority as agents of the Town, unless such suits or prosecutions are brought by the Town or on its behalf;

- i. to appear as Counsel before the Legislature of the Commonwealth or any committee thereof, whenever the Selectmen determine that the interests or welfare of the Town may be directly or indirectly concerned, or when requested to do so by a vote of the Town;
- j. to consult with, advise or attend meetings of any board, officer or official, either upon the request of the Chairman thereof or the officer or official involved, or when in the Selectmen's opinion any matter before such board, officer or official has significant legal implications to the Town, and in either instance to furnish a legal opinion upon any subject respecting the official duties of the board, officer or official;
- k. to prepare, when requested, any article for the Warrant for any Town Meeting and to review all articles and motions for form and legal sufficiency.
- l. to make a monthly report to the Selectmen on all actions taken during the preceding month and to other Town boards, officers and officials on legal matters which occurred during the preceding month and specifically relate to such board, officer or official; and
- m. to make an annual report of the work done during the preceding year and the status of all business and litigation pending at the close of that year.

25.5. Special Counsel. Unless expressly authorized by statute, a vote of Town Meeting, or vote of the Selectmen, no board, officer or official of the Town shall engage, whether or not for remuneration, any attorney, other than Town Counsel, with regard to its or his official duties, or any Town business, or the business of any of the departments thereof. The Selectmen may, whenever they deem necessary, employ special counsel to assist or act in place of Town Counsel.

ARTICLE 26. TOWN CLERK

26.1. Office. The Town shall have an elected Town Clerk who shall be a registered voter of the Town.

26.2. Term of Office. The term of office shall be three years.

26.3. Duties. The Town Clerk shall:

- a. Have the powers and duties of Town Clerks under Chapter 41 and other provisions of the General Laws;
- b. Perform those duties given to the Town Clerk by these bylaws, the Town Zoning Bylaws and Chapter 202 of the Acts of 1932 as amended;
- c. Furnish all boards, officers and officials with a copy of all Town Meeting votes affecting them and furnish all board members at the time they take their oath with copies of the current bylaws, Chapter 202 of the Acts of 1932, as amended, and the Open Meeting Law;
- d. Cause the reports (other than annual reports) of all boards, officials and officers presented to the Town to be entered in full in a suitably indexed book, which shall be known as the Book of Reports, such reports being numbered for each year in order of their presentation, with marginal references to the dates of the meetings to which they were respectively presented, and cause to be entered upon the record of each Town Meeting only such portions of such reports as may be necessary for the understanding of the action taken by the Town in each instance, together with the number of such report as entered in the Book of Reports;

- e. Notify, as soon as practicable, each person elected or appointed to a board or office of such election or appointment;
- f. Cause to be printed in suitable booklet form for limited distribution a copy of the record of the entire proceedings of the Town Meeting, said record to be printed in such quantity as the Town Clerk estimates is necessary to satisfy the usual demand; and
- g. Furnish the Selectmen for publication in the Annual Town Report a copy of the motions presented and the action taken thereon under all articles in the warrants for every Town Meeting held the preceding fiscal year.

26.4. Notice to Town Meeting Members. Not later than 60 days before the Town election at which a Town Meeting Member's term will expire, the Town Clerk shall notify the member of the provisions of Chapter 202, Section 5 of the Acts of 1932, regarding candidacy for re-election.

26.5. List of Board Members. The Town Clerk is responsible for maintaining a list of current members of all boards and their current addresses.

26.6. General Provisions. The Town Clerk shall also be governed by the applicable provisions of Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to boards, except as the Town Clerk is specifically directed by law or a provision of these bylaws to act otherwise.

26.7 Fees. The fees of the Town Clerk shall be as follows:

<u>Item</u>	<u>Fee</u>
Marriage Certificates	\$10.00
Death Certificates	\$10.00
Birth Certificates	\$10.00
Marriage Intentions	\$30.00
Business Certificates	\$60.00
Voter Identification	\$8.00
For Filing and Indexing Assignment for the Benefit of Creditors	\$25.00
For Entering Amendment of a Record of the Birth of a Child Born Out of Wedlock Subsequently Legitimized	\$20.00
For Correcting Errors in a Record of Birth	\$20.00
For Furnishing an Abstract Copy of a Record of Birth	\$8.00
For Entering Delayed Record of Birth	\$20.00

For Filing by a Person Conducting Business Under Any Title Other Than His Real Name a Statement of Change of His Residence , or of His Discontinuance, or Change of Location of Such Business	\$30.00
For Furnishing Certified Copy of Certificate of Person Conducting Business Under Any Title Other Than His Real Name or a Statement by Such Person of His Discontinuance, Retirement or Withdrawal From Such Business	\$ 5.00
For Recording the Name and Address, the Date and Number of the Certificate Issued to a Person Registered for the Practice of Podiatry in the Commonwealth	\$50.00
For Correcting Errors in a Record of Death	\$20.00
For Furnishing an Abstract Copy of a Record of Death	\$8.00
For Entering Certificate of Marriage Filed by Persons Married Out of the Commonwealth	\$10.00
For Furnishing an Abstract Copy of a Record of Marriage	\$8.00
For Correcting Errors in a Record of Marriage	\$20.00
For Recording Power of Attorney	\$20.00
For Recording Certificate of Registration Granted to a Person Engaged in the Practice of Optometry, or Issuing a Certified Copy Thereof	\$50.00
For Recording the Name of the Owner of a Certificate of Registration as a Physician or Osteopath in the Commonwealth	\$50.00
For Recording Order Granting Locations of Poles, Piers, Abutments or Conduits, Alterations or Transfers Thereof, and Increase in Number of Wires and Cable Attachments Under the Provisions of SEC. 22 of Chapter 166 of the General Laws	\$50.00 &25.00
	Additional for Streets
For Examining Records or Papers Relating to Birth, Marriage or Deaths Upon the Application of any Person, the Actual Expense Thereof, but Not Less Than	\$10.00
For Copying any Manuscript or Record Pertaining to a Birth, Marriage or Death	\$5.00 Per Page

For Receiving and Filing a Complete Inventory of All Items to be Included in a “Close-Out” Sale	\$10.00 1 st Page \$ 2.00 Each Additional
For Filing a Copy of Written Instrument or Declaration of Trust by Trustees of an Association or Trust, or any Amendment Thereof As Provided by Sec 2 Chapter 182 of the General Laws	\$20.00

ARTICLE 27. BOARD OF REGISTRARS OF VOTERS

27.1. Membership. The Town shall have a Board of Registrars of Voters consisting of the Town Clerk ex officio and three other registered voters of the Town appointed by the Selectmen in the manner prescribed by Section 15 of Chapter 51 of the General Laws.

27.2. Term. The term of office for registrars other than the Town Clerk shall be three years commencing on April 1.

27.3. General Duties. The Board shall have the powers and duties of boards of registrars of voters under Chapter 51 of the General Laws. These include the registration of voters.

27.4. Budget. The Board shall prepare an annual budget which shall be submitted by the Board in accordance with Sections 6.15. and 6.16.

27.5. Annual Report. The Town Clerk shall submit the annual report of the Board required by Article 4.

27.6. General Provisions. The Board shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

ARTICLE 28. MUNICIPAL LIGHT BOARD

28.1. Membership. The Town shall have a Municipal Light Board consisting of five residents, three of whom shall be the members of the Board of Public Works and two of whom shall be appointed by the Board of Selectmen. In making their appointments, the Selectmen shall seek to better assure that members of the Board have a mix of skills and experience helpful to the governance of the Municipal Light Plant, including, but not limited to, backgrounds in relevant technology, business, management, law and/or accounting.

28.2. Term. The term of office shall be three years.

28.3. General Duties. Under relevant special acts and Chapter 164 of the Massachusetts General Laws, the Board shall have the powers and duties of Municipal Light Commissioners. The Board shall meet no less frequently than monthly for the purpose of reviewing Municipal Light Plant operations and financial performance.

28.4. Manager of the Municipal Light Plant. The Board shall appoint the Manager of the Municipal Light Plant, who shall have the powers and duties of managers of Municipal Light Plants as set forth in Chapter 164 s.56, of the General Laws. The Manager of the Municipal Light Plant shall have charge of the operation of the plant and distribution of electricity, the purchase of supplies, the employment of attorneys and agents, the provision of service, and the keeping of accounts.

28.5. Reports. In addition to the requirements of Article 4, the Board shall report quarterly to the Board of Selectmen, said reports to include an analysis of actual financial results compared to budget, an explanation of significant variances from plan and a management discussion of operations of the Light Plant. The Board shall report annually to Town Meeting, said report to include not only a summary of its quarterly financial reports to the Selectmen for the year, but also a detailed management discussion of its progress in achieving increases in productivity, of the control of operating costs, of its performance relative to comparable municipal light plants in other communities and of its coordination with other boards and departments of the Town. The Board shall also include in its annual report to Town Meeting a discussion of its long range plans and of its progress against them.

28.6 Policies. The Board shall publish its mission statement and its policies and shall seek the advice of the citizen owners and ratepayers of the Municipal Light Plant through public hearings and through their representatives at Town Meeting and on the Board of Selectmen before making any changes thereto.

28.7 General Provisions. The Board shall also be governed by Articles 2 through 7 of these Bylaws and other provisions of these Bylaws applicable generally to all Boards, except as it is specifically directed by law or a provision of these Bylaws to act otherwise.

ARTICLE 29. BOARD OF PUBLIC WORKS

29.1. Membership. The Town shall have an elected Board of Public Works consisting of three residents.

29.2. Term. The term of office shall be three years.

29.3. General Duties. Under relevant special acts and Chapter 41, Sections 69C through 69F, the Board shall have the powers and duties of road commissioners, surveyors of highways, superintendent of streets, water commissioners, and sewer commissioners. The Board shall also:

- a. Establish policies for reduction, reuse, recycling, collection and disposal of garbage and solid waste, including regulations governing the use of the Recycling and Disposal Facility, said regulations also to establish such fines and other penalties for infractions of said regulations as the Board of Public Works shall deem appropriate, not to exceed however, \$200 (two hundred dollars) for any offense, each violation to constitute a separate offense. Regulations providing for fines or other penalties shall be implemented only after a public hearing and shall be subject to the procedure governing non-criminal disposition as set forth in Article 52 of these Bylaws.
- b. provide engineering services for the Town;
- c. provide maintenance or other related services for those Town departments requesting such maintenance or service;
- d. carry out maintenance, tasks and work affecting natural resources in accordance with general policies established by the Natural Resources Commission pursuant to Section

43.4.c., except when the public safety and welfare requires the Department instead to perform other maintenance, tasks or work on a temporary basis.

29.4. Director of Public Works. The Board shall appoint a Director of Public Works who shall:

- a. have the qualifications prescribed in the General Laws;
- b. hold office subject to the will of the Board;
- c. exercise and perform, under the supervision of the Board, such of the powers and duties of the Board as it may delegate to the Director.

29.5. Utilities. The water and sewer facilities shall be under the charge and control of the Board, subject to applicable statutes. The Board shall fix rates and charges for these services, and enact policies and procedures in connection with the operation, extensions, and services of those facilities.

29.6. Town Engineer. The Board shall appoint the Town Engineer who shall:

- a. have the qualifications prescribed in the General Laws;
- b. be in charge of the engineering work provided by the Department, subject to the direction and control of the Director.

29.7. Budgets. The Board shall present to the Advisory Committee separate budgets for the several divisions under its control.

29.8. Annual Report. In addition to the requirements of Article 4, the Board's annual report shall include:

- a. all engineering work and all work done on the public ways, the water and sewer plants, and collection and disposal of garbage and solid waste;
- b. all work done at the request of the Natural Resources Commission;
- c. all work done at the request of other Town departments;
- d. a review of the condition of the waterworks and sewerage plants; and
- e. a review of the condition of other facilities under the Board's control.

29.9. General Provisions. The Board shall also be governed by Articles 2 through 7 of these Bylaws and other provisions of these Bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these Bylaws to act otherwise.

29.10. Temporary Minor Repairs to Private Ways. The Town may make temporary minor repairs to private ways which have been opened to public use for two years or more and provided that such repairs are required by public necessity as shall be determined solely by the Board of Public Works. Such repairs shall be made only if petitioned for by the majority of the abutters, except in the case of special emergency involving the health or safety of people or their property as determined by said Board in its sole discretion. Cash deposits or payments shall not be required and betterment charges shall not be assessed for said repairs. The extent and type of repairs shall be determined by the Board of Public Works and shall only include the filling in of holes or depressions with material to be the same as, or similar to, those materials existing on

such ways; but shall not include drainage. The Town shall not incur any liability whatsoever on account of action or inaction resulting pursuant to this Bylaw.

ARTICLE 30. HUMAN RESOURCES BOARD

30.1. Membership. The Town shall have a Human Resources Board consisting of five residents appointed by the Moderator. No member shall be a member of another board, or an officer, official or paid employee of the Town, except that a Town Meeting Member may be a member of the Board. At least two members shall have either education or experience in personnel management or labor relations.

30.2. Term. The term of office shall be three years commencing on July 1.

30.3. Administer Plans. The Board shall administer the Classification and Salary Plans, and shall establish policies and procedures, consistent with those Plans, as it deems necessary for the administration thereof.

30.4. Human Resources Director. The Board shall appoint a Human Resources Director and such staff as it deems necessary.

30.5. Review Work. The Board, from time to time, shall review all work of all positions subject to the Classification Plan. Such reviews shall be so scheduled as to cover all such positions at intervals of not more than five years. In case of necessity, the Board may tentatively add a new position to the Classification Plan or reclassify an existing position to a different group subject to the subsequent ratification of its action by a formal amendment of the Classification Plan at the next annual or special Town Meeting.

30.6. Review Salary Plan. The Board shall, from time to time, review the Salary Plan. It shall keep informed as to pay rates and policies outside the service of the Town, and shall recommend to the Town any action which it deems desirable to maintain a fair and equitable pay level.

30.7. Variations in Salary Plan. Upon recommendation of an officer supported by evidence in writing of special reasons and exceptional circumstances satisfactory to the Board, the Board may authorize an entrance rate higher than the minimum rate for a position, and such other variations in the Salary Plan as it may deem necessary for the proper functioning of the services of the Town.

30.8. Recruitment. The Board shall recruit applicants for positions in the Classification Plan.

30.9. Records. The Board shall maintain such records as are necessary to comply with fair employment practice laws and the rules of appropriate regulatory agencies, and maintain personnel records of all employees in the Classification Plan, including therein such information as it deems desirable.

30.10. Personnel Policies Nonunion Employees. The Board shall recommend personnel policies and procedures to all boards, officers and officials relating to their employees, and shall establish subject to approval by Town Meeting and administer such procedures and policies for all Town employees not covered by collective bargaining agreements.

30.11. Compliance Advice. The Board shall advise all boards, officers and officials as to compliance with applicable fair employment practice laws and other applicable state and federal laws and regulations.

30.12. Collective Bargaining Agent. The Board shall act as the collective bargaining agent for the School Committee when so directed by that Committee, or for any other board when so directed by the Selectmen.

30.13. Civil Service Law. Nothing in this article, or in the Salary Plan, shall be construed to conflict with Chapter 31 of the General Laws.

30.14. Requests for Information. All boards, officers, officials and employees thereof shall furnish such information to the Human Resources Board as it shall request in the performance of its duties.

30.15. General Provisions. The Board shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

ARTICLE 31. CLASSIFICATION AND SALARY PLANS

31.1. Classification Plan. The positions of all officers and employees in the service of the Town (whether full time, part time, seasonal, casual, special, Civil Service, or others) other than those positions filled by popular election and those under the direction and control of the School Committee, are hereby classified by titles in the groups listed in Schedule A entitled "Job Classification by Groups" which follows this article and is made a part hereof.

31.2. New or Changed Positions. Whenever a new position is established, or the duties of an existing position are so changed that in effect a new position is created, upon presentation of substantiating data satisfactory to the Human Resources Board, the Board shall allocate such new or changed position to its appropriate Group.

31.3. Titles of Positions. No person shall be appointed, employed or paid as an employee in any position subject to the provisions of the Classification Plan under any title other than those of the Classification Plan or under any title other than that of the job the duties of which are actually performed. The job title in the Plan shall be the official title for all purposes having to do with the position and shall be used to designate the position in all payrolls, budget estimates and official reports, and in every other connection involving personnel and fiscal processes.

