

TOWN OF DUDLEY
ANNUAL SPRING 2020 TOWN MEETING WARRANT
COMMONWEALTH OF MASSACHUSETTS

Worcester, ss

To either of the Constables in the Town of Dudley, in the County of Worcester, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Dudley, qualified to vote in elections and town affairs, to meet in the Connie Vanco- Galli Auditorium at Shepherd Hill Regional High School, in said Dudley on **Monday, June 22, 2020 and Tuesday, June 23, 2020, if needed**, and other such times as may be voted, if needed, at 7:00 P.M. then and there to take action on the following articles:

ARTICLE 1- (Board of Selectmen) Town Reports -To see if the Town will vote to receive the reports of the several Town Officers and all Committees, or take any other action relative thereto.

ARTICLE 2- (Board of Selectmen) Hear Committee Recommendations- To hear and act on the recommendations of the Board of Selectmen and the Finance & Appropriation and Advisory Committee, or take any other action relative thereto.

ARTICLE 3 – (Town Administrator) - FY 2020 Supplemental Budget Appropriations – To see if the Town will vote to determine the sums of money the Town will raise and appropriate, borrow or transfer from any available funds to defray the supplemental charges and expenses of the Town and including debt and interest for Fiscal Year 2020, or take any other action relative thereto.

ARTICLE 4- (Town Accountant) Unpaid Bills of a Prior Year – To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the sum of Nine hundred sixteen dollars and thirty-five cents (\$916.35) to pay unpaid bills of a prior fiscal year, or take any other action relative thereto.

Occupational Health Services \$418.65

Occupational Health Services \$497.70

ARTICLE 5 (Town Administrator)- To see if the Town will vote to close out completed Articles, listed below totalling Seventeen thousand eight hundred twenty-two dollars and forty-nine cents into Free Cash, Account #0001-000-3590-01. Or take any other action relative thereto.

<u>ACCOUNT #</u>	<u>ITEM</u>	<u>Balance in account</u>
0001 968 5808 00	GASB 45 (MAY 2007)	\$2500.00
0001 969 5828 00	DRESSER HILL (MAY 2015)	\$100.00
0001 969 5831 00	CEMETERY (MAY 2015)	\$600.05
0001 979 5804 00	DMC UNINT. POWER SYS	\$10,001.12
0001 979 5806 00	TOWN BEACH	\$3272.06
0001 979 5807 00	DMC SIGN	\$1345.38
0001 979 5823 00	RECYCLE IMPVT.	\$3.88

TOTAL: \$17,822.49

ARTICLE 6– (Town Accountant)- Authorize Revolving Funds - To see if the Town will vote to establish Fiscal Year 2021 spending limits for the revolving funds set forth in Article 45 of the Town’s General Bylaws, as follows, or take any other action relative thereto:

Arrest Warrant Services	\$10,000
Animal Care	\$15,000
Board of Health Education Programs	\$ 1,000
Cemetery Fees	\$ 2,000
COA Meals	\$ 5,000
Cruiser Use	\$50,000
Fire Penalties/Violations	\$ 7,500
Fire Outside Details	\$25,000
Firearms Permit Services	\$15,000
Genealogy Services	\$ 3,000
Town Gift Shop	\$ 2,000
Hazardous Materials Collection	\$ 9,000
Inspector Services	\$80,000
Library Lost Books	\$ 5,000
Municipal Hearings	\$ 2,000
Planning Documents	\$ 1,000
Tax Title Fees	\$75,000
Veteran Bricks/Memorial	\$ 6,000
Website	\$ 3,000

Note: Revolving Funds are accounts setup for a specific purpose, under Mass. General Law C44, Section 53E1/2. The revenues received into these funds are not considered a revenue source when calculating budgeted receipts, nor when computing the Town’s tax levy.

ARTICLE 7- (Board of Selectmen) FY 2021 Budget - To see if the Town will vote to determine the sums of money the Town will raise and appropriate, borrow, or transfer from

available funds to defray the charges and expenses of the Town and provide for a reserve fund (s), determining the compensation for elected offices and including debt and interest for the ensuing fiscal year beginning on July 1, 2020, or take any other action relative thereto.

(Note: Fiscal Year 2021 Detail Departmental Expenditures will be available on the Town's website at dudleyma.gov.)

GENERAL FUND	BUDGET FY 2021
ACCOUNTANT	68,509
ASSESSORS	108,692
BUILDING INSPECTOR	29,362
CEMETERY COMMISSION	1
CLERK (TOWN) – (Includes Town Clerk salary of \$58,380.00)	120,921
CONSERVATION	1
COUNCIL ON AGING	101
ECONOMIC DEVELOPMENT COMM	1
FIRE DEPARTMENT	1,108,262
FAA	1
HEALTH	28,701
HIGHWAY	891,980
INFORMATION Tech.	24,880
LIBRARY	304,822
MODERATOR	1
MUNICIPAL EXPENSES	92,239
PLANNING BOARD	44,557
POLICE	1,398,245
RECYCLING	213,014
SELECTMEN	25,586
ADMINISTRATION - TOWN ADMINISTRATOR	294,919
TREASURER/COLLECTOR – (Includes Treasurer/Collector Salary of \$90,330.56)	3,913,603
VETERANS SERVICES	195,084
TOTAL GENERAL FUND:	8,863,480
SCHOOLS	
DUDLEY-CHARLTON REGIONAL	8,880,840
SO. WORCESTER COUNTY REG. VOC.	1,015,131
TOTAL EDUCATION:	9,895,971
TOTAL GENERAL FUND + SCHOOLS	18,759,451
State Assessments (from Cherry Sheet)	34,496
Sub-Total:	18,793,947
ENTERPRISE FUNDS:	
Water Department	1,106,558
Sewer Department	1,041,105
TOTAL ENTERPRISE FUNDS:	2,147,663

TOTAL TOWN BUDGET (with State Assessments):	20,941,610
TOTAL TOWN BUDGET (Less State Assessments):	20,907,114
GENERAL FUND BUDGET REVENUE SOURCES:	
Taxation (Real property, personal property taxes)	12,531,577
New Growth	95,000
Debt Exclusions	1,210,426
State Aid & Reimbursements	2,112,587
Free Cash	71,776
Stabilization Fund	0
Local Receipts	2,912,853
Sub-Total Revenue Sources:	18,934,219
WATER & SEWER REVENUES (Enterprise Funds):	
SEWER FUNDING: FROM SEWER FEES & CHARGES \$1,041,104.91	
WATER FUNDING: FROM WATER FEES & CHARGES \$1,106,557.82	
	2,147,663
*(Note: W/S Total Budget: \$1,975,594.33 + \$172,068.40 Indirect Costs included = \$2,147,662.73)	
GRAND TOTAL FUNDING SOURCES:	21,081,882
=====	
TOTAL BUDGET EXPENSES:	
Total Budget (including schools + Water and Sewer w/o Assessments)	20,907,114
State & County & Regional Assessments	34,496
State Assessment: Cherry Sheet Offset	20,272
Overlay – Assessors	120,000
GRAND TOTAL TOWN BUDGET:	21,081,882

ARTICLE 8- (Board of Selectmen) – Amend Zoning Bylaw Section 3.10.00 -Mill Conversion Overlay District (Stevens Linen Mill – Recommended by Planning Board at April 22, 2020 Public Hearing: To see if the Town will vote to amend the Dudley Zoning Bylaws, Section 3.10.00, Mill Conversion Overlay District. by amending Subsections 3.10.05, 3.10.07.L and 3.10.10 by deleting text that is struck-through and inserting text that is underlined as follows, or take any other action relative thereto:

Subsection 3.10.05 Permitted Uses

Within a MCP, residential use or assisted living facility shall be permitted in conjunction with one or more of the following specified non-residential uses, by special permit:

- A. Commercial (restaurant, retail, or office establishment);
- B. Institutional (museum, educational use, charitable or philanthropic institution, municipal use, club or lodge);
- C. Recreational (indoor commercial recreation); ~~and~~
- D. Appropriate accessory uses; or
- E. Residential (multi-family housing or apartment building) not in conjunction with one or more of the above-specified non-residential uses may be allowed upon the grant of

a waiver by the Planning Board. An Applicant may, in conjunction with filing a complete application for a Special Permit for a MCP, submit a written request to the Board of Selectmen and Planning Board seeking a waiver from the requirements for residential use in conjunction with one or more non-residential uses as set forth in this Subsection. The waiver request shall first be submitted to the Board of Selectmen for a favorable recommendation to the Planning Board. Following receipt of such favorable recommendation from the Board of Selectmen, the Planning Board may grant such waiver by a majority vote. Such waiver shall be based upon a favorable finding of one or more of the following factors which consider the extent to which a proposed Mill Conversion Project (MCP):

- will preserve some or all of an historic building(s);
- is suitable for the site for the proposed use(s);
- serves the social, economic, or housing needs of the Town;
- is compatible with the character of neighboring properties; and
- impacts the Town's fiscal responsibilities; including impact on Town services, tax base, and employment.

3.10.07 Standards

L. Affordable Dwelling Units: For a period not less than thirty (30) years, a minimum of ten percent (10%) of the total number of dwelling units shall be restricted to persons qualifying as low or moderate income in accordance with the Massachusetts Department of Housing and Community Development definitions of low and moderate income. The following additional criteria shall apply:

1. Affordable units shall be integrated into the overall development of the MCP so as to prevent the physical segregation of units.
2. Town Counsel shall approve the use restriction or re-sale controls as to form. The restriction or re-sale controls shall adequately specify material provisions for affordability, monitoring and enforcement. A right of first refusal upon the transfer of such restricted ownership units shall be granted to the Dudley Housing Authority for a period not less than one hundred- twenty (120) days after notice thereof.
3. If no federal or state subsidy is used to fund the creation of the affordable units, the Planning Board may require the applicant to submit an application to the Local Initiatives Program so that the units can be added to the Chapter 40B Subsidized Housing Inventory maintained by the Massachusetts Department of Housing and Community Development (DHCD).
4. An Applicant may, in conjunction with filing a complete application for a Special Permit for a MCP, submit a written request to the Board of Selectmen and Planning Board seeking a waiver from the requirements for Affordable Dwelling Units as set forth in this Subsection. The waiver request shall first be submitted to the Board of Selectmen for a favorable recommendation to the Planning Board. Following receipt of such favorable recommendation from the Board of Selectmen, the Planning Board may grant such waiver by a majority vote. Such waiver shall be based upon a favorable finding of one or more of the following factors which consider the extent to which a proposed Mill Conversion Project (MCP):
 - will preserve some or all of an historic building(s);

- is suitable for the site for the proposed use(s);
- serves the social, economic, or housing needs of the Town;
- is compatible with the character of neighboring properties; and
- impacts the Town's fiscal responsibilities; including impact on Town services, tax base, and employment.

3.10.10 Action by the Planning Board

The Planning Board must act on the special permit application within ninety (90) days of ~~submittal of the completed application~~ the close of the public hearing. A four-fifths (4/5) vote of the Planning Board shall be required to grant the special permit. The Planning Board may grant a special permit for a Mill Conversion project if it determines that the proposed project complies with the requirements of this Bylaw. The Planning Board shall consider the following when making its determination:

- Degree to which the proposed project complies with the goals of the *Dudley, Massachusetts Master Plan*;
- Suitability of the site for the proposed use(s);
- Impact on traffic and pedestrian flow and safety;
- Adequacy of utilities and other public services;
- Impact on the neighborhood visual character;
- Impact on the natural environment; and
- Potential fiscal impact; including impact on Town services, tax base and employment.

ARTICLE 9 – (Fire Department) – Ambulance Replacement – To see if the Town will vote to borrow the sum of Two Hundred Sixty Thousand Dollars and Zero Cents (\$260,000.00), or such other sum to cover the costs associated with the purchase of one ambulance and related equipment, as recommended by the Capital Improvement Planning Committee, or take any other action relative thereto.