31.4. Reclassification of Employees. No employee may be reclassified to a job in another group, either higher or lower, until the Human Resources Board shall have determined such reclassification will be consistent with the Classification and Salary Plans. There shall be only one reclassification in any twelve-month period for any employee except in unusual circumstances.

31.5. Job Descriptions. The Human Resources Board shall maintain written job descriptions of the jobs, or positions, in the Classification Plan, describing the essential characteristics, requirements and general duties of the jobs. The descriptions shall not be interpreted as complete or limiting definitions of any job, and employees shall continue in the future, as in the past, to perform any duties assigned by department heads, supervisors, or other administrative authority.

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

31.7. Amendment to Plans. Notwithstanding Section 51.3. the Classification and Salary Plans may be amended by a majority vote of Town Meeting. No amendment of either plan shall be made until it has been presented by signed petition to the Human Resources Board and acted upon by the Board. Upon receipt of such a petition, the Board, after giving the petitioners, the heads of the departments and employees affected at least three days' written notice, shall hold a hearing of the parties interested to consider the proposed amendment. If the Personnel Board shall fail to act on an amendment so presented within fifteen days after

the hearing thereon, the Board shall be deemed to have disapproved the amendment. The petition may then be presented to the Town Meeting, if so desired. The Board may, of its own motion, after a similar hearing of the parties interested, propose an amendment to either Plan.

ARTICLE 32. RETIREMENT BOARD

32.1. Membership. The Town shall have a Retirement Board consisting of five persons selected in accordance with Chapter 32, Section 20(4), of the General Laws:

- a. The Executive Director of General Government Services, ex officio;
- b. Two persons elected by the members in service of the Town retirement system from among their number, or from among persons retired from such system;
- c. One person chosen by the Board of Selectmen;
- d. A person chosen by the other four members of the Board. If the fifth member is not chosen by the other four members within thirty days after the expiration of the term of the fifth member, that member shall be appointed by the Selectmen.

32.2. Term. The term of office for the two elected and the fifth member shall be three years. Election of a member shall be held under the supervision of the Retirement Board.

32.3. Vacancies. In case of a vacancy, a successor shall be elected or appointed in the same manner as the former member.

32.4. General Duties. The Board shall have the powers and duties of retirement boards under Chapter 32 of the General Laws. These include managing the Town contributory retirement system.

32.5. General Provisions. The Board shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

ARTICLE 33. COUNCIL ON AGING

33.1. Membership. The Town shall have a Council on Aging consisting of eleven residents appointed by the Selectmen.

33.2. Term. The term of office shall be three years commencing on July 1.

33.3. General Duties. The Council shall have the powers and duties of councils on aging under Section 8B of Chapter 40 of the General Laws. These include:

- a. coordinating and implementing programs designed to meet the needs of the aging in coordination with programs of the Massachusetts Department of Elder Affairs; and
- b. maintaining communication with those boards and organizations who may have an interest in the aging.

33.4. Director of Senior Services. The Council shall appoint a Director of Senior Services and such staff as it deems necessary.

33.5. Budget. The Council shall prepare an annual budget. The budget is subject to approval by the Selectmen. The Selectmen are responsible for presenting the budget to the Advisory Committee and for presenting the motion for the budget appropriation to Town Meeting.

33.6. Annual Report. In addition to the requirements of Article 4, the Council shall send a copy of its annual report to the Massachusetts Department of Elder Affairs.

33.7. General Provisions. The Council shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

ARTICLE 34. BOARD OF HEALTH

34.1. Membership. The Town shall have an elected Board of Health consisting of three registered voters of the Town.

34.2. Term. The term of office shall be three years.

34.3. General Duties. The Board shall have the duties and powers of boards of health under the General Laws, particularly Chapter 111. These include protecting and preserving the health and well-being of the public.

34.4. Director. The Board shall appoint a Director of Public Health and other personnel as it deems necessary.

34.5. Regulations. All regulations made by the Board under Chapter 111 of the General Laws shall be published once in a newspaper generally circulated in the Town. Such publication shall be notice to all persons.

34.5A. Clean Indoor Air in Food Service Establishments.

Section I Definitions

- a. Smoking shall mean the lighting of, or having possession of any lighted cigarette, cigar, pipe or other tobacco product.
- b. Food Service Establishment shall mean any establishment which is required by State Law to be licensed by the Board of Health in accordance with the provisions of the State Sanitary Code, Article X "Minimum Sanitation Standards for Food Service Establishments", in order to prepare and serve food to the general public.
- c. Nonsmoking area means that area in the dining area of a food service establishment where smoking by employer or patron is prohibited.
- d. Smoking areas mean all other areas of food service establishments except where smoking is prohibited by sanitation or fire safety codes or regulations.

Section II Regulated Conduct

- a. No person shall smoke in any establishment required to be licensed as a Food Service Establishment except in specifically designated smoking areas.
- b. Smoking areas may be designated by proprietors or other persons in charge of the above establishment, except in places in which smoking is prohibited by the Chief Fire Engineer or by other law or regulation. Designated smoking areas shall comprise no more than 75% of the establishment. Where smoking areas are designated existing physical barriers and/or ventilation systems shall be used to minimize the effects of smoke on persons in adjacent nonsmoking areas.
- c. In the case of establishments consisting of a single room the requirement of this bylaw shall be considered met, if one side of the room is reserved and posted as a nonsmoking area, and provided that no less than 25% of the seating capacity is designated as a nonsmoking area.

Section III Exemptions

- a. Establishments with a seating capacity of less than 40 persons are exempt from this bylaw.
- b. In cases where an entire establishment or room in an establishment is taken over for a private function, this bylaw shall not apply.
- c. Establishments that have voluntarily provided a designated nonsmoking area as requested by the Board of Health shall be exempt from this bylaw for as long as their voluntary system is maintained.

Section IV Implementation and Enforcement

- a. The proprietor or other person in charge of a restaurant shall make reasonable efforts to prevent smoking in the nonsmoking area by:
 1. posting appropriate signs;
 2. arranging seating so that existing physical barriers and ventilation systems minimize the effects of smoking in a smoking area upon patrons in an adjacent nonsmoking area;
 3. directing patrons seated in nonsmoking areas to refrain from smoking; and
 4. any other means which may be appropriate.
- b. The Wellesley Board of Health may adopt rules and regulations to help effectuate the purpose of this bylaw.
- c. Any person who smokes in a nonsmoking area after notice from the person in charge that such conduct violates this bylaw shall be subject to a fine of not less than ten (10) dollars or more than thirty (30) dollars.

- d. The Wellesley Board of Health or any person aggrieved by the willful failure of the proprietor or other person in charge of a restaurant to comply with any provision of the bylaw may seek injunctive or other relief to enforce the provisions of this bylaw in a court of competent jurisdiction.
- e. Nothing in this bylaw shall make lawful smoking in any area which smoking is or hereafter be prohibited by law.

Section V Severability

- a. If any provision of this bylaw is declared invalid or unenforceable the other provisions shall not be effected thereby.

34.5B. Clean Indoor Air in Public Buildings.

Section I Definitions

- a. Public Buildings as used in this bylaw shall mean every public building owned and controlled by the Town of Wellesley.
- b. Smoking shall mean the lighting of any cigar, cigarette, pipe or other tobacco product.

Section II Regulated Conduct

- a. There shall be no smoking in any public building. This prohibition shall extend to all enclosed structures owned or operated by the Town.

Section III Implementation and Enforcement

- a. Any person who smokes in a nonsmoking area after notice from the person in charge that such conduct violates this bylaw shall be subject to a fine of not less than ten (10) dollars or more than thirty (30) dollars.
- b. The Wellesley Board of Health or any person aggrieved by the willful failure of the proprietor or other person in charge of a work place to comply with any provision of the bylaw may seek injunctive or other relief to enforce the provisions of this bylaw in a court of competent jurisdiction.
- c. Nothing in this bylaw shall make lawful smoking in any area in which smoking is or may hereafter be prohibited by law.

Section IV Severability

- a. If any provision of this bylaw is declared invalid or unenforceable the other provisions shall not be effected thereby.

34.6. General Provisions. The Board shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

ARTICLE 35. HOUSING AUTHORITY

35.1. Membership. The Town shall have a Housing Authority consisting of five residents, four elected by the Town and one appointed by the Massachusetts Department of Community Affairs.

35.2. Term. The term of office shall be five years.

35.3. Vacancy. A vacancy in the appointed position shall be filled by the Massachusetts Department of Community Affairs for the balance of the unexpired term. A vacancy among the elected members shall be filled as provided in Section 7.3.

35.4. Conflict of Interest. Any member of the Authority who is a tenant in a housing project shall not participate in any decision relating to the project affecting his personal interest, in compliance with Chapter 121B, Section 6 of the General Laws.

35.5. General Powers and Duties. The Authority shall have the powers and duties of such housing authorities under Chapter 121B of the General Laws. These include planning, constructing, operating, and maintaining housing for families, veterans, and elderly of low income.

35.6. Officers and Employees. The Authority shall elect from its members a chairman and vice chairman, and may employ counsel, an executive director who shall be ex officio secretary of the Authority, a treasurer who may be a member of the Authority, and such other officers, agents, and employees as it deems necessary. The Authority shall determine the qualifications, duties, and compensation for its members, officers, agents, and employees.

35.7. Relationship with Town. So far as practicable, the Authority shall make use of the services of the agencies, officers, and employees of the Town, and the Town shall, if requested, make available such services. Further permitted municipal acts and activities to aid the authority are set forth in said Chapter 121B, Section 23.

35.8. Records and Reports. The Authority shall keep an accurate account of all its activities, receipts and expenditures and shall report to the Massachusetts Department of Community Affairs, the State Auditor and the Selectmen annually.

35.9. General Provisions. The Authority shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

ARTICLE 36. BOARD OF TRUSTEES OF THE WELLESLEY FREE LIBRARY

36.1. Membership. The Town shall have an elected Board of Trustees of the Wellesley Free Library consisting of six residents.

36.2. Term. The term of office shall be three years.

36.3. General Duties. The Board shall have the powers and duties of boards of library trustees under Chapter 78 of the General Laws. These include having the custody and management of the library and of all the property owned by the Town relating thereto.

36.4. Staff. The Board shall appoint such staff as it deems necessary.

36.5 Annual Reports. The Board shall submit an annual report to the Town in accordance with Article 4 and Chapter 78, Section 12 of the General Laws. The report shall include its receipts, expenditures, and the property in its custody.

36.6 General Provisions. The Board shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

ARTICLE 37. RECREATION COMMISSION

37.1. Membership. The Town shall have an elected Recreation Commission consisting of five residents.

37.2. Term. The term of office shall be three years.

37.3 General Duties. The Commission shall have the powers and duties of recreation commissions under Section 14, Chapter 45 of the General Laws. These include:

- a. conducting and promoting recreation, play, sport, physical education and other programs to meet the leisure time needs of the community;
- b. maintaining communication with other interested boards, such as the Youth Commission, Council on Aging, Natural Resources Commission and the School Committee, and insofar as possible, facilitating programs and events requested by and on behalf of these interested boards; and
- c. making long-range recommendations to the Town with respect to playgrounds and recreation facilities of the Town.

37.4. Superintendent of Recreation. The Commission shall appoint a Superintendent of Recreation and such staff as it deems necessary.

37.5. General Provisions. The Commission shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

ARTICLE 38. SCHOOL COMMITTEE

38.1. Membership. The Town shall have an elected School Committee, consisting of five registered voters of the Town.

38.2. Term. The term of office shall be three years.

38.3. General Duties. The Committee shall have the powers and duties of school committees under the General Laws, particularly Chapter 71. These include controlling and managing the public schools of the Town.

38.4. Appointment of Superintendent. The Committee shall appoint and fix the compensation for the Superintendent of Schools.

38.5. Superintendent. Under the direction of the Committee, the superintendent shall:

- a. be the executive officer of the Committee;
- b. have the care and supervision of the public schools;
- c. assist the Committee in keeping its records and accounts and in making such reports as are required by law; and
- d. make recommendations to the Committee regarding teachers, textbooks, and courses of study.

38.6. Legal Counsel. The Committee may hire legal counsel in accordance with Chapter 71, Sections 37E and 37F of the General Laws.

38.7. General Provisions. The Committee shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

ARTICLE 39. DEPARTMENT OF VETERANS' SERVICES

39.1. Department of Veterans' Services. The Town shall have a Department of Veterans' Services.

39.2. General Duties. The Department shall have the powers and duties of departments of veterans' services under Chapter 115 of the General Laws. These include advising and assisting veterans and their dependents in procuring veterans' benefits.

39.3. Director. The officer in charge of the Department shall be known as the Director of Veterans' Services. The Director shall be a veteran and shall be appointed by the Selectmen. The Director shall hold office at the discretion of the Selectmen.

39.4. Advisory Board. The Department may have an unpaid advisory board consisting of five residents to be appointed by the Selectmen in accordance with the rules and regulations promulgated by the Commission of Veterans' Services of the Commonwealth. The term of office on the Board shall be three years commencing on July 1.

39.5. Veterans' Grave Officer. Annually, in April, the Selectmen shall appoint a resident, preferably a veteran, as a veterans' grave officer. The officer shall cause every veteran's grave within the Town to be suitably kept and cared for.

39.6. Budget. The Department shall prepare an annual budget. The budget is subject to approval by the Selectmen. The Selectmen are responsible for presenting the budget to the Advisory Committee and for presenting the motion for the budget appropriation to Town Meeting.

39.7 General Provisions. The Department shall also be governed by the applicable provisions of Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

ARTICLE 40. YOUTH COMMISSION

40.1. Membership. The Town shall have a Youth Commission consisting of seven residents appointed by the Board of Selectmen, provided one each shall be appointed upon the recommendation of the Council on Aging, the Chief of Police, the Recreation Commission and the School Committee, respectively.

40.2. Term. The term of office shall be three years commencing on July 1.

40.3. General Duties.

- a. coordinating and implementing programs which may be designed or established with the approval of the Board of Selectmen to meet the opportunities, challenges, and problems of the youth of the Town;
- b. maintaining communication with those boards and local organizations, such as the School Committee, Recreation Commission, and Board of Health, which may have an interest in youth.

40.4. Director of Youth Services. The Executive Director of General Government shall appoint a Director of Youth Services subject to the approval of the Youth Commission.

40.5. Budget. The Commission shall prepare an annual budget. The budget is subject to approval by the Selectmen. The Selectmen are responsible for presenting the budget to the Advisory Committee and for presenting the motion for the budget appropriation to Town Meeting.

40.6. General Provisions. The Commission shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

ARTICLE 41. BOARD OF APPEALS

41.1. Membership. In accordance with Section XXIV of the Zoning Bylaws of the Town, the Town shall have a Zoning Board of Appeals consisting of three members appointed by the Selectmen for three year terms.

41.2. General Duties. The Board shall have the powers and duties of zoning boards of appeals under the General Laws, particularly Chapter 40A. These include deciding zoning appeals and acting on applications for special permits and variances.

41.3. Rules. The Board shall adopt rules as required by Chapter 40A, Section 12 of the General Laws.

41.4. General Provisions. The Board shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

ARTICLE 42. BOARD OF ASSESSORS

42.1. Membership. The Town shall have an elected Board of Assessors consisting of three registered voters of the Town.

42.2. Term. The term of office shall be three years.

42.3. General Duties. The Board shall:

- a. have all of the powers and duties of boards of assessors under the General Laws;
- b. annually make a fair cash valuation of all taxable property, both real and personal, within the Town;
- c. establish the annual tax rate;
- d. assess and apportion Town taxes and state and county taxes duly certified to them;
- e. enter into contracts for the expert appraisal of taxable property;
- f. prepare and maintain for public use a list of valuations indexed alphabetically by owner's name and a list of valuations indexed by street and house number and shall make available, when requested, copies of such lists for a reasonable reproduction fee;
- g. record and keep current all new valuations and revaluation's;
- h. act upon all applications for abatements and exemptions; and
- i. administer the Motor Vehicle Excise Tax on the Town level by supervising the preparation, processing and issuance of motor vehicle excise tax bills.
- j. make available upon the request of and at no cost to a local newspaper, the list of valuations indexed by street and house number and the list of abatements; and
- k. make available upon the request of and at no cost to a property owner, reproductions or copies of all records (not exempt from public disclosure by law) that were used in setting the valuation of the owner's taxable property subject to an application for abatement.