ARTICLE 10 – (Town Clerk) – To see if the Town will vote to renumber and recaption the General Bylaws of the Town by (a) assigning a chapter/article number to each of the General Bylaws; (b) renumbering each section of each bylaw accordingly; (c) inserting chapter, article, section and subsection titles; and (d) updating internal references to reflect the new numbering system, all as set forth in the Final Draft of the Code of the Town of Dudley, dated September 2019, on file with the Town Clerk, and available on the Town's website at www.dudleyma.gov, or take any other action relative thereto.

ARTICLE 11 – (Town Clerk) – Codification of General Bylaws and Revisions - To see if the Town will vote to adopt the following changes to the General Bylaws as set forth in the Final Draft of the Code of the Town of Dudley, dated September 2019, on file with the Town Clerk, and available on the town's website at www.dudleyma.gov , or take any other action relative thereto.

- 1) The following bylaws are repealed: Article 33, Fiscal Year, of the General Bylaws, adopted May 21, 1990 (subject matter is covered by MGL c. 44, § 56), and Article 41, Investment Policy, of the General Bylaws adopted June 19, 2006.
- 2) The titles "Treasurer" and "Collector" are amended throughout to "Treasurer/Collector."
- 3) The titles "Finance Committee," "Finance and Advisory Committee," "Finance Appropriations Advisory Committee" and "Finance Advisory & Appropriations Committee" are amended throughout to "Finance, Appropriation and Advisory Committee."
- 4) The titles "Superintendent of Streets" and "Highway Supervisor" are amended throughout to "Highway Superintendent."
- 5) References to the Massachusetts General Laws are standardized throughout to the format: MGL c. __, § ____.
- 6) Specific revisions by chapter, as noted below (Text that is underlined is being added; text that is struck out or in brackets is being deleted; chapter numbers refer to the numbering contained in the Final Draft of the Code of the Town of Dudley, dated September 2019, on file with the Town Clerk, but the former chapter numbering as contained in the version of the General Bylaws in effect as of the date of this Town Meeting are noted for convenience and reference purposes only.)

Chapter 1, General Provisions (formerly Article 13)

Section 1-1 is amended as follows: "Whoever shall offend against or fail to comply with any of the provisions of these bylaws, except persons covered in Chapter 68, Officers and Employees, Article I, shall, for each and every offense, where no other penalty is prescribed, forfeit and pay a penalty of not more than ~~\$20~~ \$300 to the use of the Town."

Section 1-5 is amended to change "Superintendent of Sewers" to "Water and Sewer Superintendent" in Subsection C (2) and to revise the first sentence in the section as follows: "The preceding sections notwithstanding, any person violating the provisions of any section of these bylaws which is subject to a specific penalty may be penalized by a noncriminal disposition as provided in MGL c. 40, § 21D, and MGL c. 90C ~~and is subject to Dudley Town bylaws regulating unpermitted smoking.~~"

Section 1-7 is added to read as follows:

§ 1-7. Rules of construction.

- A. Within these bylaws, words importing the singular number may extend and be applied to several persons or things, words importing the plural number may include the singular, and words importing one gender shall include the other gender and the neuter.
- B. Headings and captions are for reference purposes only as an aid to the reader and are not substantive provisions of the bylaws. They are not legally adopted parts of the bylaws as voted by Town Meeting and shall not be used in the interpretation of the bylaws.
- C. Historical information (adoption and amendment dates) and cross-references appearing in brackets and footnotes are not part of the bylaws and have been inserted for reference purposes only.

Chapter 4, Agricultural Advisory Committee (formerly Article 44).

Section 4-1 is amended to revise the first sentence as follows: "The purpose of this bylaw is to establish the Agricultural Advisory Commission in the Town of Dudley to serve as a forum for matters of interest to farmers in Dudley[,] and to advise the Board of Selectmen on how the Town can best support farming in Dudley."

Chapter 19, Economic Development Committee (formerly Article 47).

Section 19-3B is amended as follows: "The Economic Development Committee shall have the ability to appoint two alternate members who will serve for a term of three years. The appointed alternate members will be nonvoting members when a full ~~board~~ Committee is present for a meeting."

Chapter 23, Finance, Appropriation and Advisory Committee (formerly Article 5).

Section 23-1 is amended as follows: "~~The term already means once a person is appointed to the Finance, Appropriation and Advisory Committee[,] may appoint members to serve on Town committees that require such service by either Town vote or by Town bylaw.~~"

Section 23-4 is amended as follows: "It shall be the duty of the FAA Committee to consider the annual budget submitted to the FAA by the Board of Selectmen and add another column to the Town Administrator's prepared statement giving the amounts which in its opinion shall be appropriated for the ensuing year, and ~~shall~~ the Committee may prepare a statement giving explanations and suggestions in relation to the proposed appropriations as it may deem expedient and report thereon as provided in § 23-7 below."

Section 23-5 is amended to correct the reference to "Chapter 40, Section of MGL" to MGL c. 40, § 6.

Chapter 26, Fire Department (formerly Article 40).

Section 26-11A is amended as follows: "Such employment or occupation is not incompatible with the full-time member's employment as a firefighter nor does it tend to bring the Department into disrepute."

Chapter 34, Funds (formerly Article 45)

Section 34-5 is amended as follows: "The Revolving Fund Listing shall be kept on file at the Town Accountant's office and establishes:"

Chapter 68, Officers and Employees (formerly Article 6).

Section 68-2 is amended as follows: " Each Town officer, board, and committee shall annually, on or before the 15th day of March each year, prepare and submit to the Board of Selectmen a report in writing covering clearly and concisely the work of his department for the preceding year and submit annual estimates on or before the ~~first day of February~~ third Friday in January, in accordance with MGL c. 41, § 59."