42.4. Assistant Assessor. The Assessors shall appoint an Assistant Assessor, who shall:

- a. be professionally qualified and experienced in the assessment and apportionment of taxes and the valuation of property for the purpose of taxation;
- b. have a term of one year, commencing on the date of appointment, serving at the discretion of the Assessors; provided, that if the Assessors fail to appoint a successor during the month preceding the expiration of said term, the incumbent shall continue to serve during the following period of one year unless sooner removed. The Assistant Assessor may be reappointed annually without limit;
- c. assess and apportion taxes in the Town, subject to the approval of the Board of Assessors;
- d. value property in the Town, both real and personal, for the purpose of taxation, subject to the approval of the Board of Assessors;
- e. perform such other duties as the Assessors may require including acting as a hearing officer in the application for abatements and exemptions, and otherwise assisting the Assessors in the performance of their duties.

42.5. General Provisions. The Board shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

ARTICLE 43. NATURAL RESOURCES COMMISSION

43.1. Natural Resources. For the purposes of this Article "natural resources" includes without limitation lakes, ponds, streams, parks, athletic and playing fields, conservation lands, reservations, forests, watersheds, wetlands, wildlife, plantings, and shade and ornamental trees and shrubs, and other outstanding natural features.

43.2. Membership. The Town shall have an elected Natural Resources Commission consisting of five residents.

43.3. Term. The term of office shall be three years.

43.4. General Duties. The Commission shall:

- a. have overall authority and responsibility with respect to:
 - i. the use, acquisition, management, preservation, and protection of conservation land,
 - ii. the use, management, preservation, and protection of park land and such other land as may be transferred to, or acquired by, the Commission,
 - iii. forest and tree nursery management,
 - iv. insect pest and moth control, and
 - v. administration of the Conservation Fund under Sections 5(51) and 8C of Chapter 40 of the General Laws.
- b. Study and make recommendations regarding the use, maintenance, management, preservation, and protection of the natural resources of the Town which are under the jurisdiction of other boards.
- c. Establish general policies to be implemented by the Department of Public Works, as provided in Section 29.3.d. for the carrying out of maintenance, tasks and work affecting natural resources, as authorized by Section 43.4.a.
- d. Propose for acquisition by the Town those natural resources that the Commission deems useful or important to the Town.
- e. Carry out such other responsibilities as the Town may assign to it or as may be permitted or required by law.

43.5. Statutory Powers and Duties. The Commission shall have all the powers and duties of conservation commissions, forest committees, park commissioners, tree wardens, moth superintendents, and superintendents of insect pest control under the General Laws, particularly under Section 8C of Chapter 40, and Chapters 45, 87 and 132.

43.6. Director of Natural Resources. The Commission shall appoint a Director of Natural Resources who shall hold office at the will of the Commission and can be removed only with the consent of at least three members of the Commission. The Commission may delegate to the Director such duties as they deem appropriate. The delegation of major responsibilities shall be in writing. The Commission shall appoint such staff as it deems necessary.

43.7. Wetlands Protection Committee. The Commission shall appoint a Wetlands Protection Committee consisting of five residents, and may appoint up to two residents as associate members to consider and vote upon applications under the Massachusetts Wetlands Protection Act in the case of absence, inability to act, or conflict of interest on the part of any member or in the event of a vacancy on the Board. The term of office shall be three years commencing on July 1. The Commission shall delegate to the Wetlands Protection Committee the power and authority to administer and enforce the provisions of the Wetlands Protection Act, Chapter 131, Section 40 of the General Laws.

43.8. Landscape Advisory Committee. The Commission shall appoint a Landscape Advisory Committee consisting of three residents. The term of office shall be three years commencing on July 1. This Committee shall assist, advise and submit plans and recommendations to the Commission for preserving, improving and enhancing Town-owned natural resources and the beauty of the Town.

43.9. Long-Range Planning Committee. The Commission shall appoint a Long-Range Planning Committee consisting of five residents. The term of office shall be three years commencing on July 1. This Committee shall assist, advise and submit plans and recommendations to the Commission pertaining to the long-range use, acquisition, maintenance, protection and development of open space in, and natural resources of, the Town.

43.10. Plans. The Commission shall take into consideration all Town and regional plans affecting the natural resources of the Town.

43.11. General Provisions. The Commission shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

ARTICLE 44.

WETLANDS PROTECTION

44.1. Purpose. The purpose of this bylaw is to protect the wetlands, related water resources, and adjoining land areas in the Town of Wellesley by prior review and control of activities deemed by the Wetlands Protection Committee likely to have a significant or cumulative effect upon wetland interests and values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water pollution prevention, fisheries, wildlife habitat, and recreation (collectively, the "wetlands values protected by this bylaw").

44.2. Jurisdiction. Except as permitted by the Wetlands Protection Committee or as provided in this bylaw, no person shall remove, fill, dredge, build upon, or alter any of the following resource areas; marshes; wet meadows; bogs; swamps; banks; reservoirs; lakes; ponds; rivers; streams; creeks; lands under reservoirs, lakes, ponds, rivers, creeks or streams; any wetlands bordering on any of the aforesaid resource areas; isolated wetlands so long as they cover at least 2,500 square feet of surface area; land within 100 feet of the aforesaid resource areas; vernal pool habitats; lands within 200 feet of perennial streams or rivers; bordering land subject to flooding; or isolated land subject to flooding.

44.3. Definitions. Except as otherwise provided in this bylaw or in regulations of the Committee, the definitions of terms in this bylaw shall be as set forth in the Wetlands Protection Act, General Laws Chapter 131, Section 40, as amended, or regulations promulgated thereunder.

The following definitions shall apply in the interpretation and implementation of this bylaw.

- a. The term “stream” means an open body of running water, including brooks and creeks, which moves in a definite channel, natural or man-made, in the ground due to a hydraulic gradient, year-round or intermittent. Such bodies of running water which are intermittent (do not flow throughout the year) are streams, except for those that serve only to carry the immediate surface runoff from stormwater or snowmelt. A portion of a stream may flow through a culvert or beneath a bridge.
- b. “Vernal pool habitat” means confined basin depressions which, at least in most years, hold water for a minimum of two continuous months during the spring or summer, and which are free of adult fish populations. This includes the area within 100 feet of the mean annual boundaries of such depressions. Such areas need not lie within other resource areas subject to this bylaw to be protectable hereby. These areas are essential breeding habitat and provide other extremely important wildlife habitat functions during non-breeding seasons as well as for a variety of amphibian species.

44.4. Exemptions. The permit and application required by this article shall not be required for maintaining, or repairing, but not changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, sewer, telephone, telegraph or other telecommunication services, provided that written notice has been given to the Committee at least 14 days prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Committee.

The provisions of this bylaw shall not apply to any work performed for normal maintenance or improvement of land in agricultural use or in aquacultural use.

The application and permit required by this bylaw shall not be required for emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof; provided that advance notice, oral or written, has been given to the Committee prior to commencement of work or within 24 hours after commencement; provided that the Committee or its agent, in writing, certifies the work as an emergency project; provided that the work is performed only for the time and place certified by the Committee for the limited purposes necessary to abate the emergency; and provided that within 21 days of commencement of an emergency project a permit application shall be filed with the Committee for review as provided by this bylaw. Upon failure to meet these and other requirements of the Committee, the Committee may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

Other than stated in this section, the exceptions provided in the Wetlands Protection Act shall not apply under this article.

44.5. Application for Permits and Requests for Determination. Written application shall be filed with the Committee to perform activities regulated by this bylaw affecting resource areas protected by this bylaw. This application shall include such information and plans as are deemed necessary by the Committee to describe proposed activities and their effects on the environment. No activities shall commence without receiving and complying with a permit pursuant to this bylaw.

The Committee shall accept as the application and plans under this bylaw the Notice of Intent and plans filed under the Wetlands Protection Act, General Laws Chapter 131, Section 40, as amended, together with such other information and plans as is required by this bylaw and regulations issued hereunder.

Any person desiring to know whether or not proposed activity or an area is subject to this bylaw may in writing request a determination from the Committee. The Committee shall accept a Request for Determination of Applicability under the Wetlands Protection Act as a request under this bylaw. Such a request for determination shall contain information and plans specified by the regulations of the Committee.

Any person desiring to certify, for purposes of this bylaw, the limits of resource areas on a site may file a request for wetland delineation. This application shall include such information and plans as are deemed necessary by the Committee to describe and define the wetland resource areas. The Committee shall accept a Notice of Resource Area Delineation under the Wetlands Protection Act as a similar request under this bylaw.

At the time of an application request, the applicant shall pay a filing fee specified in regulations of the Committee. This fee is in addition to that required by the Wetlands Protection Act. The Committee, upon written request, may waive the filing fee for an application or request filed by a government agency.

The Committee may, at the expense of the applicant, retain an independent consultant for the purpose of providing the Committee with the data, analysis, or other information deemed by the Committee to be reasonably necessary or appropriate to assist the Committee in reviewing the application or rendering its decision, in conformity with the provisions of Chapter 44 of the General Laws.

44.6. Notice of Hearings. When appropriate, the Committee may combine its hearing under this bylaw with the hearing conducted under the Wetlands Protection Act, General Laws Chapter 131, Section 40, as amended.

Any person filing an application with the Committee for a permit or for resource area delineation certification at the same time shall give written notice thereof, by certified mail (return receipt requested) or hand delivery, to all abutters 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 abutters to the abutters within 300 feet of the site of the project or wetland, including any in another municipality or across a body of water. The notice to abutters shall enclose a copy of the application or request, with plans, or shall state where copies may be examined and obtained by abutters. When a person requesting a determination is other than the owner, the notice of the hearing shall be sent by the Committee to the owner as well as to the person making the request.

The Committee shall conduct a public hearing on any application or request for determination, with written notice given at the expense of the applicant, at least five working days prior to the hearing, in a newspaper of general circulation in the Town.

The Committee shall commence the public hearing within 45 days from the receipt of a completed application or request for determination unless an extension is authorized in writing by the applicant. The hearing under the bylaw may be continued in the same manner and conditions as under the Wetlands Protection Act and regulations.

The Committee shall issue its permit, its denial of a permit, or its determination in writing within 21 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant.

44.7. Permits, Determinations, and Conditions. If the Committee after a public hearing determines that the activities which are the subject of the application are likely to have a significant or cumulative effect upon the wetland values protected by this bylaw, the Committee shall issue or deny a permit for the activities

requested. If it issues a permit, the Committee shall impose conditions which the Committee deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions.

The Committee is empowered to deny a permit for failure to meet the requirements of this bylaw; for failure to submit necessary information and plans requested by the Committee; for failure to meet the performance standards and other requirements in this bylaw and the regulations issued hereunder, for failure to avoid or prevent unacceptable significant or cumulative effects upon the wetland values protected by this bylaw, and where no conditions are adequate to protect those values.

A permit shall expire three years from the date of issuance. The Committee may extend a permit for one or more periods of up to three years each, upon written request made at least 30 days prior to the expiration of the permit.

For good cause the Committee may revoke or modify a permit issued under this bylaw.

The Committee in an appropriate case may combine the permit or other action on an application issued under this bylaw with the Order of Conditions issued under the Wetlands Protection Act.

No work proposed in any application shall be undertaken until the permit issued by the Committee with respect to such work has been recorded in the Norfolk Registry of Deeds or, if the land affected thereby be registered land, in the registry section of the land court for the Norfolk district, and until the holder of the permit certifies in writing to the Committee that the permit has been so recorded.

44.8. Regulations After public notice and public hearing, the Committee shall promulgate rules and regulations to affect the purposes of this bylaw. Failure by the Committee 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 bylaw.

At a minimum, these regulations when promulgated shall define key terms in this bylaw not inconsistent with this bylaw.

44.9. Security As a part of a permit issued under this bylaw, in addition to any security required by any other municipal or state board, agency or official, the Committee may require that the performance and observance of the conditions imposed hereunder be secured wholly or in part by one or more of the methods described below:

By a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in the opinion of the Committee, to be released in whole or in part upon issuance of a Certificate of Compliance for work performed pursuant to the permit;

By a covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of the municipality whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant.

44.10. Enforcement No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this bylaw.

The Committee shall have authority to enforce this bylaw, its regulations, and permits issued thereunder by violation notices, enforcement orders, and civil and criminal court actions.

Upon request of the Committee, Town Counsel shall take legal action for enforcement under civil law. Upon request of the Committee, the Chief of Police and/or Town Counsel shall take legal action for enforcement under criminal law.

Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Committee in enforcement.

Whoever violates any provision of this bylaw, regulations hereunder, or permits issued hereunder, shall be punished by a fine of not more than \$300. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the bylaw, regulations, or permit violated shall constitute a separate offense.

As an alternative to criminal prosecution in a specific case, the Committee may issue citations under the non-criminal disposition procedure set forth in General Laws Ch. 40, Section 21D, as amended, which has been adopted by the Town in Article 52 of the general bylaws.

44.11. Burden of Proof The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not have unacceptable significant or cumulative effect upon the wetland values protected by this bylaw. Failure to provide adequate evidence to the Committee supporting this burden shall be sufficient cause for the Committee to deny a permit or grant a permit with conditions.

44.12. Appeals A decision of the Committee shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with General Laws Chapter 249, Section 4, as amended.

44.13. Relation to the Wetlands Protection Act This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act, General Laws Chapter 131, Section 40, as amended, and regulations thereunder.

44.14. Severability The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination previously issued.

ARTICLE 45. PLANNING BOARD

45.1. Membership. The Town shall have an elected Planning Board consisting of five residents and an associate member who shall be a resident appointed by the Board of Selectmen and Planning Board in joint session.

45.2. Term. The term of office of elected Planning Board members shall be five years; the term of office of the associate member shall be two years.

45.3. General Duties. The Board shall have the powers and duties of planning boards under the General Laws. These include:

- a. controlling subdivision development in accordance with Chapter 41 of the General Laws
- b. making careful studies of the resources, possibilities, and needs of the Town and preparing therefrom a comprehensive plan for the Town;
- c. studying and recommending changes in the Town Zoning Bylaws and Zoning Map;
- d. appointing members of the Design Review Board.

45.4. Planning Director. The Board shall appoint a Planning Director who shall hold office at the will of the Board and such staff as it deems necessary.

45.5. Annual Report. The Board shall submit an annual report in accordance with Article 4 and Chapter 41 of the General Laws. It shall also file a copy with the Division of Community Services of the Massachusetts Department of Community Affairs and other agencies as required by law.

45.6. General Provisions. The Board shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these bylaws to act otherwise.

ARTICLE 46. DESIGN REVIEW BOARD

46.1. Membership. In accordance with Section XXII of the Zoning Bylaws of the Town, the Town shall have a Design Review Board appointed by the Planning Board to consist of five members and up to three alternate members.

46.2. General Duties. The Board shall have the powers and duties granted in Section XXII of the Zoning Bylaws, including the reviewing of requests for special permits on the basis of the design criteria specified therein.

46.3. Design Review. The Board shall review the design, placement, and artistic appropriateness of any structure or portion thereof, work of art, ornament, or decoration to be placed on any public way, on Town lands other than cemeteries, or on or in Town buildings. The Board may use the design criteria established in Part C of Section XXII of the Zoning Bylaws.

No such structure or portion thereof, work of art, ornament or decoration shall be constructed, installed, altered, or removed, and no payment shall be paid on account of any such work until:

1. The Board has received plans for the work to be done, and
2. The board, officer, or official undertaking the work has received a written report on the work from the Board, or thirty days have passed after the plans for the work were submitted to the Board.

46.4 General Provisions. The Board shall also be governed by Articles 2 through 7 of these bylaws and other provisions of these bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these or the Zoning Bylaws to act otherwise.

ARTICLE 47. ANIMAL CONTROL REGULATIONS

47.1. Purpose. This section is adopted by the Town for the control and restriction of dogs and pets within the Town.

47.2. Definitions. As used herein, the following words and terms shall have and include the following respective meanings:

- a. Dog Officer: An officer (or officers) appointed annually by the Selectmen, who shall have all powers and duties conferred upon dog officers by Sections 136A through 175 inclusive, of Chapter 140 of the General Laws, by the Town Bylaws, and by the Selectmen from time to time.

- b. Miscreant Dog or Pet: Any dog or pet which 1) shall do bodily injury to any person subject only to the exception contained in Section 155 of Chapter 140 of the General Laws; 2) shall have attacked, wounded, or killed any other dog or pet; 3) not under restraint shall assault any person (who is not his owner, keeper or member of the owner's household) peaceably standing, walking or riding upon a public way or sidewalk; 4) shall be determined by the Dog Officer to be a nuisance by reason of a vicious disposition or excessive barking or other disturbance or a source of annoyance to any sick person residing in the vicinity; 5) shall have been determined by the Dog Officer to be living in a wild state; and further, 6) any dog which shall not have been registered and licensed in accordance with the provisions of Section 137 of Chapter 140 of the General Laws; and 7) any dog while on a Town street or way, sidewalk, or tree lawn which is not under the control of its owner, keeper, or handler and on a leash or chain having a length of not more than seven (7) feet, except when contained in a motor vehicle on said Town street or way, shall be deemed a miscreant dog; or any dog while on property owned or under the administration of the Town of Wellesley which is not under the control of its owner, keeper or handler and/or not in compliance with any regulations posted thereon by the person or person(s) having authority or administration of said property, shall be deemed a miscreant dog; 8) any dog upon the premises of anyone other than the owner or keeper without the knowledge and permission of the owner or occupant of such premises.
- c. Pet: Any domesticated animal not including live stock or fowl which is commonly housed within or upon the owner's or keeper's premises.
- d. Restraint: Any leash, muzzle or other device of control, the purpose of which is to restrain the dog or pet by confining it to the premises of its owner or keeper, or by permitting it to move about only under the direct control of its owner, keeper or member of the owner's household.

Except as otherwise provided herein all other definitions included within Section 136A of Chapter 140 of the General Laws shall be incorporated within this article.

47.3. Registration and License Requirements for Dogs. All dogs within the Town shall be licensed and registered and the fees for such license and registration shall be established by the Board of Selectmen from time to time following a public hearing in each case.

47.4. Dog Officer. There shall be at least one dog officer charged with the enforcement of this Article.

47.5. Policies and Procedures. The Selectmen shall from time to time adopt and publish such policies and procedures as they deem necessary to enforce the intent and purpose of this Article.

47.6. Female Animals in Heat. If a dog officer determines that a female dog or pet in heat (even when confined to the premises of the owner or keeper) is attracting other dogs or pets to the vicinity, which conditions causes disturbance and/or damage to the neighboring property or public areas, he may require the owner or keeper to place and keep said animal while in heat in a kennel or to remove it from the vicinity so that the nuisance is abated.

47.7. Miscreant Dogs or Pets. If a dog officer determines that a dog or pet is a miscreant dog or pet as defined in Section 47.2.b. the dog officer shall order the owner or keeper of such miscreant dog or pet to place such dog or pet under restraint and shall cause service of such order to be made upon the owner or keeper or such dog or pet by causing a certified copy thereof to be delivered to the owner or keeper.

47.8. Complaints. Whenever a dog officer determines that there has been a violation of this Article, the dog officer shall seek a complaint against the owner or keeper in accordance with the provisions of Section 173A of Chapter 140 of the General Laws.

47.9. Violations and Penalties.

- a. The failure of the owner or keeper of any dog or pet to comply with any order of a dog officer shall be a violation of this bylaw.
- b. The failure of the owner of any dog to comply with the registration and license requirements herein shall be in violation of this bylaw.
- c. The failure of the owner or keeper of any dog or pet to comply with any order of a dog officer may result in the impoundment of the dog or pet. In the event of such impoundment the owner or keeper may obtain release of the impounded dog or pet by (1) agreeing to restrict the dog as required by the dog officer; (2) making all payments for pound fees. In the event of such impoundment, a dog officer shall cause written notice thereof to be delivered to the owner or keeper if the animal is licensed or the owner or keeper is otherwise known to the dog officer. When any dog or pet is impounded, a written notice shall be posted for ten (10) consecutive days on a bulletin board to be located in the office of the dog officer, the Town Clerk or such other public place as shall be designated by the Selectmen. The said notice shall describe the dog or pet, the time and date of the impoundment and the approximate location where a dog officer shall have secured the dog or pet.
- d. Any violation of this article shall be punishable by a fine of \$50.00 for each offense provided, however, that each violation of Section 47.3. Registration and License Requirements for Dogs. shall be punishable by a fine of \$25.00.

47.10. Applicability of General Law. Notwithstanding the provisions of this Article, the Selectmen shall retain all powers conferred upon them under the provisions of Sections 157, 160, 161, 162, 163, 167 and 168 of Chapter 140 of the General Laws.

ARTICLE 48. CEMETERY FUND REGULATIONS

48.1. Deposits. The Town will accept and hold in trust any money or securities which may be deposited with the Town Treasurer for the preservation, care, improvement, or embellishment of any public or private burial place situated in the Town or any lots or graves situated in such burial places.

48.2. Cemetery Fund. Money and securities received under Section 48.1. shall not be mingled with other money or securities of the Town, but shall be kept and invested separately as a Cemetery Fund.

48.3. Investment and Expenditure. The Town Treasurer shall invest and expend such funds in accordance with the stipulations, if any, accompanying them. Otherwise The Town Treasurer shall invest them in accordance with guidelines and criteria as provided in Article 19. Board of Selectmen, Section 19.5.3. Investment of Town Funds.

48.4. Statutory Authority. The provisions of this Article shall be interpreted and implemented consistently with the provisions of the General Laws, particularly Chapter 114.

ARTICLE 49. POLICE REGULATIONS

49.1. Trespassing. No person shall enter upon the premises of another in the Town for the purpose of committing any wanton or malicious act or with intent to invade the privacy of another by peeping into the windows of a house or spying upon any person or persons resident therein. Nothing contained in this section shall be construed to abridge or in any way limit the right of a police officer to enter upon private property in the performance of his official duties.

49.2. Use of Public Ways and Places. No person shall throw, place or cause to be placed in any public way or public place in the Town, any tree, bush or other planting, or any obstruction, or any garbage, fuel, building material, paper, cards, handbills, leaves, or rubbish of any kind, nor stones or rocks or other objects to act as curbing, except in such place and in such manner as shall be directed by the Selectmen and except as hereinafter provided in Section 49.2A.

49.2A. Printed Matter Vending Machines in Public Ways and Places. No person shall place, install, use or maintain a vending machine for the purpose of distributing printed matter in a public way or place except according to regulations for the same as shall be promulgated by the Board of Selectmen. Said regulations may include but shall not necessarily be limited to dimensional and design criteria; siting requirements; insurance and indemnification; and administrative fees and review process. Whoever violates any provisions of this bylaw or the regulations promulgated by the Board of Selectmen under the authority hereof shall be liable for a fine of \$10.00 for each offense, each day any violation continues to constitute a separate offense.

49.2B Retail Hours of Operation.

(a) Subject to such other restrictions as may be applicable, no retail business establishment shall be open for business for the sale of goods or services to the public at retail, nor shall any retail business establishment sell any goods or services to the public at retail, between the hours of 11:00 o'clock p.m. and 6:00 o'clock a.m. unless both,

- (i) the floor area of such retail business establishment devoted to the display and sale to the public of retail goods or services contains 6,000 usable square feet or less; and
- (ii) the Board of Selectmen, upon such terms and conditions as they may deem appropriate, has granted to the owner and/or operator of such retail business establishment a license under this bylaw to remain open for such night-time hours in order to serve the public necessity or convenience.

(b) The Board of Selectmen shall not grant to the owner and/or operator of a retail business establishment a license under this bylaw to be open to the public for business between the hours of 11:00 o'clock p.m. and 6:00 o'clock a.m., unless the Board of Selectmen shall have made the following specific findings with respect to such establishment:

1. That such night-time hours of operation by such establishment will not cause unreasonable disruption, or disturbance to, or otherwise adversely affect, the customary character of any adjacent or nearby residential neighborhoods;
2. That such night-time hours of operation are reasonably necessary to serve a public need or person to provide a convenience to the public that outweighs any increase in any of the following impacts on the adjacent or nearby residential neighborhood (or the character thereof) that are likely to result from such retail business establishment being open for such night-time hours: noise, lighting, vibration, traffic congestion, or volume of

pedestrian or vehicular retail customer traffic; risk to pedestrian or vehicular safety, accident potential or other public safety impacts, or any other adverse safety impact.

- (c) The Board of Selectmen may adopt rules and regulations to govern the administration of the licensing process, and in so doing may impose such terms and conditions upon granting such license as it may consider to be appropriate.
- (d) This bylaw shall not be interpreted to prohibit emergency motor vehicle services from operating during such night-time hours or require any emergency vehicle services to obtain a license under this bylaw in order to be permitted to operate during such night-time hours.
- (e) This bylaw shall not apply to, nor shall be interpreted to require a license under this bylaw for the operation during such night-time hours by, any of the following retail business establishments:
 - (i) any restaurant or food service establishment engaged in the sale of food or alcoholic beverages to be consumed on the premises at which they are sold or to be consumed off the premises at which they are sold when such sale is by a licensed common victualer primarily engaged in the sale of food to be consumed on such premises.
 - (ii) any retail business establishment that as of March 27, 1995 was regularly open to the public for retail sales between the hours of 11:00 o'clock p.m. and 6:00 o'clock a.m., provided however, that if from and after such date any such establishment (A) increases its hours of operation during such night-time hours beyond those hours of operation being conducted as of March 27, 1995, or (B) changes the manner of conduct of its retail business in any way that differs materially from the manner of conduct of such business as of March 27, 1995, and (C) the Board of Selectmen determines that as of a result of any such increase or change, the nature or character of the business conducted by such retail business establishment has become substantially more detrimental to the adjacent or nearby residential neighborhood than was the business being conducted by such retail business establishment as of March 27, 1995, then the Board of Selectmen shall be authorized to determine that the provisions of this bylaw shall apply to such retail business establishment, in which case such establishment shall be entitled to be open for business during such night-time hours only if it complies with the provisions of Section 49.2B(a) above. For purposes of determining whether any such increase or change has been “substantially more detrimental” the Board of Selectmen shall analyze such increase or change in light of the impacts described in Section 49.2B(b)(2) above.
- (f) Whoever violates any provision of this bylaw shall forfeit and pay a fine of three hundred dollars (\$300) for each offense, and each calendar day on which any violation occurs shall constitute a separate offense.
- (g) The Board of Selectmen may, in addition to imposing the fines provided herein, secure injunctive relief to prohibit any such operation not grandfathered or properly licensed as provided in Sections (b) or (e) hereof.

49.3. Excavation in Streets and Sidewalks. No person except the Director of Public Works in the performance of his duties shall break or dig up or cause to be broken or dug up the pavement or ground in any public street or any sidewalk or ground or curbing in any public street without the permission in writing of the Board of Public Works, nor having obtained such permission, shall fail to comply with the conditions thereof. The Board of Public Works may give such permission on the first business day following the commencement of any excavation required by an emergency and made by a department of the Town or a corporation engaged in the manufacture, transmission or distribution of gas, electricity, or intelligence transmitted by electricity. In this case, the rights granted by and conditions contained in such permission shall apply to all acts of such

department or corporation in making the excavation. In addition to any penalty to which an excavator may be subjected under these bylaws for such failure, he shall also reimburse the Town for all expenses and damages which the Town may be compelled to pay by reason of such unauthorized use or any failure to comply with said conditions.

49.4. Fire on Streets. No person shall make any fire in any street in the Town except under the authority of the Director of Public Works and the Chief Engineer of the Fire Department.

49.5. Ice and Snow on Streets. No person shall lay, throw or place, or cause to be laid, thrown or placed, any ice or snow on that portion of any street in the Town which has been cleared or plowed for travel.

49.6. Removal of Vehicles. The Director of Public Works, or other officer having charge of ways, for the purpose of removing or plowing snow, or removing ice, from any way, may remove or cause to be removed to some convenient place, including a public garage, any vehicle interfering with such work. The owner of such vehicle shall be liable for the reasonable cost of such removal and storage charges.

49.7. Playing in or Across Public Ways. No person shall throw stones, snowballs, sticks, or other missiles, or kick or throw a football, or play at any game in which a ball is used, or fly any kite or balloon, or shoot with or use a bow and arrow, gun, air-gun, or sling, in or across any public way in the Town.

49.8A. Mutilation of Plants. No person shall, without lawful authority, remove, cut, deface, mutilate or apply paint to any tree, bush, flower or plant growing on land held under the jurisdiction of any Town board.

49.8B. Replacement of Public Shade Trees. Any person, firm, corporation or agency that in the course of construction or subdivision development wishes to remove any living Public Shade Tree with caliper 2 1/2" or greater in diameter at 5' above grade level shall, in accordance with Chapter 87 Section 3 of the Massachusetts General Laws, obtain a permit from the Natural Resources Commission as Tree Warden; and, if removal is permitted, shall at no cost to the Town, within the spring or fall months following completion of construction, replace in locations specified by the Tree Warden a number of smaller trees determined to be equivalent on the following basis:

The total caliper of all replacement trees shall equal or exceed the total caliper of all trees to be removed. Replacement trees shall be balled and burlapped and of caliper not less than 2 1/2" in diameter at 5' above grade level. Species, caliper and location of replacement trees shall be determined by the Tree Warden at the time of issuance of the permit.

The Tree Warden may require a bond, escrow account, irrevocable letter of credit, or other surety to ensure Public Shade Tree replacement. Such surety may be held for one year from the date of planting to ensure survival of the replacement trees. At the option of the applicant, the Town may, upon payment of an agreed upon sum, replace said trees according to the standards herein set forth.

49.9A. Use of Firearms. No person shall fire or discharge any firearm or air-gun in or across any street in the Town, or on any property of the Town, or on any private property in the Town without the written permission of the owner or tenant of such private property, but in no event shall such firearm or air-gun be fired or discharged within 500 feet of a public street or a dwelling or other occupied building other than a dwelling or building owned or occupied by the person entitled to give such permission. This section shall not apply to the use of such weapons in the performance of a legal duty or military exercise or in the lawful defense of the person, family or property of any citizen.

49.9B. No person shall use, set, place or maintain any type of leghold, steel-jaw, Conibear, or padded jaw trap within the limits of any highway, street, park, or other public property of the Town, or on any private

property except with the written consent of the owner or legal occupant or person having the right of control thereof.

49.9C. Any person violating this Section shall be subject to a fine of not less than three hundred dollars (\$300) for each offense, and each trap in violation of paragraph 49.9B shall constitute a separate offense.

49.10. Nude Bathing. No person in the nude shall bathe or swim in any of the lakes, ponds or rivers within the Town.

49.11. Obstructions on Streets and Sidewalks. No person shall use any portion of any street which the Town is obligated to keep in repair for the purpose of placing building materials or rubbish or moving a building on either the sidewalk or roadway without a permit from the Board of Public Works and approval of the Chief of Police. No person to whom such a permit is issued shall fail to comply with the conditions thereof. Application for such permit shall be made to the Board of Public Works. The Board of Public Works may by vote grant such permit to be in force for a period they may designate, not exceeding ninety days, upon condition that during the whole of every night, from sunset until sunrise, warning lights shall be so placed as to warn travelers of the presence of the obstruction and upon such further conditions as the Board of Public Works may by vote determine. The Board of Public Works may require that a bond be furnished to secure the performance of the provisions of this section. A copy of said vote certified by the Secretary or Clerk of the Board of Public Works shall forthwith be transmitted to the Chief of Police.

49.11A. Regulation of Utility Poles/Replacement of Existing Poles

(a) A distribution company or a telephone company engaging in the removal of an existing pole and the installation of a new pole in place thereof shall, in accordance with Section 34B of Chapter 164 of the General Laws, complete the transfer of wires, all repairs, and the removal of existing pole from the site within 90 days from the date of installation of the new pole; provided, however, that for any approved commercial or industrial construction project, the completion of which is expected to take longer than one year, said company shall be required to remove such pole within six months from the date of installation of the new pole. The utility responsible for setting the new pole shall notify in writing all other users and also the Board of Selectmen and the Manager of the Municipal Light Plant of the starting date of such removal and installation work at least 48 hours prior to the commencement of such work. Said utility shall also require all other users to remove their wiring and other attachments from the poles within 30 days of such notice, and all other users shall comply.