Section 68-7C (formerly Article 6.9), is deleted and replaced with the following: ~~is amended as follows: "No contract for construction work, whether for repairs or original construction, or for the purchase of apparatus, supplies or materials, the estimated cost of which amounts to \$15,000 \$10,000 or more, except in the case of special emergency involving the health or safety of the people or their property, shall be awarded unless proposals for the same have been invited by the officer, board or committee authorized by the Town to make the contract, by advertisement in a local newspaper published once a week for at least one week before the time specified for the opening of said proposals"~~ Contracts for public works and public building construction, and the purchase of materials and supplies whether or not labor is included shall be undertaken in accordance with the applicable provisions of G.L. Chapter 30B, GL Chapter 30§39M, and G.L. Chapter 149, as they may be amended.

Section 68-13C is amended to change "General Foremen of the Department" to "General Foreman of the Highway Department."

Section 68-14 is amended as follows: "Town Clerk, Treasurer/Collector, Personnel Board, Board of Assessors, Board of Health, Building Inspector, Planning Board and Zoning Board of Appeals, Board of Water and Sewer Commissioners, Conservation Commission and the Board of Selectmen."

Section 68-16 is amended to update the reference to MGL c. 39, § 23B (repealed in 2009) to MGL c. 30A, § 22.

Chapter 74, Personnel Policies and Procedure (formerly Article 32).

Section 74-1 is amended as follows: "This ~~action~~ bylaw is authorized by MGL c. 41, § 108A and 108C, and Article LXXXIX of the Constitution of the Commonwealth."

Section 74-4A(3) is amended as follows: "Review and ~~analysis~~ analyze personnel procedures and administrative practices."

Chapter 82, Records and Reports (formerly Article 41).

Section 82-1A is amended as follows: "The Annual Town Reports shall be ~~printed in book form~~ and made available on or before April 25 and contain:"

Chapter 95, Town Meetings (formerly Article 1).

Section 95-4A is amended as follows: "Every Town Meeting for the election of officers by official ballot shall promptly at the appointed time for such meeting be called to order by the proper presiding officer."

Section 95-7A is amended as follows: "In any building in which a Town Meeting is held, campaign postings, exhibitions, ~~circulations,~~ and circulation or distribution of materials, including posters, stickers, cards, handbills, placards, pictures or circulars, shall not be allowed inside the building or within 50 feet of the main building entrance."

Section 95-7C is amended as follows: "The fine for violation of this bylaw shall be ~~not more than~~ \$20 for each offense."

Chapter 112, Agriculture (formerly Article 51).

Section 112-4 is amended as follows: "In the event of conflict between this bylaw and all other Town regulations, this bylaw shall take precedence. In the event of conflict between this bylaw and federal or state law, federal or state law shall take precedence ~~respectfully~~ respectively."

Chapter 117, Alarm Systems (formerly Article 36).

Section 117-5 is amended to delete the following sentence: "Penalties and fines structure may be changed and updated from time to time by the Board of Selectmen following a public hearing."

Chapter 120, Alcoholic Beverages (the following provision located in former Article 11).

Section 120-1 is amended as follows: "No license in any form shall be granted by the Selectmen ~~or Licensing Board~~ for the sale of alcoholic beverages at any location within the Town within 500 feet of any church or school premises."

Chapter 124, Amusement Devices (the following provision located in former Article 11).

Section 124-3 is amended as follows: "Any violation of any of the provisions of this bylaw shall for each and every offense forfeit and pay penalty of ~~not more than~~ \$20 to the use of the Town."

Chapter 128, Animals (formerly Article 27).

The definitions of "domestic charitable corporation kennel" and "personal kennel" in § 128-1 are amended to change "the department" to "the Department of Agricultural Resources."

Section 128-2B is amended as follows: "If unaccompanied, the dog must be leashed so as to restrain the dog in such manner that the dog will not go beyond the property of the owner or keeper, unless the dog is securely confined to the premises of the owner or keeper by fencing or appropriate barriers."

Section 128-2E is amended as follows: "A dog may for the purpose of events such as working, hunting, field trials or training purposes be exempt from the restraining order during such period of time as the dog is actually engaged in the event or sport, provided the dog is under the direct supervision of a person who is able to properly control its action."

Section 128-3B is amended as follows: "A fee of \$1 established by the Board of Selectmen shall be charged to replace a lost tag."

Section 128-3C is amended as follows: "The Town Clerk shall not issue any license, including personal kennels, unless the owner or keeper provides either a veterinarian's certification that such dog has been vaccinated against rabies by a licensed veterinarian, ~~therein, provided, or a notarized letter from a veterinarian that a certification was issued~~ certification that such dog is exempt from the vaccination requirement or a notarized letter from a veterinarian that either of these certifications was issued relative to such dog."

Section 128-3F is amended to revise the opening sentence as follows: "The annual fee for every animal license [,] or kennel license ~~and all fines relevant to dog control~~ shall be as follows:"; to change "police dog" to "law enforcement dog" in Subsection F (3); and to revise Subsection F (5) as follows: "Each additional dog shall be licensed and ~~pay~~ the fee shall be paid in accordance with this section."

Section 128-3H is amended to change "Dog Officer" to "Animal Control Officer" in the last sentence and to replace the late fee amounts (\$10 for a dog and \$50 for a kennel) with "established by the Board of Selectmen."

Section 128-4 is amended as follows:

To delete the following paragraph (covered by § 128-6D): "Any dog or cat that is not currently vaccinated that bites or scratches any person shall be confined in an approved, adequate boarding facility for a period of not less than 10 days, at the owner's expense."

To revise Subsection A as follows: "Unvaccinated dogs and cats acquired or moved into the Town of Dudley shall be vaccinated within ~~60~~ 30 days or upon reaching the age of six months, whichever occurs first."

To revise Subsection B as follows: "Those dog owners found in violation of the rabies vaccination requirement of MGL c. 140, § 145B, shall, at the owner's expense, have their

dogs properly vaccinated by a licensed veterinarian within 10 days of said violation and will receive a fine of \$50 \$100."

To change "Animal Inspector" to "Animal Control Officer" in Subsection D.