(b) Any distribution company, telephone company or user violating this section shall be subject to a fine of not less than Three Hundred Dollars (\$300.00) for each offense, each day constituting a separate offense.

(c) The Board of Selectmen, or its designee, shall be the enforcement officer of this section. Upon the making of any complaint that a violation of this Section has occurred, the Board of Selectmen shall within 14 days, or such longer or shorter time as the board shall determine, convene a hearing to determine whether a complaint shall be sought in District Court (or whether the provision for non-criminal disposition in Article 52 shall be implemented). At said hearing, the Board shall also determine the date when the violation first occurred, for purposes of establishing the date of offense, each subsequent day constituting a separate offense, so that the fine as set forth in subparagraph (b) above may be correctly computed.

49.12a. Use of Town Water System. No person shall open a hydrant or turn off or turn on the water in any water main, service pipe, hydrant, water post, drinking fountain, or other fixture or appurtenance not on his own premises connected with the water system of the Town, nor make any opening into or connection therewith, without authority from the Director of Public Works, except in case of fire.

49.12b. Restrictions on the Use of the Town's Water Supply.

49.12b.1 Authority This Bylaw is adopted by the Town under its police powers pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article LXXXIX, to protect public health and welfare and its powers under M.G.L. c.40, §21 et seq. and implements the Town's authority to regulate water use pursuant to M.G.L. c. 41, §69B. This bylaw also implements the Town's authority under M.G.L. c. 40, §41A, conditioned upon a declaration of water supply emergency issued by the Massachusetts Department of Environmental Protection (DEP).

49.12b.2 Purpose The purpose of this bylaw is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the DEP. .

49.12b.3 Definitions

- a. Agriculture shall mean farming in all its branches and agriculture, as defined at M.G.L. c. 128, § 1A.
- b. Outdoor watering shall mean any residential, municipal, industrial, or commercial watering of non-agricultural lawns, trees or shrubbery.
- c. Person shall mean any individual, corporation trust, partnership, agency, authority association, or other entity and any officer, employee, group or agent of such persons.
- d. State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the DEP under M.G.L. c.21G, §15-17.
- e. State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Town pursuant to Section 4 of this bylaw.
- f. Water Users or Water Consumers shall mean all public and private users of the Town's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

49.12b.4 Declaration of a State of Water Supply Conservation.

The Town, through the Board of Public Works, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board of Public Works that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Conservation shall be given under section 6 of this bylaw before it may be enforced.

49.12b.5 Restricted Water Uses.

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under Section 6.

- 1) Outdoor Watering Hours Outdoor water use is permitted only during daily periods of low demand, at night or early morning, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.

- 2) Alternate Day Outdoor Water Use: Outdoor water use by water users with odd numbered addresses is restricted to Tuesdays, Thursdays and Saturdays. Outdoor water use by water users with even numbered addresses is restricted to Wednesdays, Fridays and Sundays.
- 3) Outdoor Water Method Restriction: Outdoor watering is restricted to bucket, can or hand held hose watering. The use and operation of automatic or unattended irrigation systems (in-ground or hose-connected) is prohibited.
- 4) Car Washing: Washing of a car or vehicle is prohibited.
- 5) Filling Swimming Pools: Filling of swimming pools is prohibited.
- 6) Outdoor Water Use Ban: Outdoor water use is prohibited.

49.12b.6 Public Notification of a State of Water Supply Conservation and State of Water Supply Emergency; Notification of DEP

Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Notification of a State Water Supply Emergency declared by the DEP shall be provided by furnishing a copy of the Notice to radio and television stations serving the area served by the public water system as soon as possible, but no later than 48 hours after the public water system receives notice of the DEP's declaration. Any restriction imposed under Section 5 or in the DEP declaration of emergency or Order shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the DEP at the same time that notification is given.

49.12b.7 Termination of State of Water Supply Conservation; Notice

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Public Works, upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by Section 6.

49.12b.8 State of Water Supply Emergency; Compliance with DEP Orders

Upon notification to the public that the DEP has issued a State of Water Supply Emergency, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the DEP intended to bring about an end to the State of Emergency. The notice prescribed by this section shall be in writing and shall be published once in a newspaper of general circulation within the town. The notice shall summarize the provisions of the Declaration of Water Supply Emergency and the requirements and conditions thereof. Notice as prescribed by this section shall be sufficient for enforcement of the requirements of such a Declaration on and after the date following newspaper publication.

49.12b.9 Violation and Penalties

Any person violating this bylaw shall be liable to the Town in the amount of \$50.00 for the first violation, and \$100 for each subsequent violation which shall inure to the Town for such uses as the Board of Public Works may direct. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with Section 21D of Chapter 40 of the General Laws. For purpose of non-criminal disposition, the enforcing person(s) shall be any police of the Town of Wellesley. Each day of violation shall constitute a separate offense.

49.12b.10 Severability. The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provision thereof.

49.12b.11 Exemptions

The Board of Public Works may grant exemptions for the following uses:

- a) Water to sustain animal life;
- b) Swimming pools used as a primary means of exercise, therapy or rehabilitation located at a medical or rehabilitation facility;
- c) Commercial car or vehicle washing facilities;

provided the user demonstrates:

1. that the water will be used efficiently, and
2. that any additional eligibility criteria established by the Board of Public Works are being met.

Requests for exemptions shall be made in writing to the Board of Public Works.

49.13. Internal Combustion Engines on Morse's Pond. The operation or use of any internal combustion engine in or upon that portion of Morse's Pond situated in the Town of Wellesley is prohibited. The provisions of this Section shall not apply to the Commonwealth of Massachusetts or to any political subdivision thereof.

49.14. Interference with Fire and Police Department Apparatus. No unauthorized person shall handle or in any way interfere with apparatus, machinery or fixtures belonging to the Fire or Police Department, or with any signal-box, wire, pole, or other thing connected with the fire alarm or police signal system.

49.15. Interference with Passage of Fire Apparatus. No person shall leave any vehicle unattended within the limits of any private way furnishing means of access for fire apparatus to any building so as to interfere with or restrict the passage of such apparatus.

49.16. Buildings Occupied by Fire or Police Department. No person shall enter into or remain in any building occupied by the Fire or Police Department without the permission of the officer having charge of such building, unless for some lawful purpose.

49.17. Interference with Hose Pipe. No person shall drive any vehicle upon or over any hose pipe lawfully placed in a street, or in use at a fire, except with the consent of the person in charge thereof.

49.18. Interference with Town Property. No person shall enter into, climb on or remain in any building or structure belonging to the Town without authorization from the department, board or official having custody of the building or structure. No unauthorized person shall handle, injure, remove, tamper with, or interfere with any seal, switch, wire, light, pole, fixture, apparatus, machinery or equipment belonging to the Town.

49.19. Possession and Use of Alcoholic Beverages. No person shall consume an alcoholic beverage as defined by General Laws Chapter 138, Section 1, as amended, or possess an opened container of such beverage, within the limits of any park, playground, public building or any public land (but not including a public way) owned or under the control of the Town of Wellesley nor shall any person consume an alcoholic beverage, as defined in said Section 1, 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 in, on, or upon any public way or any way to which the public has a right of access as aforesaid, within the limits of the Town of Wellesley; and no person shall consume any alcoholic beverages, as previously defined, in, on, or upon any private land or place without the consent of the owner or person in control of such private land or place.

Any person who violates this section may be arrested by a police officer without a warrant.

All alcoholic beverages being used in violation of this sentence may be seized and held until final adjudication of the charge against any such person or persons has been made by the court.

Whoever violates the provisions of this section shall be punished by a fine not exceeding fifty (50) dollars for such offense.

49.20. Licensing of Vehicles for Hire. Except as otherwise provided by law, the Selectmen, upon such terms and conditions as they may deem expedient, may grant licenses to owners of vehicles to use such vehicles for the conveyance of persons or property for hire, and may designate stands and locations upon the streets of the Town where such vehicles may stand or wait for employment. Every such license shall be granted to expire on the last day of March next ensuing after the date of its issue and it may be revoked at any time for cause satisfactory to said Board. Each license may cover one or more vehicles belonging to the same owner, shall bear upon its face the date of its issue, the date of its expiration, the name and address of the owner of the vehicle or vehicles to whom the license is issued, and a description of each vehicle so licensed sufficient for its identification. The fee for each license shall be twenty-five dollars for each vehicle covered thereby and no license shall be transferred except with the approval of the Selectmen duly endorsed thereon. No person shall hold himself out as the owner, driver or operator of any vehicle used for the purposes mentioned in this section, unless such vehicle is duly licensed as provided in this section.

49.21. Licensing of Junk Dealers. No person shall collect, deal in, or keep a shop for the purchase, sale or barter of junk, old metals or second hand articles within the limits of the Town, unless licensed by the Selectmen under such rules and regulations as they shall prescribe.

49.22. Possession and Use of Inflammable Substances. Except as otherwise provided in Chapter 148, no person shall keep, store, use, manufacture, sell or otherwise handle petroleum products, fuel oil, gasoline or inflammable fluids or compounds or any substance having such properties that it might spontaneously or acting under the influence of any contiguous substance, or of any chemical or physical agency, ignite or inflame or generate inflammable or explosive vapors or gases to a dangerous extent without registering so to do and obtaining a license therefor. The fee for such license shall be fifty dollars (\$50.00) and the annual Public Safety Certificates shall be twenty-five dollars (\$25.00). This section shall not apply to permits issued by the Chief Engineer of the Fire Department pursuant to the authority granted under Chapter 148, Section 10A of the General Laws.

49.23. Clearance Areas at Intersections. At each intersection of public or private streets or ways in the Town there shall be a clearance area consisting of the triangular area formed by the side lines of the intersecting streets or ways and a line joining each side line at a point twenty (20) feet distance from the point of intersection or, in case of rounded corners, from the point at which the side lines would intersect if projected. In case of uncertainty as to a point of intersection of such projected side line the Town Engineer shall certify to the Selectmen the clearance area drawn as nearly as may be in accordance with the foregoing provisions and having due regard for the safety of the public. No fence or other structure, shrubbery, foliage, hedge, tree or the like, which unreasonably interferes with sightlines across such clearance areas and thereby is hazardous to the safety of the public shall be erected, planted, maintained or allowed to exist within a clearance area. This section shall not apply to buildings which are not in violation of the Town Zoning Bylaws.

49.24. Frightening of Horses. No person shall by noise or gesture or by throwing any missile, or by any other means, wantonly or designedly frighten any horse in any street or other public place in the Town.

49.25. Bridling of Horses. No person shall allow any horse under his control to be unbridled on any street in the Town.

49.26. Control of Horses. No person shall drive or ride a horse on any sidewalk in the Town nor elsewhere in the Town at a speed or in a manner so as to endanger the person or property of others lawfully in the vicinity.

49.27. Fire Lanes. The Board of Fire Engineers is authorized to designate Fire Lanes on any property within the Town to allow for unimpeded access of fire fighting apparatus. Fire Lanes shall be designated and posted as such. No person shall obstruct or park a vehicle in any Fire Lane.

49.28. Mechanical Protection Devices. Except as approved in writing by the Wellesley Fire Department and/or Police Department pursuant to regulations adopted by them, no person shall install a mechanical protection device that is automatically keyed to and/or activates the telephone (numbers) lines controlled by and/or listed to the Wellesley Fire Department and/or Police Department; all devices installed before the effective date of this section shall be removed within sixty days of said effective date, unless so approved. For the purposes of this section a mechanical protection device shall be defined as an electrically operated instrument composed of sensing apparatus and related hardware which automatically sends over regular telephone lines, by direct connection or otherwise, a pre-recorded voice alarm upon receipt of a stimulus from the sensing apparatus that has detected a physical force or condition inherently characteristic of a fire or unauthorized intrusion.

Notwithstanding compliance with the foregoing paragraph, no persons shall maintain any protection device designed to emit an audible alarm upon detection of a physical force or condition inherently characteristic of an unauthorized intrusion on property which continuously or intermittently sounds for a period of time in excess of twenty (20) minutes. All such devices installed before the effective date of this Section shall be brought into compliance hereof or shall be removed within sixty (60) days of said effective date. Any person violating this Section shall be subject to a fine of not less than twenty (\$20) dollars for each offense.

The Board of Fire Engineers shall enact regulation requiring that any person having installed an electric or mechanical fire protection device in a lodging house, shall, in addition to such other requirements as shall be required in the license for such, take such steps as said regulations shall specify to preserve the integrity and safety of the device against vandalism or other improper use. Said regulations shall include, among other things, that there be posted in a conspicuous place on each floor copies of the General Laws making it a crime to interfere with fire fighting operations and the causing of a false fire alarm. Said regulations may also govern lodgers and visitors, and may include penalties for the violation of the same, which may be enforceable under the procedure for non-criminal disposition set forth in Town Bylaw Article 52. BYLAW VIOLATION: NON-CRIMINAL DISPOSITION

The Board of Selectmen shall enact regulations requiring that any person having installed an electric or mechanical police alarm device shall, in addition to such other requirements as shall be required by law, or deemed to be in the Town's best interest, take such steps as said regulations shall specify to preserve the integrity and safety of the device against improper or negligent use. Said regulations shall include penalties for the violation of the same, which may be enforceable under the procedure for non-criminal disposition set forth in Town Bylaw Article 52. BYLAW VIOLATION: NON-CRIMINAL DISPOSITION.

49.29. Handicapped Parking.

- A. Any person having lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other place where the public has a right of access as invitees or licensees shall, if said area contains more than 15 parking spaces, reserve, identify and locate parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled

veteran or handicapped person pursuant to the provisions of paragraph (23) of Section 21 of Chapter 40 of the General Laws.

- B. The leaving of any unauthorized vehicle within parking spaces designated for use by disabled veterans or handicapped persons as authorized and required by this bylaw, or in any manner as to obstruct a curb ramp designed for use by handicapped persons as a means of egress to a street or public way, is hereby prohibited. Whoever violates any provisions of this bylaw 49.29.(B.) shall forfeit and pay for each offense the fine established for the same in Section 10-1 of Article X of the Town Traffic Regulations, as the same may from time to time be amended; and for each subsequent offense, the vehicle may be removed according to the provisions of Section 120 D of Chapter 266 of the General Laws.

49.30. Disabled, Dismantled, Inoperative and/or Unregistered Motor Vehicles. No person in charge or control of any property in any part of the Town, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, inoperative, wrecked, junked or unregistered motor vehicle to remain on such property longer than thirty (30) days, unless said vehicle:

- 1. is enclosed within a building or, if not enclosed,
- 2. is parked or stored other than in the front yard of the property, and is screened from view from all public or private ways and no unsightly condition is visible from adjacent property is created or,
- 3. is stored or parked on land or premises located in any business district, by a licensee authorized by the Board of Selectmen to sell or lease motor vehicles pursuant to Section 59 of Chapter 140 of the General Laws.

The right to park or store such a vehicle under subparagraph (2) shall be restricted to no more than one such vehicle on the property at the same time.

49.31. Recreational Trailers or Vehicles. No person shall keep, store or park a recreational trailer or vehicle unless said trailer or vehicle:

- 1. is enclosed within a building or, if not enclosed,
- 2. is stored or parked on property being used for residential purposes, is located thereon other than in the front yard of the property, as defined in the Zoning Bylaws, is screened from view from all public or private ways, and is used solely for intermittent recreational, non-commercial use by the resident(s) living on the property, or
- 3. is stored or parked on premises by a licensee authorized by the Board of Selectmen to sell or lease motor vehicles pursuant to Section 59 of Chapter 140 of the General Laws.

The right to park or store such a vehicle or trailer shall be unrestricted for a period of not more than forty-eight (48) hours for loading or unloading purposes. In no case shall any such trailer or vehicle be occupied on any property for an aggregate total of more than thirty (30) days in any one year.