To revise Subsection H as follows: "Any owner or keeper of any animal in the Town of Dudley who has received written notice of quarantine and does not comply with said quarantine order, or if the quarantined animal is found outside the approved enclosure of its owner or keeper and not under his/her immediate care, shall be subject to an immediate order to ~~destroy or order to be housed~~ the animal or to house the animal at an approved boarding facility at the owner's expense."

To revise Subsection I as follows: "It shall be the duty of the Animal ~~Inspector~~ Control Officer to investigate and enforce the provisions of this bylaw[,] and to give written notice to the Board of Health, ~~Animal Control Officer~~ and the animal owner in regards to all quarantines."

Sections 128-5A and 128-6A are amended to change "Animal Control Officer/Animal Inspector" to "Animal Control Officer."

Section 128-8 is amended as follows: "If written complaint is made to the Board of Selectmen or Chief of Police regarding a vicious or dangerous dog or excessive barking/howling or a dog which in any other manner disturbs the peace and quiet of any neighborhood or endangers the safety of any person or animal, such complaint shall be acted upon in conformance with MGL 140, §§ 157 and 158."

Section 128-12B is amended as follows: "The owner or keeper of any dog or cat impounded under the provisions of this bylaw may redeem such dog or cat provided the owner or keeper shows proof of a current rabies vaccination before the dog or cat is released."

Section 128-13 is amended as follows: "Notwithstanding any provisions of the General Laws to the contrary, any Animal Control Officer who takes cognizance of a violation of this bylaw; or failure to license animals pursuant to MGL c. 140 and this bylaw; or failure to obtain a ~~residential kennel or commercial~~ kennel license; or failure to vaccinate against rabies pursuant to MGL c. 140, § 145B, may issue or mail a notice of complaint of violation of ~~municipal dog control~~ this bylaw to the owner or keeper of such animal."

Chapter 139, Cemetery (formerly Article 26).

Section 139-1 is amended as follows: "Any reconveyance of ~~the lot one~~ a lot deeded by the Town shall require the Cemetery Commissioners and the Town Clerk to be notified of such transfer and a fee will be charged in accordance with MGL c. 262, § 34, Clause 78, and the records shall be open to the public at all reasonable times."

Section 139-7 is amended as follows: "Said space will be set aside for the burials of honorably discharged veterans residing in the Town of Dudley at the time of their enlistment into the service and/or at the time of their death, proof of residency having been established by the Veterans' Agent and subject to the satisfaction and approval of the Cemetery Commissioners."

Chapter 147, Demolition Delay (formerly Article 39).

Section 147-4B is amended as follows: "Every ~~applicant~~ application for a demolition permit shall be made upon a form provided by the Building Inspector and shall be signed by the owner or the owner's agent under the power of attorney."

Chapter 158, Excavations and Fill (formerly Article 17).

Section 158-1 is amended as follows: "The primary intent of this bylaw is to establish guidelines and regulate the removal, importation, and filling of any material for the protection ~~and of~~ human health, public safety, welfare, and the integrity of the natural resources, including aquifers, bodies of water and the wetlands of the Town of Dudley."

Sections 158-4B, 158-11 and 158-12 are amended to change "Building Inspector/Zoning Enforcement Officer" to "Building Inspector."

Chapter 164, Fees (formerly Article 29).

Section 164-3 is amended as follows: "The Conservation Commission, upon receipt of an application, or at any point during the hearing process, ~~the Commission~~ is authorized to require an applicant to pay a fee for the reasonable costs and expenses borne by the Commission for specific expert engineering and other consultant services deemed necessary by the Commission to come to a final decision on the application."

Chapter 195, Junk Dealers and Collectors (formerly Article 7).

Section 195-4 is added to read as follows: "Whoever acts as a collector of, dealer in or keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles without a license, or in any other place or manner than that designated in his license or after notice to him that his license has been revoked, or violates any such rule, regulation or restriction, shall forfeit \$20."

Chapter 203, Lakes and Ponds (the following provisions located in the former Article 46).

Section 203-2B is amended as follows: "Ages 10 to 14 13 years may operate a powerboat with an accompanying adult."

Section 203-2C is amended as follows: "Ages 14 to ~~16~~ 15 years may operate a powerboat with a Coast Guard certificate or an accompanying adult."

Chapter 210, Licenses (the following provisions located in the former Article 46).

The definition of "party" in § 210-1 is amended as follows: "Any person, corporation or business enterprise that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than 12 months."

Section 210-2 is amended to delete "for a twelve-month period" from the end of Subsection A; to delete "for not less than a twelve-month period" from Subsection B; and to revise Subsection C as follows:

The Town Treasurer/Collector shall annually, and may quarterly or sooner, furnish to each licensing authority of the Town of Dudley a copy of the master list. Upon receipt of the master list, the licensing authority may, in accordance with the terms of this ~~ordinance~~ bylaw, deny, revoke or suspend any license or permit, including renewals and transfers of the same, of any party whose name appears on the master list. If the ~~Board~~ licensing authority determines that any activity, event or other matter which is the ~~object~~ subject of such license or permit is to be carried out or exercised on or about real estate owned by any party who appears on said list furnished by the Town Treasurer/Collector, then the licensing authority may deny, revoke or suspend any license or permit or refuse to transfer the same.

Section 210-3C is amended to change "the Board" to "the licensing authority."

Section 210-5 is amended to change "license authority" to "licensing authority."

Chapter 250, Solid Waste (the following provision is new – Chapter 250 contains the former Article 35).

Section 250-2 is added to read as follows: "The penalty for violation of this bylaw shall be as provided in § 1-5 of the General Bylaws."

Chapter 257, Streets and Sidewalks (the following provision is new – Chapter 257 contains the former Articles 8 and 12.1).

Section 257-9 is amended as follows: "No person shall meddle with any hydrant, gate, gate box, or water pipe placed or located within the limit of any public way in this Town without the permission from the Water and Sewer Superintendent of the Water Department or any member of the Board of Water and Sewer Commissioners."

Section 257-14C is amended as follows: "The improvements that are needed will be determined by the Highway ~~Department~~ Superintendent or designee, Planning Board, ~~consultant~~ or its designee, Town Engineer and the Selectmen or their designee."

Section 257-19 is amended as follows: "Failure to comply with this bylaw shall subject property owners to a fine of ~~not more than~~ \$25 per day for each offense."

Section 257-21A is amended as follows: "Unless otherwise required by any applicable law, the formula to be used for such assessments shall be to equally apportion such costs to each owner as listed in the records of the Board of Assessors directly abutting along and/or adjacent to the road to be repaired/improved, whether or not such owner's property directly faces or is located along the road ~~where~~ at the specific location of the repairs undertaken pursuant to this article, on the basis of the total costs of such repairs and borrowings."

Chapter 263, Swimming Pools and Hot Tubs (formerly Article 23).

Section 263-5A is amended as follows: " The owner of property ~~have~~ having a fence or other protective enclosure in existence at the time this bylaw is accepted by the Town may seek a special permit from the Planning Board to exempt him from strict compliance with this bylaw."

Chapter 280, Vehicles and Traffic (the following provisions were contained in former Articles 24, 10, 12 and 21).

Section 280-5 is amended as follows: "Restricted hours for on-street parking between November 1 ~~EARTH~~ and March 30, and authorize a schedule of penalties for violations of this bylaw."

Section 280-6 is amended to read as follows:

§ 280-6. Parking in handicapped spaces or fire lanes.

- A. No person shall leave any unauthorized vehicle unattended within a handicapped parking space, including the cross hatch area, designated as reserved for vehicles owned and operated by disabled veterans or handicapped persons, nor in such a manner as to obstruct a curb ramp designed for use by a handicapped person as a means of egress to a street or public way. Any vehicle which is left or parked in violation of the provisions of this section shall be removed in accordance with the provisions of MGL c. 40, § 22D, and any regulations adopted thereunder. The penalty for such violation shall be \$100 for the first offense and \$300 for each subsequent offense.
- B. No person shall leave any vehicle unattended within the limits of private ways furnishing means of access for fire apparatus to any building. The penalty for such violation shall be \$100.

Section 280-7 is amended as follows: "No person, except public safety officials or other town officials or designees while in the performance of his or her duties, shall operate any motorized vehicle or bicycle on the grounds of the sanitary landfill, conservation/rail trails or on or within 15 feet of the base of any publicly owned dam in the Town of Dudley."

Section 280-8 is amended as follows: "No more than one unregistered motor vehicle, assembled or disassembled, shall be kept, stored or allowed to remain on a lot in the Town except by a duly licensed dealer in secondhand motor vehicles licensed under MGL c. 140, § 59, and except as provided in § 280-9A of this article."

Section 280-9A is amended as follows: "The Selectmen may issue a permit to keep, store or allow more than one such vehicle on a lot after holding a public hearing thereon, first causing at least seven days' notice of the time, place and subject matters of such hearing to be given at the expense of the applicant by publication in a newspaper of general circulation in the Town and to the owners of property shown on the Assessor's most recent valuation list as the owners of the property abutting said lot."

Chapter 287, Water and Sewers (the following provisions were contained in the former Article 18).

Section 287-1 is amended to change "Water and/or Sewer Department" to "Water and Sewer Department."

Section 287-2 is amended as follows:

No article for water or sewer line extension shall be submitted to a Town warrant unless the Water and Sewer Department[s,] ~~as pertains to their respective Departments,~~ shall have contacted and notified all abutters of the proposed water or sewer line and the said Water ~~or~~ and Sewer Department shall have obtained agreement thereto in writing from the owners of 66 2/3% of the assessable frontage, said agreements to be certified by the Board of Assessors and filed with the Town Clerk. If however, the water line or sewer line is necessary for the health, safety or comfort of the Town or for the proper maintenance of the Water and Sewer Department[s], then the article may be submitted without obtaining written agreement from the abutters.

Section 287-3 is amended to change "Sewer Commission" to "Board of Water and Sewer Commissioners."

Sections 287-8 and 287-11 are amended to change "Board of Water Commissioners" to "Board of Water and Sewer Commissioners."

Chapter 294, Wetlands Protection (formerly Article 43).

Section 294-5A(1) is amended to change the site evaluation fee from \$150 to \$200.

Section 294-5A(2) and 294-9A(1) are amended to change "Conservation Consultant" to "Wetland Consultant."

Section 294-9B(7)(a) is amended as follows: "Each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, ~~with~~ and each provision of the bylaw, regulations, permits or administrative order(s) violated shall constitute a separate offense."

Section 294-10H(1)(e) is amended as follows: "The notice of intent submittal for a replication area shall include a detailed plan of replication showing:"

Subsection (9) of the definition of "alter" in § 294-14A is amended as follows: "Changing temperature, biochemical oxygen demand or other physical, ~~biology~~ biological, or chemical characteristics of any waters."

ARTICLE 12– (Treasurer/Collector) – To see if the Town will vote to transfer from various accounts listed below the sum of Eighty Six Thousand Forty Three Dollars and Ninety Cents (\$86,043.90) to the Unemployment Trust Account #0800-000-5780-00, or take any other action relative thereto.

Transfer from following accounts:

Town Accountant Clerk – Account No.: 0001-135-5113-01 in the amount of \$765.47
Treasurer/Collector P.T. – Account No.: 0001-145-5124-01 in the amount of \$5,000
Personnel Clerk – Account No.: 0001-152-5113-01 in the amount of \$529.84
Assistant Town Clerk – Account No.: 0001-161-5113-01 in the amount of \$2,218.00
Conservation Clerk – Account No.: 0001-171-5121-01 in the amount of \$1,244.86
Building/Grounds Laborer – Account No.:0001-196-5113-01 in the amount of \$4,872.76
Building/Ground Supervisor – Account No.: 0001-196-5114-01 in the amount of \$14,252.74
Building/Grounds P.T – Account No.: 0001-196-5115-01 in the amount of \$2,358.08
Operating Exps. 0001 122 5705 02 in the amount of \$2,984.39
Board of Health Clerk – Account No.: 0001-240-5113-01 in the amount of \$6,590.54
Building Clerk – Account No.: 0001-242-5113-01 in the amount of \$9,012.38
Library Aides – Account No.: 0001-610-5115-01 in the amount of \$25,406.09
IT Communication Exps – Account 0001 136 5781 02 in the amount of \$740.00
IT Communication Exps – Account 0001 136 5781 02 in the amount of \$115.00
IT Communication Exps – Account 0001 136 5781 02 in the amount of \$37.00
Personnel Expenses – Account 0001 152 5700 02 in the amount of \$123.00
Personnel Seminars – Account 0001 152 5710 00 in the amount of \$175.00
Bay Path – Account 0001 320 5650 02 in the amount of \$9,618.75
TOTAL: \$86,043.90