For purposes of this section, a recreational trailer or vehicle is defined as follows:

A vehicular, portable unit designed for travel, camping or recreational use, including but not limited to the following:

1. Travel Trailer - A vehicular, portable dwelling unit built on a chassis, being of any length provided its gross weight does not exceed 4500 pounds, or being of any weight provided its overall length does not exceed 28 feet.
2. Pick-Up Camper - A portable dwelling unit, designed to be mounted on a pick-up truck or chassis, whether or not so mounted.
3. Motorized Camper - A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
4. Tent Trailer - A folding structure, constructed of canvas, plastic or similar water repellent material, designed to be mounted on wheels to be used as a temporary dwelling.
5. Boat Trailer - A vehicle without motive power, designed to be drawn by a motor vehicle and designed for the hauling or storage of a boat, aircraft, snowmobile or other recreational vehicle.
6. Boat - Any vehicle for recreational use on water having an overall length of 16 or more feet.

49.32. Scenic Roads. Whoever violates the provisions of Section 15C of Chapter 40 of the Massachusetts General Laws, governing Scenic Road designations, or the Town of Wellesley Scenic Road Regulations, shall forfeit and pay for each offense a fine not exceeding three hundred (\$300) dollars.

49.33. Temporary and Transient Vendors. The Board of Selectmen shall enact regulations governing the licensing and manner of conducting business of persons engaging in a temporary or transient business activity, whether or not for profit, in the Town. Said regulations may include penalties for the violation of the same, which may be enforceable under the procedure for non-criminal disposition set forth in Town Bylaw Article 52. BYLAW VIOLATION: NON-CRIMINAL DISPOSITION.

49.34. Penalty for Violation. Whoever violates any provisions of this article shall, in cases not otherwise provided for, forfeit and pay for each offense a fine not exceeding fifty (\$50) dollars.

ARTICLE 50. MUNICIPAL PARKING LOT REGULATIONS

50.1. Definitions. For the purposes of this article

- a. "Person" shall mean and include an individual, firm, co-partnership, association or corporation.
- b. "Municipal Parking Lot" shall mean and include any land acquired or leased by the Town for use as a parking lot and any other land of the Town set aside for such use, either permanently or temporarily, by vote of Town Meeting.
- c. "Parking Meter" shall mean any mechanical device, not inconsistent with the provisions of this Article, placed or erected on any municipal parking lot of the Town for regulation of parking.
- d. "Parking Meter Space" shall mean a space in the portion of any municipal parking lot where parking meters have been installed which is duly designated for the parking of a single vehicle by painted lines or other markings on the surface of the lot adjacent to or adjoining a parking meter.

50.2. Revocable License to Park. The parking of any vehicle in a municipal parking lot shall be under a temporary license or permit from the Town. The license or permit shall be granted only to those

persons who comply with, and shall be subject to, the provisions and conditions set out in this article and in the policies and procedures adopted by the Selectmen under this Article. The license or permit shall be revocable at the will of the Town.

No person shall enter upon any municipal parking lot except in connection with the parking of a vehicle therein in accordance with such a license or permit.

50.3. Installation of Meters. Pursuant to the provisions of Chapter 40, Section 22C of the General Laws, parking meters shall be installed in such municipal parking lots or portions thereof as the Selectmen shall determine from time to time. Such meters shall be installed under the direction and supervision of the Selectmen in accordance with the provisions of this Article.

Each parking meter installed hereunder shall show by proper legend the maximum parking time established by the Selectmen for the parking meter space adjacent to it, as hereinafter provided, and shall at all times show the balance of parking time permitted. At the expiration of the period for which a parking fee was paid, the meter shall indicate illegal or overtime parking. Each such meter shall show by similar legend the parking fees established by the Selectmen for said space.

50.4. Assumption of Risk. By parking a vehicle in a municipal parking lot the owner or operator thereof accepts and exercises a license or permit from the Town to do so under the provisions of this Article and thereby agrees to assume all risk of and responsibility for any loss or damage thereto or to any property therein, while said vehicle is in said municipal parking lot, from any cause whatever and to indemnify the Town, its officers, officials and employees, and save it and them harmless from and against all claims and demands whatsoever for or because of such loss or damage.

Any person, including but not limited to any owner, operator, or occupant of a vehicle, going into, upon or across a municipal parking lot, whether on foot or in a vehicle, for or in connection with the parking of a vehicle therein accepts and exercises a license or permit from the Town under the provisions of this Article and thereby agrees to assume all risk of and responsibility for injuries to his person, or for his death, while on or as a result of his having been on said lot, from any cause whatever, and that neither he nor any of his heirs, executors, administrators or assigns will make any claim or demand whatever against the Town or any of its officers, officials or employees for or because of such injuries or death.

50.5. Maintenance of Meters. The Board of Selectmen or its designee shall be responsible for the maintenance and repair of all parking meters installed in municipal parking lots.

50.6. Permitted Parking Periods. The maximum periods of time vehicles will be permitted to park in the several municipal parking lots of the Town and in the various parking meter spaces therein shall be established by policies and procedures adopted by the Selectmen.

No person shall park a vehicle in a municipal parking lot or in a parking meter space therein for longer than the maximum parking period established for said lot or space.

No person shall deposit or cause to be deposited in a parking meter any coin for the purposes of permitting a vehicle to remain in a parking meter space beyond the maximum period of time established for that space.

50.7. Parking Fees. The fees for parking vehicles in municipal parking lots and in parking meter spaces for such lots shall be established by policies adopted by the Selectmen.

The Selectmen may by such policies establish lower or different fees for residents than those which are payable by nonresidents or exempt such residents from the payment of such fees. If the Selectmen shall so establish more favorable parking privileges for residents they may by such policies provide for the issuance

to such residents of plates, stickers or other insignia to be affixed to their vehicles to show that they are entitled to residents' privileges.

The owner or operator of a vehicle parking the same in a parking meter space shall immediately deposit in the parking meter for that space the required coin or coins of the United States for the maximum parking time established for said space, or for any permitted subdivision thereof, as shown on the meter; and if so required, he shall set the mechanism in motion.

50.8. Safety Precautions. The ignition keys shall be removed and the hand brake or emergency brake shall be set by the owner or operator of every vehicle parked in a municipal parking lot.

50.9. Animals. No animals or pets shall be left in or upon any vehicle parked in a municipal parking lot.

50.10. Prohibited Parking. No person shall park a vehicle in a parking meter space, or in any other portion of a municipal parking lot where parking fees are payable, without paying the fees established by policies adopted by the Selectmen under this article, unless he shall have been exempted from payment of said fees by such policies because he is a resident.

No person shall park a vehicle in the portion of any municipal parking lot where parking meters have been installed unless such vehicle is wholly within a parking meter space adjacent to such a meter.

50.11. Interference with Meters. No unauthorized person shall open, break, injure, destroy or tamper with any parking meter.

No person shall deposit or cause to be deposited in such a meter any slug, device or metal substance, or any other substitute for a coin required for the operation of such a meter, or do any other act or thing which will cause such a meter not to operate properly.

50.12. Collection of Fees. The Board of Selectmen or its designee shall be responsible for the collection of all fees payable for parking in the municipal parking lots. Monies deposited in parking meters shall be collected at such intervals as the Selectmen shall direct. All monies collected under this section shall be deposited forthwith with the Town Treasurer in the special account known as the Wellesley Parking Meter Account.

50.13. Enforcement. It shall be the duty of the officers of the Police Department, under the direction and supervision of the Chief of Police, to enforce the provisions of this Article and the policies adopted by the Selectmen under it.

50.14. Penalties. Any person violating any of the provisions of this Article, or of the policies adopted by the Selectmen under it, shall be subject to a fine of not more than twenty dollars (\$20.00) for each offense.

50.15. Policies and Procedures. The Selectmen shall adopt, amend and repeal policies and procedures under the provisions of this Article. Policies and procedures under Section 50.6. are traffic regulations and shall be published in accordance with Section 22, Chapter 40 of the General Laws.

50.16. Partial Invalidity. If any provision of this article is for any reason declared to be unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this article.

ARTICLE 51. USE OF PESTICIDES

51.1. Definition of "Pesticides". All chemicals defined under the Massachusetts Pesticide Control Act, Massachusetts General Laws Chapter 132B, and the regulations promulgated thereunder.

51.2. Registration of Applicators. All commercial pesticide applicators operating within the Town of Wellesley must register with the Town of Wellesley Health Department. Prior to the application of any pesticides within the Town of Wellesley the applicator must provide proof of licensure for each employee who will be applying pesticides within the Town of Wellesley.

51.2.1. Each commercial applicator who registers with the Town shall be given one or more sticker(s) or decal(s) that indicate that the applicator is registered with the Town. The sticker or decal shall be plainly visible on the driver's side of the vehicle.

51.2.2. Each applicator who registers shall be given a copy of this bylaw and a map of the Town's Water Supply Protection Districts.

51.2.3. A fee sufficient to cover the costs of registration and decal(s) may be levied by the Health Department.

51.3. State Posting/Flagging Requirements. Commercial applicators shall fully comply with state posting and flagging requirements.

51.4. Penalties for Failure to Comply. Any commercial pesticide applicator who fails to register with the Health Department and who dispenses or uses pesticides in the Town without being registered shall be subject to a fine of fifty dollars (\$50.00) for the failure to register.

51.4.1. A second failure to register shall be punishable by a fine of two hundred dollars (\$200).

51.4.2. A subsequent failure to register shall be punishable by denial of the right to apply pesticides in the Town for one year.

51.4.3. Any commercial applicator who fails to comply with state posting and flagging requirements shall be subject to the penalties set forth in Section 51.4.

ARTICLE 52. BYLAW, RULE OR REGULATION VIOLATIONS; NON-CRIMINAL DISPOSITION

52.1. Non-Criminal Disposition. Pursuant to the civil infraction procedures set forth in Chapter 90G of the General Laws, the non-criminal disposition of any one or more of the following violations is hereby authorized:

- a. Any violation of an order of the Town's Board of Health relating to public health which is authorized by the General Laws, any special law applicable to the Town, the provisions of the State Sanitary Code, or other State regulation, or any Town bylaw, rule or regulation.
- b. Any violation of an order of a Town building official relating to public safety which is authorized by the General Laws, any special law applicable to the Town, the provisions of the State Building code, or other State regulation, or any Town bylaw, rule or regulation.
- c. Any violation of an order of a Town fire official relating to public safety which is authorized by the General Laws, any special law applicable to the Town, the provisions

of the State Fire Prevention Code or other State regulation, or any Town bylaw, rule or regulation.

- d. Any violation of any other Town bylaw, or any rule or regulation of any Town officer, board or department.

52.2. Schedule of Civil Assessments. The civil assessment for any violation shall be the amount(s) set forth in the law, bylaw, order or regulation being enforced.

52.3. Governing Law. This bylaw is intended to comply fully with the provisions of Sections 21D of Chapter 40 of the General Laws, and to authorize the non-criminal disposition of the infraction set forth above pursuant to the civil infraction procedure set forth in Chapter 90G of the General Laws, the provisions of which shall be controlling in all instances in any case in which the enforcement officer elects to proceed with the non-criminal disposition of an alleged violation of any bylaw, regulation or rule pursuant to the authority of this bylaw.

ARTICLE 53. PUBLIC NUISANCE

a. No owner or tenant shall keep in the public view, on any lot, in any residential district, any substantial amount of junk or debris for more than a reasonable amount of time.

b. Definitions

1. "Junk and Debris" includes, but is not limited to, scrap metal, construction materials, unsafe and dilapidated accessory buildings, rags, plastics, batteries, paper, trash, furniture, which is not in active for any purpose authorized in a residential district.
2. "A Substantial Amount" shall mean a quantity of material which occupies more than 375 cubic feet in the aggregate on any lot.
3. "Reasonable Amount of Time" shall mean ninety (90)days.

c. Conditions existing at the date of the Bylaw enactment, which meet the definition of substantial amounts of junk or debris must be brought into compliance within six months of the date of approval of this Bylaw.

d. Enforcement

1. The Building Inspector shall be charged with the interpretation and enforcement of this Bylaw.
2. Anyone found in violation may be fined \$25.00 for each day the violation persists beginning thirty (30) days after notice of violation.

e. Action under this Bylaw shall not bar any separate action initiated by any other Town department for health, fire safety or other violations.

ARTICLE 54. AMENDMENT AND REPEAL

54.1. Amendment. "Amendment" includes modification and repeal of these bylaws and the addition of new provisions.

54.2. Procedure. A motion to amend or repeal these bylaws or any portion of them shall be made to Town Meeting in accordance with the usual procedure for placing an item in the warrant for any Annual or Special Town Meeting.

54.3. Majority Vote. No bylaw shall be adopted, amended, or repealed unless approved by a majority of those voting on the question.

APPENDIX

CHAP. 202 OF THE ACTS OF 1932, AS AMENDED

AN ACT ESTABLISHING IN THE TOWN OF WELLESLEY

REPRESENTATIVE TOWN GOVERNMENT BY LIMITED TOWN MEETINGS.

Be it enacted, etc., as follows:

Representative Town Government	SECTION 1. There is hereby established in the town of Wellesley the form of representative town government by limited town meetings, hereinafter set forth.
Town Meeting Members	SECTION 2. The registered voters of each precinct in said town shall, at the next ensuing annual town election held after the acceptance of this act, and the registered voters of any precinct affected by any revision of precincts shall at the first annual town election following such revision, and conformably to the laws relative to elections not inconsistent with this act, elect by ballot from residents of the precinct town meeting members, to the largest number which is divisible by three and which will make the representation of such precinct in the approximate proportion which the number of registered voters therein bears to the total number of registered voters in the town, and which will cause the total elected membership to be as nearly two hundred and forty as may be but not more than two hundred and forty. The first third in the order of votes received of members so elected shall serve three years, the second third in such order shall serve two years and the remaining third in such order shall serve one year from the day of such election; and thereafter except as herein provided, at each annual town election the registered voters of each precinct shall, in like manner, elect as town meeting members for the term of three years, such number of elected town meeting
240 Members	members as are necessary to provide for such precinct the total number of elected town meeting members to which it is then entitled, and shall, at such election, fill for the unexpired term or terms any vacancies then existing in the number of town meeting members in such precinct.
Terms	
Tie Vote	In the case of a tie vote which affects the election of town meeting members in any precinct and not in the case where a vacancy is involved as set forth in Section 8A, the Town Clerk shall call a special meeting of the town meeting members of the precinct in which such tie vote occurred. The members from the affected precinct shall determine which of the candidates receiving such tie vote shall serve as town meeting member from such precinct, or they shall determine which member receiving such tie vote shall serve for the longer and which for the shorter term, as the case may be. The procedures to be followed at said special meeting shall be the same as those prescribed for the special meeting provided for in Section 8.
Notice to Members Elected	The Town Clerk shall, after every election of town meeting members, forthwith notify each member, by mail, of his election.
Proportionate	The number of elected town meeting members to which each precinct is entitled

Representation for the ensuing year shall be determined by the Town Clerk by January 1^s of each year and shall be proportionate to the number of residents in each precinct as of December 15th of the prior year.

Establishment of Terms At such time the Town Clerk shall also establish how many of the vacancies in any precinct shall be for three-year terms, two-year terms and one-year terms, so that, insofar as possible, one-third of the town meeting members from each precinct shall be elected in each year. In any such election there shall not be separate contests for three-year terms, two-year terms, and one-year terms, but members elected at such election shall be assigned terms of office on the basis of the number of votes they received, those receiving the highest number of votes being assigned three-year terms, and then in descending order two-year terms and one-year terms.

Order of Candidates on the Ballot SECTION 2A. Notwithstanding any provisions of general or special law to the contrary the order in which names of candidates for each Town office, including the office of Town meeting member, appear on the ballot in any Town election in the Town of Wellesley shall be determined by a drawing by lot conducted by the Town Clerk. Each candidate shall have an opportunity to be present in person or to be represented by a designee at the drawing.

Revision of Precincts Effective Date SECTION 3. After the acceptance of this act, the boundaries of the precincts shall be reviewed, and, if need be, wholly or partly revised, by the Selectmen in December once in five years, or in December of any year when so directed by a vote of a representative town meeting held not later than November twentieth of that year, but no precinct shall contain less than four hundred registered voters.