ARTICLE 13– (Town Administrator) – Amend ARTICLE 50 Section 1C - TOWN ADMINISTRATOR – APPOINTMENT, REVIEW, OTHER ACTIVITIES – To see if the Town will vote to amend the Town's General Bylaws, ARTICLE 50 Section 1C – TOWN ADMINISTRATOR –Appointment, Review, Other Activities, by adding the underlined wording as follows, or take any other action relative thereto.

Section 1(c) - Restriction on Other Activities – The Town Administrator shall devote his/her full time to the duties of his/her office and shall be eligible to be appointed to the position of Constable, upon majority vote of the Board of Selectmen and to a term concurrent with Article 50 Section 1(a), and shall be permitted to serve as a Notary Public and Commissioner to Qualify Public Officers, but will not hold any other public office, elective or appointive, nor shall he/she engage in any other business, occupation or profession during his/her term unless such action is

approved, in advance, in writing, by the Board of Selectmen, or take any other action relative thereto.

ARTICLE 14- (Town Administrator) - To see if the Town will vote to amend ARTICLE 38 –CAPITAL IMPROVEMENT COMMITTEE, by striking out and adding the bold text as follows:

The Board of Selectmen shall establish and appoint a committee to be known as the Capital Improvement Planning Committee, composed of one member of the Board of Selectmen, one member of the Finance Committee, the Town Treasurer and four members at large. The Town Administrator, Town Treasurer/Collector and the Town Accountant shall be ex-officio Committee members **without the right to vote**. The Committee shall choose its own officers.

ARTICLE 15- (Board of Selectmen) - Amend ARTICLE 52 –RECREATION COMMISSION - To see if the Town will vote to amend the Town’s General Bylaws, **ARTICLE 52 -RECREATION COMMISSION**, by striking out and adding the bold text as follows:

1). Purpose: There hereby established in the Town of Dudley a Recreation Commission, whose purpose is to seek the development of recreational programs and the enhancement of recreational facilities and opportunities within the Town.

2). Composition: The Commission shall be comprised of five (5) members, all whom are residents of the Town. Commission members shall be appointed by the Board of Selectmen and shall serve at the pleasure of the Selectmen.

3). Duties and Responsibilities: The Commission shall be vested with the full power, duties and obligations necessary to accomplish this purpose, and they shall be charged with full responsibility for **the recreation programs designed by the Commission and approved by the Board of Selectmen. The Committee shall operate within the Commonwealth’s guidelines and the Town of Dudley’s requirements for a Town Committee.**

~~They shall have the ability to set up sub-committees for specific recreational purposes such as “Rail Trail Committee”, Town Beach Committee” or any other committee which will help it achieve its purpose. They shall have their own financial budget of the Town. These funds will be allowed to roll over from year to year so that an accumulation of funds is possible. The Commission will have the authority to make expenditures, not to exceed their budget, for the purpose of meeting their recreational goals. They shall have the ability to propose “fees” which must be approved at Town Meeting. They shall take ownership of all recreational programs and events within the Town of Dudley. Such programs will include:~~

~~Management of the beaches~~

~~Management of all Town owned Open Space and Conservation Land;~~

~~Rail Trails;~~

Boating;
Fishing;
Hunting;
Hiking Trails;
Walking Trails;
Town owned land;
Water Recreational Opportunities
~~Partnering with public and private agencies for all sports and community activities within the Town of Dudley.~~
~~Partnering with other Dudley town departments and organizations to promote recreational, cultural and social opportunities within Dudley.~~
~~Special Events, Town Celebrations—~~
~~In addition, the Commission will work closely with regional organizations such as The Last Green Valley, Dudley Conservation Land Trust and others, to have the Town of Dudley play a visible and active role in promoting the town as a recreational destination, or take any other action relative thereto.~~

4). Budget: The Commission may be provided with an annual budget at the discretion of the Board of Selectmen and within the applicable laws of the Commonwealth.

5). Revolving Fund: The Commission may with the approval of the Board of Selectmen design a program which may include a fee for participation. A revolving fund holding a percentage of the fees collected may be established at Town Meeting in accordance with the appropriate Mass. General Law.

6). Grants or Special Funding: The Recreation Commission will be considered part of the Town of Dudley with regards to the application for grants or similar special funding for the purposes of furthering an approved program or goal.

7). Gift Fund: The Commission may with the approval of the Board of Selectmen and within Mass. General Law establish a gift fund.

8). Land: Nothing in this section shall change the ownership, control or regulatory authority of any property in the Town of Dudley.

9). Applicability: Nothing in this section shall change, modify or overrule any Bylaw or delegation of authority in the Town of Dudley. No School, Non-profit or privately run recreational organization shall be affected by this section. Any question of authority will be determined by the Board of Selectmen and/or Town Meeting, or take any other action relative thereto.

Note: if this article and article 11 are approved by Town Meeting and the Massachusetts Attorney General, the revisions made under this article will appear in the recodified General Bylaws in Chapter 85 "Recreation Commission."