Town Clerk to Give Written Notice to State Secretary The Selectmen shall, within ten days after any revision of the precincts, file a report of their doings with the Town Clerk, the registrars of voters and the assessors, with a map or maps or description of the precincts and the names and residences of the registered voters therein. The Selectmen shall also cause to be posted in the town hall a map or maps or description of the precincts as revised from time to time, with the names and residences of the registered voters therein; and they shall also cause to be posted in at least one public place in each precinct a map or description of that precinct, with the names and residences of the registered voters therein. Any revision of the voting precincts shall take effect upon the date of the filing of the report thereof by the Selectmen with the Town Clerk. Whenever the precincts are revised, the Town Clerk shall forthwith give written notice thereof to the state secretary, stating the number and designation of the precincts. Meetings of the registered voters of the several pre cincts for elections, for primaries, and for voting upon any question to be submitted to all the registered voters of the town, shall be held on the same day at the same hour and at such place or places within the town as the Selectmen shall in the warrant for such meeting direct. The provisions of chapters fifty to fifty-six, inclusive, of the General Laws, relating to precinct voting at elections, so far as the same are not inconsistent with this chapter, shall apply to all elections and primaries in the town.

Meetings of Voters, When and Where to be Held

Certain Provisions Of General Laws to Apply

When Terms Of Office of Town Meeting Members Shall Cease The terms of office of all elected town meeting members from every precinct revised as aforesaid shall cease upon the election, as herein provided, of their successors.

Town Meetings SECTION 4. Any representative town meeting held under the provisions of

Limited Ex Officiis Members	this act, except as otherwise provided herein, shall be limited to the town meeting members elected under section two, together with such town meeting members ex officii as may be provided for by the bylaws of the town, and authority to adopt such bylaws is hereby conferred.
Notice of Meetings	The Town Clerk shall notify the town meeting members of the time and place at which representative town meetings are to held, the notices to be sent by mail at least five days before the meeting. The representative town meeting shall be the judges of the election and qualifications of the elected members thereof. A majority of the town meeting members shall constitute a quorum for doing business; but a less number may organize temporarily and may adjourn from time to time, but no town meeting shall adjourn over the date of an election of town meeting members. All town meetings shall be public. The town meeting members as such shall receive no compensation.
Quorum	
Meetings Public No Compensation	Subject to such conditions as may be determined from time to time by the members of the rep resentative town meeting, any registered voter of the town who is not a town meeting member may speak at any representative town meeting, but shall not vote.
Resignations	A town meeting member may resign by filing a written resignation with the Town Clerk, and such resignation shall take effect on the date of such filing. Any elected town meeting member who becomes by appointment or election one of the officers
Ex officii Member	designated as town meeting member ex officii shall thereupon cease to be an elected town meeting member. A town meeting member who removes from the town shall cease to be a town meeting member, and a town meeting member who removes from the precinct from which he was elected to another precinct may serve only until the next annual town meeting.
Removal From Town or Precinct Effect	
Nomination Of Candidates for Town Meeting Members, How Made	SECTION 5. Nomination of candidates for town meeting members to be elected under this act shall be made by nomination papers, which shall bear no political designation, shall be signed by not less than ten voters of the precinct in which the candidate resides, and shall be filed with the board of registrars at least thirty-five days before the election and with the Town Clerk at least twenty-eight days before the election; provided, that any town meeting member may become a candidate for re-election by giving written notice thereof to the Town Clerk at least forty-two days before the election. No nomination papers shall be valid in respect to any candidate whose written acceptance is not thereon or attached thereto when filed.
Proviso	
Warrant Articles How Acted Upon	SECTION 6. The articles in the warrant for every town meeting, so far as they relate to the election of the moderator, town officers, and town meeting members, and, as herein provided, to referenda, and all matters to be acted upon and determined by ballot, shall be so acted upon and determined by the registered voters of the town in their respective precincts. All other articles in the warrant for any town meeting shall be acted upon and determined exclusively by town meeting members at a meeting to be held at such time and place as shall be set forth by the Selectmen in the warrant for the meeting, subject to the referendum provided by Section Nine.
Moderator, Election, Etc.	SECTION 7. A moderator shall be elected by ballot at each annual town election, and shall serve as moderator of all town meetings, except as otherwise provided by law, until a successor is elected and qualified. Nominations for an election of moderator shall be as in the case of other elective town officers, and any vacancy in the office shall be filled by town meeting members at a meeting held for that purpose. If a moderator is absent, a moderator pro tempore shall be elected by the town meeting members.
Moderator Pro Tempore	
Vacancies in	SECTION 8. In the event of any vacancy in the full number of town meeting

Full Number of Town Meeting Members Failure to Elect Filling, etc. members of any precinct arising from the failure of registered voters thereof to elect, it shall be filled, until the next annual election, by the remaining town meeting members of the precinct from the registered voters thereof. In the event the Town Clerk shall promptly call a special meeting of the town meeting members of the precinct in which the vacancy or vacancies exists for the purpose of filling the vacancy or vacancies. He shall cause to be mailed to every such member, not less than fourteen days before the time set for the meeting, a notice specifying the object, time and place of the meeting. At the said meeting a majority of the members from such precinct shall constitute a quorum. The choice to fill the vacancy or vacancies shall be by ballot, and a majority of the votes cast shall be required for a choice. The Town Clerk shall preside at said meeting, count the ballots, make a certificate of the choice for his records and notify the person so chosen; and, upon receipt by the Town Clerk of a written acceptance by the person so chosen, that person shall be deemed elected and qualified as town meeting member, subject to the right of all town meeting members to judge of the election and qualifications of the members as set forth in Section Four.

Choice by Ballot Certificate of Choice, Etc.

Acceptance

Vacancies Other Than Failure to Elect, Filling of, Etc. SECTION 8A. In the event of any vacancy in the full number of town meeting members of any precinct from any cause other than the failure of the registered voters thereof to elect, said vacancy shall be filled, until the next annual election, by the Town Clerk, if there are available one or more candidates for the office of town meeting member of said precinct at the preceding Annual Town Election who failed of election but received not less than twenty (20) votes. In such event the Town Clerk shall choose the person who received the highest number of votes as such a defeated candidate in said precinct, notifying said person of his or her election as a town meeting member and securing his or her written acceptance thereof. If for any reason the person so chosen cannot accept the office, the Town Clerk, shall in like manner choose and notify the defeated candidate in said precinct receiving the next highest number of votes, but no less than twenty (20), and so on until all vacancies are filled. The Town Clerk shall call a special meeting of the town meeting members of the precinct in which the vacancy or vacancies exist for the purpose of filling the vacancy or vacancies, until the next annual town meeting election, if at the preceding election: (a) no defeated candidate received at least twenty (20) votes; (b) the highest vote received by any defeated candidate was at least twenty (20) votes and such vote was a tie vote; or (c) there is no such defeated candidate who can or will accept the office. The special election shall be among those having the tie votes or, if no tie is involved, from among the registered voters of the precinct. The Town Clerk shall cause to be mailed to every such member, not less than fourteen days before the time set for the meeting, a notice specifying the object, time and place of the meeting. The procedures to be followed at said special meeting shall be the same as those prescribed for the special meeting provided for in Section Eight.

Failure of Acceptance

Special Meeting

Special Election

Votes, When Operative, Etc. SECTION 9. A vote passed at any representative town meeting authorizing the expenditure of one hundred thousand dollars or more for the acquisition of land, or for the construction, alteration or enlargement of any building, or for other than the usual departmental appropriations, or authorizing the incurring of debt, except temporary loans in anticipation of revenue or reimbursement from the commonwealth or the county of Norfolk, or establishing a new board or office or abolishing an old board or office or merging two or more boards or offices, or fixing the term of office of town officers, where such term is optional, or increasing or reducing the number of members of a board, or adopting a new bylaw, or amending or repealing an existing bylaw, shall not be operative until after the expiration of seven days, exclusive of Sundays and holidays, from the dissolution of the meeting. If, within said seven days, a petition, signed by not less than five percent of the registered voters of the town, containing their

names and addresses as they appear on the list of registered voters, is filed as hereinafter provided asking that the question or questions involved in such a vote be submitted to the registered voters of the town at large, its operation shall be further suspended and the Selectmen, after receiving the certificate of the registrars of voters as hereinafter provided shall call a special meeting not less than twenty-eight days nor more than forty five days after the certification by the registrars of voters hereinafter provided for the sole purpose of presenting to the registered voters at large the question or questions so involved.

Referendum Filing, Etc.

The petition shall be termed a referendum petition. It shall be filed in the office of the Town Clerk before five o'clock in the afternoon of the seventh day, exclusive of Sundays and holidays, after the dissolution of the meeting. If the seventh day falls on a Saturday, Sunday, or a holiday, the petition shall be filed before ten o'clock in the morning on the next business day. Signatures thereto need not be all on one paper but all such papers relating to one vote shall be fastened securely together and filed as one instrument with the endorsement thereon of the person or persons filing the same and the time of filing shall be immediately noted thereon by the Town Clerk. Immediately after the expiration of the time within which referendum petitions may be filed, the Town Clerk shall notify the registrars of voters, who shall examine any such petition seasonably filed, and within five days determine by what number of registered voters it is signed in conformity with the provisions of this section and what percentage that number is of the total number of registered voters of the town and certify their findings to the Selectmen, and at the same time send a copy of the same to the person or to one of the persons who filed the petition.

Questions How Stated Upon Ballot, Etc.

Each question so submitted shall be in the form of the following question, which shall be placed upon the official ballot: - - "Shall the town vote to approve the action of the representative town meeting whereby it was voted (brief description of the substance of the vote)?"

Opening And Closing of Polls

The polls at such special meeting shall be opened not later than seven o'clock in the morning and shall be closed not earlier than eight o'clock in the evening. All votes upon any questions so submitted shall be taken in the several precinct meetings by ballot, and the check list shall be used in the same manner as in the election of town officers. For the action of the representative town meeting to be null and void the following two conditions must be satisfied: 1) at least twenty percent of all registered voters in the town must vote in the negative on the referendum; and 2) a majority of those who vote on the referendum must vote in the negative. Otherwise, the action of the representative town meeting shall take effect immediately upon the declaration by the Selectmen of the vote upon the referendum.

Negative Vote

Affirmative Vote

Vote, When Operative, if No Petition Filed

Powers of Town And Its Meeting Members, Etc.

SECTION 10. The town of Wellesley, after the acceptance of this chapter, shall have the capacity to act through and to be bound by its town meeting members ,who shall, when convened from time to time as herein provided, constitute representative town meetings; and the representative town meetings shall exercise exclusively, so far as will conform to the provisions of this act, all powers vested in the municipal corporation. Action in conformity with all provisions of law now or hereafter applicable to the transaction of town affairs in town meeting, shall, when taken by any representative town meeting in accordance with the provisions of this act, have the same force and effect as if such action had been taken in a town meeting open to all the voters of the town as organized and conducted before the establishment in said town of representative town meeting government.

**Certain Rights
Not Abridged, Etc.**

Section 11. This act shall not abridge the right of the inhabitants of the town to hold general meetings, as secured to them by the constitution of this commonwealth; nor shall this act confer upon any representative town meeting in said Town the power finally to commit the town to any measure affecting its municipal existence or substantially changing its form of government without action thereon by the voters of the town at large, using the ballot and the check list therefor.

**Submission to
Voters of Town
Of Wellesley, etc.**

Section 12. This act shall be submitted to the registered voters of the Town of Wellesley for acceptance at its annual town election in the year nineteen hundred and thirty-three. The vote shall be taken by ballot in accordance with the provisions of the general laws, so far as the same shall be applicable, in answer to the question, which shall be placed upon the official ballot to be used in the several precincts in said town at said election: "Shall an act passed by the general court in the year nineteen hundred and thirty-two, entitled 'An Act Establishing in the Town of Wellesley Representative Town Government by Limited Town Meetings', be accepted by this town?" If accepted by a majority of the voters voting thereon, this act shall thereupon take effect for all purposes incidental to the annual town election in said town in the year nineteen hundred and thirty-four, and shall take full effect beginning with said election.

**Resubmission After
Rejection, Etc.**

Section 13. If this act is rejected by the registered voters of said town when submitted to said voters under Section Twelve, it may be submitted for acceptance in like manner to such voters at any annual town election in said town not later than the annual town election in the year nineteen hundred and thirty-six, and, if accepted by a majority of the voters voting thereon at such an election, shall thereupon take effect for all purposes incidental to the next annual town election in said town, and shall take effect beginning with said election.

Approved May 4, 1932

Accepted Town Meeting, March 2, 1936

Amended, 1936, 1938, 1958, 1975, 1978, 1988

SCHEDULE A
JOB CLASSIFICATIONS BY GROUPS

GROUP 69	
Executive Director of General Government Services	SEL
GROUP 65	
Director, DPW	DPW
Director, Financial Services	DFS
GROUP 63	
Chief of Police	POL
Human Resources Director	PERS
Treasurer/Collector	T&C
GROUP 62	
Fire Chief	FIR
Programs Manager/Assistant Director	DPW
Superintendent, Park & Highway	DPW
Town Engineer	DPW
GROUP 61	
Asst. Director of General Government Services	DFS
Deputy Chief of Police	POL
Library Director	LIB
NIS Director	DFS
Superintendent, Water & Sewer Division	DPW
Town Accountant	DFS
GROUP 60	
Chief Assessor	ASR
Deputy Fire Chief	FIR
Director, Community and Public Health Services	HLTH
Director of Recreation	REC
Superintendent/RDF	DPW
GROUP 59	
Assistant Director/Administration	LIB
Assistant Superintendent, W&S Division	DPW
Assistant Town Engineer	DPW
Capital Campaign Coordinator	LIB
GROUP 58	
Assistant Director/Automation & Technology	LIB

Assistant NIS Director	NIS
Assistant Superintendent, Highway Division	DPW
Assistant Superintendent - Park & Tree	DPW
Inspector of Buildings	BLDG
Landscape Architect	DPW
Planning Director	PLAN
Senior Civil Engineer	DPW
Senior Management Analyst	DPW
GROUP 57	
Assistant Director	REC
Assistant Director/Health	HLTH
Deputy Assistant Director, General Govt. Services	SEL
Director of Natural Resources	NRC
Facilities Maintenance Administrator	SEL
GIS Manager	NIS
Youth Director	YC
GROUP 56	
Civil Engineer	DPW
Director of Senior Services	COA
Management Analyst	DPW
Micro/Network Administrator/Webmaster	NIS
Systems Coordinator/Analyst	NIS
GROUP S55	
Fleet Maintenance Supervisor, Highway	DPW
GROUP 55	
Employee Relations Administrator	PERS
Environmental Health Specialist	HLTH
Environmental Protection Specialist/RDF Business Manager	DPW
GIS Administrator	NIS
Local Building Inspector	BLDG
Program Administrator	REC
Senior Engineer	DPW
GROUP S54	
Customer Services Supervisor	MLP
General Foreman, All Divisions	DPW
Overhead Line Foreman	MLP
Supervisor of Accounting	DPW
Underground Line Foreman	MLP

GROUP 54	
Assistant Treasurer/Collector, T&C	DFS
Budget Projects Manager	DFS
Director of Veterans' Services	VET
Horticulturist, Park & Tree Division	DPW
Inspector of Wires	BLDG
Planner	PLAN
Plumbing & Gas Inspector	BLDG
Retirement Administrator	DFS
Transportation Projects Manager	SEL
GROUP S53	
Coordinator, Light Plant	MLP
Signal Alarm Foreman, Light Plant	MLP
Supervisor, RDF	DPW
GROUP 53	
Analyst/Programmer	NIS
Employment & Training Administrator	PERS
Environmental Education Coordinator	NRC
Health Communication Specialist	HLTH
Public Health Nurse	HLTH
GROUP 52	
Conservation Administrator	NRC
GIS Analyst	DPW
Nutritionist	HLTH
Projects Administrator	PBC
RDF Business Manager	DPW
GROUP 51	
Assistant Administrator	ASR
Assistant Town Clerk	TC
Design Review Administrator	PLAN
Executive Secretary, Director, DPW	DPW
Executive Secretary, Zoning Board of Appeals	ZBA
Health & Social Services Administrator	COA
Microcomputer Coordinator	NIS
Sealer of Weights & Measures/Parking Clerk	SEL
GROUP S50	
Collections Representative	MLP
GROUP 50	
Animal Control Officer/Inspector of Animals	POL

GROUP 49	
Accountant B	DFS
Administrative Secretary	SEL
Computer Operator	NIS
Elections & Registration Administrator	TC
Senior Intern (temporary)	ALL
GROUP 48	
Head Maintenance Custodian, Town Hall	SEL
Office Assistant, Building	BLDG
Personnel Administrative Assistant	PERS
Senior Office Assistant	DPW
GROUP 47	
Accounting Assistant	POL
Administrative Assistant	HLTH
Office Assistant, Electric	MLP
Office Assistant, Engineering	DPW
Office Assistant, Management	DPW
Office Assistant, Park and Highway	DPW
Office Assistant, W&S	DPW
Secretary, DFS	DFS
Secretary, Fire	FIR
Secretary, Library	LIB
Secretary, Police	POL
Secretary, Recreation	REC
Senior Secretary, Selectmen	SEL
Voter Registration Clerk	TC
GROUP 47D	
Dispatcher	POL
GROUP 46	
Accounting Clerk, T&C	DFS
Intern (temporary)	ALL
Office Assistant	SEL
Office Assistant, RDF	DPW
GROUP 45	
Bookkeeping/Accounting Clerk	POL
Office Assistant/Records Clerk, Police	POL
Program Administrator	COA
Secretary (all Departments)	ALL
Secretary, Assessor's	ASR
Secretary, Director's Office	DPW
Secretary, NRC	NRC

Secretary/Technical Assistant	PLAN
GROUP 44	
Clerk	TC
Custodian/Utility Person, Police	POL
Secretary, Building	BLDG
Secretary, Support	DPW
GROUP 43	
Clerk	ALL
Clerk Typist	TC
Custodian, Recreation	REC
Custodian, Town Hall	SEL
Secretary II	REC
Seniors Activities Coordinator	COA
Switchboard Operator/Receptionist	SEL
GROUP 42	
Clerk/Government Services	SEL
Office Clerk	HLTH
Parking Meter Attendant	SEL
GROUP 41	
Clerk, General	ALL
Night Watchman, Highway	DPW
GROUP 38	
Senior Customer Service Representative	MLP
GROUP 35	
Accounts Payable Clerk	DPW
Administrative Clerk	DPW
Bookkeeping/Account Clerk	DPW
Clerk/Engineering	DPW
Customer Service Representative	DPW/MLP
GROUP 34	
Administrative Clerk	DPW
Communications Clerk/Receptionist	MLP
Credit/Collections Clerk	MLP
GROUP 33	
Administrative Records Clerk	DPW
Cashier/Records Assistant	MLP
Clerk	DPW

GROUP 31	
Clerk, General	DPW
GROUP 21	
Electrician A	MLP
Lead Cablesplicer	MLP
Lead Lineman	MLP
GROUP 20	
Automotive Mechanic Foreman A, Highway	DPW
Cablesplicer, 1st class	MLP
Chief Substation Operator, Electric	MLP
Construction Craftsman, Highway	DPW
Construction Foreman/Electric	MLP
Engineer A	DPW
Foreman A - All Divisions	DPW
Horticultural Technician	DPW
Lineman, 1st class	MLP
Senior Welder, Highway	DPW
Tree Care Foreman/Park & Tree	DPW
GROUP 19	
Meter & Sign Repair Person, Highway	DPW
GROUP 18	
Automotive Mechanic, Highway	DPW
Foreman B - All Divisions	DPW
Groundskeeping Foreman, Park	DPW
Highway Craftsman	DPW
Lead Baler	DPW
Lead Tree Climber/Park & Tree	DPW
Meter Installer/Repair Person	DPW
Primary Water Treatment Plant Operator	DPW
Welder, Highway	DPW
GROUP 17	
Cablesplicer, 2nd class	MLP
Lineman, 2nd class	MLP
Park Technical Services Craftsman	DPW
Power Shovel Operator, Highway, W&S	DPW
Stockkeeper, Automotive, Highway	DPW
Substation Operator, Electric	MLP
Tree Climber, Park & Tree	DPW

GROUP 16	
General Mechanic A, W&S	DPW
Groundskeeper, Park & Tree	DPW
Head Custodian	DPW
Heavy Equipment Operator, Highway	DPW
Meter Reader/Stockkeeper	MLP
Park Maintenance Craftsman	DPW
Secondary Water Treatment Plant Operator	DPW
Stockkeeper, Electric	MLP
Transfer Haul Equip. Operator, RDF	DPW

GROUP 15	
Industrial Equipment Operator, RDF	DPW
Seasonal Park Maintenance/Park & Tree	DPW
Stockkeeper, W&S	DPW

GROUP 14	
Building Maintenance Person, Highway	DPW
Cablesplicer Helper, Electric	MLP
Custodian	DPW
Groundman, Electric	MLP
Medium Equipment Operator, Highway, Park	DPW
Truck Driver A/Laborer, W&S	DPW

GROUP 13	
Permit Verifier/Trash Collector, RDF	DPW

GROUP 12	
Light Equipment Operator, Highway, Park	DPW

GROUP 11	
Laborer - All Divisions	DPW

GROUP L17	
Public Services Coordinator	LIB

GROUP L16	
Children's Services Supervisor	LIB
Reference Services Supervisor	LIB
Technical Services Supervisor	LIB

GROUP L15	
Branch Libraries Supervisor	LIB
Interlibrary Loan Supervisor	LIB

GROUP L14	
Reference Librarian - Adult Services	LIB
Reference Librarian - Audio-Visual Services	LIB
Reference Librarian - Children's Services	LIB
Reference Librarian - Periodical Services	LIB
Reference Librarian - Young Adults' Services	LIB
GROUP L9	
Circulation Supervisor	LIB
GROUP L6	
Acquisition Assistant	LIB
Assistant Cataloger	LIB
Assistant Circulation Supervisor	LIB
Bookkeeper	LIB
GROUP L4	
GROUP L3	
Library Assistant II	LIB
Library Assistant III	LIB
GROUP L2	
Library Assistant I	LIB
GROUP L1	
Helper	LIB
GROUP C6	
Head Building Maintenance Person	LIB
GROUP C4	
Building Maintenance Person	LIB
GROUP P40	
Lieutenant	POL
GROUP P30	
Sergeant	POL
GROUP P20	
Detective	POL
Prosecuting Officer	POL
Safety Officer	POL

GROUP P18 Police Officer - EMT	POL
GROUP P15 Police Officer - Special	POL
GROUP P10 Police Officer	POL
GROUP F40 Captain Captain, Special Services	FIR FIR
GROUP F30 Lieutenant	FIR
GROUP F19 Automotive Mechanic	FIR
GROUP F10 Firefighter	FIR

GENERAL GROUP: This group includes all part-time seasonal, casual, special and other jobs or positions not otherwise classified above, whose job titles shall be as shown on the personnel records of the Human Resources Board.

OPEN MEETING LAW

Chapter 39:

Section 23A. Definitions applicable to secs. 23B and 23C.

The following terms as used in sections twenty-three B and twenty-three C shall have the following meanings:

"Deliberation", a verbal exchange between a quorum of members of a governmental body attempting to arrive at a decision on any public business within its jurisdiction.

"Emergency", a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

"Executive session", any meeting of a governmental body which is closed to certain persons for deliberation on certain matters.

"Governmental body", every board, commission, committee or subcommittee of any district, city, region or town, however elected, appointed or otherwise constituted, and the governing board of a local housing, redevelopment or similar authority; provided, however, that this definition shall not include a town meeting.

"Made public", when the records of an executive session have been approved by the members of the respective governmental body attending such session for release to the public and notice of such approval has been entered in the records of such body.

"Meeting", any corporal convening and deliberation of a governmental body for which a quorum is required in order to make a decision at which any public business or public policy matter over which the governmental body has supervision, control, jurisdiction or advisory power is discussed or considered; but shall not include any on-site inspection of any project or program.

"Quorum", a simple majority of a governmental body unless otherwise defined by constitution, charter, rule or law applicable to such governing body.

Section 23B. Open meetings of governmental bodies.

All meetings of a governmental body shall be open to the public and any person shall be permitted to attend any meeting except as otherwise provided by this section.

No quorum of a governmental body shall meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as provided by this section.

No executive session shall be held until the governmental body has first convened in an open session for which notice has been given, a majority of the members have voted to go into executive session and the vote of each member is recorded on a roll call vote and entered into the minutes, the presiding officer has cited the purpose for an executive session, and the presiding officer has stated before the executive session if the governmental body will reconvene after the executive session.

Nothing except the limitation contained in this section shall be construed to prevent the governmental body from holding an executive session after an open meeting has been convened and a recorded vote has been taken to hold an executive session.

Executive sessions may be held only for the following purposes:

- (1) To discuss the reputation, character, physical condition or mental health rather than the professional competence of an individual, provided that the individual involved in such executive session has been notified in writing by the governmental body, at least forty-eight hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:
 - (a) to be present at such executive session during discussions or considerations which involve that individual.
 - (b) to have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation in said executive session.
 - (c) to speak in his own behalf.
- (2) To consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual, provided that the individual involved in such executive session pursuant to this clause has been notified in writing by the governmental body at least forty-eight hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:
 - (a) to be present at such executive session during discussions or considerations which involve that individual.
 - (b) to have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation.
 - (c) to speak in his own behalf.
- (3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body, to conduct strategy sessions in preparation for negotiations with nonunion personnel, to conduct collective bargaining sessions or contract negotiations with nonunion personnel.
- (4) To discuss the deployment of security personnel or devices.
- (5) To investigate charges of criminal misconduct or to discuss the filing of criminal complaints.
- (6) To consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiating position of the governmental body and a person, firm or corporation.
- (7) To comply with the provisions of any general or special law or federal grant-in-aid requirements.

- (8) To consider and interview applicants for employment by a preliminary screening committee or a subcommittee appointed by a governmental body if an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee or a subcommittee appointed by a governmental body, to consider and interview applicants who have passed a prior preliminary screening.
- (9) To meet or confer with a mediator, as defined in section twenty-three C of chapter two hundred and thirty-three, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or body, provided that:
 - (a) any decision to participate in mediation shall be made in open meeting session and the parties, issues involved and purpose of the mediation shall be disclosed; and
 - (b) no action shall be taken by any governmental body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open meeting after such notice as may be required in this section.

This section shall not apply to any chance meeting, or a social meeting at which matters relating to official business are discussed so long as no final agreement is reached. No chance meeting or social meeting shall be used in circumvention of the spirit or requirements of this section to discuss or act upon a matter over which the governmental body has supervision, control, jurisdiction or advisory power.

Except in an emergency, a notice of every meeting of any governmental body shall be filed with the clerk of the city or town in which the body acts, and the notice or a copy thereof shall, at least forty-eight hours, including Saturdays but not Sundays and legal holidays, prior to such meeting, be publicly posted in the office of such clerk or on the principal official bulletin board of such city or town. The secretary of a regional school district committee shall be considered to be its clerk and he shall file the notice of meetings of the committee with the clerk of each city or town within such district and each such clerk shall post the notice in his office or on the principal official bulletin board of the city or town and such secretary shall post such notice in his office or on the principal official bulletin board of the district. If the meeting shall be of a regional or district governmental body, the officer calling the meeting shall file the notice thereof with the clerk of each city and town within such region or district, and each such clerk shall post the notice in his office or on the principal official bulletin board of the city or town. The notice shall be printed in easily readable type and shall contain the date, time and place of such meeting. Such filing and posting shall be the responsibility of the officer calling such meeting.

A governmental body shall maintain accurate records of its meetings, setting forth the date, time, place, members present or absent and action taken at each meeting, including executive sessions. The records of each meeting shall become a public record and be available to the public; provided, however, that the records of any executive session may remain secret as long as publication may defeat the lawful purposes of the executive session, but no longer. All votes taken in executive sessions shall be recorded roll call votes and shall become a part of the record of said executive sessions. No votes taken in open session shall be by secret ballot.

A meeting of a governmental body may be recorded by any person in attendance by means of a tape recorder or any other means of sonic reproduction or by means of videotape equipment fixed in one or more designated locations determined by the governmental body except when a meeting is held in executive session; provided, that in such recording there is no active interference with the conduct of the meeting.

Upon qualification for office following an appointment or election to a governmental body, as defined in this section, the member shall be furnished by the city or town clerk with a copy of this section. Each such member shall sign a written acknowledgement that he has been provided with such a copy.

The district attorney of the county in which the violation occurred shall enforce the provisions of this section.

Upon proof of failure by any governmental body or by any member or officer thereof to carry out any of the provisions for public notice or meetings, for holding open meetings, or for maintaining public records thereof, any justice of the supreme judicial court or the superior court sitting within and for the county in which such governmental body acts shall issue an appropriate order requiring such governmental body or member or officer thereof to carry out such provisions at future meetings. Such order may be sought by complaint of three or more registered voters, by the attorney general, or by the district attorney of the county in which the city or town is located. The order of notice on the complaint shall be returnable no later than ten days after the filing thereof and the complaint shall be heard and determined on the return day or on such day thereafter as the court shall fix, having regard to the speediest possible determination of the cause consistent with the rights of the parties; provided, however, that orders with respect to any of the matters referred to in this section may be issued at any time on or after the filing of the complaint without notice when such order is necessary to fulfill the purposes of this section. In the hearing of such complaints the burden shall be on the respondent to show by a preponderance of the evidence that the action complained of in such complaint was in accordance with and authorized by section eleven A 1/2 of chapter thirty A, by section nine G of chapter thirty-four or by this section. All processes may be issued from the clerk's office in the county in which the action is brought and, except as aforesaid, shall be returnable as the court orders.

Such order may invalidate any action taken at any meeting at which any provision of this section has been violated, provided that such complaint is filed within twenty-one days of the date when such action is made public.

Any such order may also, when appropriate, require the records of any such meeting to be made public, unless it shall have been determined by such justice that the maintenance of secrecy with respect to such records is authorized. The remedy created hereby is not exclusive, but shall be in addition to every other available remedy. Such order may also include reinstatement without loss of compensation, seniority, tenure or other benefits for any employee discharged at a meeting or hearing held in violation of the provisions of this section.

Such order may also include a civil fine against the governmental body in an amount no greater than one thousand dollars for each meeting held in violation of this section.

The rights of an individual set forth in this section relative to his appearance before a meeting in an executive or open session, are in addition to the rights that an individual may have from any other source, including, but not limited to, rights under any laws or collective bargaining agreements, and the exercise or nonexercise of the individual rights under this section shall not be construed as a waiver of any rights of the individual.

Section 23C. Meetings of Governmental Bodies; Permission to Address Meetings; Removal of Disorderly Persons.

No person shall address a public meeting of a governmental body without permission of the presiding officer at such meeting, and all persons shall, at the request of such presiding officer, be silent. If, after warning from the presiding officer, a person persists in disorderly behavior, said officer may order him to

withdraw from the meeting, and, if he does not withdraw, may order a constable or any other person to remove him and confine him in some convenient place until the meeting is adjourned.

Chapter 268A: Section 23. Supplemental provisions; standards of conduct.

(a) In addition to the other provisions of this chapter, and in supplement thereto, standards of conduct, as hereinafter set forth, are hereby established for all state, county, and municipal employees.

(b) No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know:

- (1) accept other employment involving compensation of substantial value, the responsibilities of which are inherently incompatible with the responsibilities of his public office;
- (2) use or attempt to use his official position to secure for himself or others unwarranted privileges or exemptions which are of substantial value and which are not properly available to similarly situated individuals;
- (3) act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

(c) No current or former officer or employee of a state, county or municipal agency shall knowingly, or with reason to know:

- (1) accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority;
- (2) improperly disclose materials or data within the exemptions to the definition of public records as defined by section seven of chapter four, and were acquired by him in the course of his official duties nor use such information to further his personal interest.

(d) Any activity specifically exempted from any of the prohibitions in any other section of this chapter shall also be exempt from the provisions of this section. The state ethics commission, established by chapter two hundred and sixty-eight B, shall not enforce the provisions of this section with respect to any such exempted activity.

(e) Where a current employee is found to have violated the provisions of this section, appropriate administrative action as is warranted may also be taken by the appropriate constitutional officer, by the head of a state, county or municipal agency. Nothing in this section shall preclude any such constitutional officer or head of such agency from establishing and enforcing additional standards of conduct.

(f) Upon qualification for office following an appointment or election to a municipal agency, such appointed or elected person shall be furnished by the city or town clerk with a copy of this section. Each such person shall sign a written acknowledgement that he has been provided with such copy.