ARTICLE 16– (Water/Sewer Department) – Water Infrastructure Project – To see if the Town will vote to borrow the sum of Five Million Two Hundred Twenty Five Thousand Dollars and Zero Cents (\$5,225,000.00), or such other sum to cover costs associated with the construction of the Drinking Water System Improvements Project consisting of: Modifications to the Main Pump Station No. 1, Mason Road and Mason Road Extension Water Main replacement, water storage tank rehabilitation for the Bates Road Water Storage Tank and the Dresser Hill Road Water Storage Tank, and all other related improvements; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Clean Water Trust or otherwise, and recommended by the Capital Improvement Planning Committee, and that any premium received by the Town upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this order in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount or to take any other action relative thereto.

ARTICLE 17– (Water/Sewer Department) –Sewer Infrastructure Project – To see if the Town will vote to borrow the sum of One Million Three Hundred Thousand and Zero Cents (\$1,300,000.00) or other such sum, for the construction of the Dudley Infiltration and Inflow (I/I) Mitigation Construction Project consisting of: sewer rehabilitation including cured in place pipe lining, manhole lining and service lateral lining to mitigate infiltration and inflow (I/I) in the Town's collection systems; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Clean Water Trust or otherwise, and approved by the Capital Improvement Planning Committee, and that any premium received by the Town upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this order in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount or take any other action relative thereto.

ARTICLE 18 – (Water/Sewer Department) – Water Department PFAS Improvements Phase 1 – To see if the Town will vote to borrow the sum of One Million Dollars and Zero Cents (\$1,000,000.00) or other such amount, to design and construction related to connecting Pump Station No. 3 site to the Pump Station No. 6 site with a transmission water main and associated work related to blending Pump Station No 3 site water with the Pump Station No. 6 water prior to entering the water distribution system for purposes of blending water quality of PFAS levels and related work as needs as recommended by Tighe & Bond Engineering, and that any premium

received by the Town upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this order in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount or take any other action relative thereto.

ARTICLE 19– (Water/Sewer Department) – Water Department PFAS Improvements

Phase 2 – To see if the Town will vote to borrow the sum of Two Hundred Thousand Dollars and Zero Cents (\$200,000.00) or other such amount for work related to preliminary work for permanent treatment of PFAS at the sources at the Pump Station No. 3 and Pump Station No. 6 sites. Work of this Phase will consist of bench scale testing, preliminary Water Treatment Plan design and related work as needs and recommended by Tighe & Bond Engineering, and that any premium received by the Town upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this order in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount or take any other action relative thereto.

ARTICLE 20—(Conservation Commission Acting as Stormwater Authority) –Adopt 2003 Municipal Storm Water Sewer System (MS4) Permit pursuant to The Clean Water Act (Act), U.S.C. § 1319(a)(3), and in accordance with Section 309(a)(5)(A) of the Act, 33 U.S.C. §1319(a)(5)(A) – To see if the Town will vote to add a new section to its General Bylaws, “Prohibition of Illicit Discharges to the Storm Drain System,” in accordance with the 2003 Municipal Storm Water Sewer System (MS4) Permit, with a Chapter number as assigned by the Town Clerk, and further, to vote that the Town may impose a lien upon real property for unpaid costs of abatement required hereunder, including administrative costs, in accordance with G.L. c. 40, §58, or take any other action relative thereto.

PROHIBITION OF ILLICIT DISCHARGES TO THE STORM DRAIN SYSTEM

SECTION 1. PURPOSE

Increased volumes and contamination of storm water lead to impaired water quality and flow in lakes, streams, rivers, wetlands, and groundwater; contamination of drinking water supplies; alteration or destruction of wildlife habitat; and flooding.

The purpose of this bylaw is to safeguard the environment and the health and general welfare of the citizens of the Town of Dudley through the regulation of illicit connections and illicit discharges to the municipal separate storm sewer system (MS4). The objectives of this bylaw are:

- (1) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this bylaw;
- (2) To comply with state and federal statutes and regulations related to storm water discharges;

- (3) To prevent pollutants from entering the MS4 by storm water discharges;
- (4) To prohibit illicit connections and discharges to the MS4 and;
- (5) To require the removal of such illicit connections.

SECTION 2. DEFINITIONS

For the purposes of this bylaw, the following terms shall mean:

- A. **Best Management Practices (BMPs):** Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- B. **Clean Water Act:** The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.
- C. **Construction Activity:** Activities subject to NPDES Construction Permits that result in a land disturbance of greater than or equal to one acre. This shall also include disturbances less than one acre if that disturbance is part of a larger common plan of development or sale that would disturb one or more acres. This would include any land disturbance resulting from but not limited to, clearing and grubbing, grading, excavating, and demolition.
- D. **Hazardous Materials:** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- E. **Illegal Discharge:** Any direct or indirect non-storm water discharge to the MS4, except as exempted in Section 8 of this bylaw.
- F. **Illicit Connections:** A surface or subsurface drain or conveyance which allows an illicit discharge into the MS4, including, but not limited to, sewage, process wastewater or wash water, and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this bylaw.
- G. **Industrial Activity:** Activities and facilities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b) (14).
- H. **MS4:** Municipal Separate Storm Sewer Systems, also known as the municipal storm drain system.
- I. **National Pollutant Discharge Elimination System (NPDES) Storm water Discharge Permit:** A permit issued by U.S. Environmental Protection Agency or jointly with the State of Massachusetts under authority delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the United States.
- J. **Non-Storm water Discharge:** Any discharge to the MS4 that is not composed entirely of storm water.
- K. **Person:** Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
- L. **Pollutant:** Anything which causes or contributes to pollution. Pollutants may include,

but are not limited to:

- a. Paints, varnishes, and solvents;
 - b. Oil, gasoline, and other automotive fluids;
 - c. Non-hazardous liquid and solid wastes' and yard wastes;
 - d. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, bylaws, and accumulations;
 - e. Floatables;
 - f. Pesticides, herbicides, and fertilizers;
 - g. Hazardous substances and wastes;
 - h. Sewage, fecal coliform and pathogens;
 - i. Dissolved and particulate metals;
 - j. Animal wastes;
 - k. Wastes and residues that result from constructing a building or structure;
 - l. Noxious or offensive matter of any kind.
- M. **Premises:** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- N. **Process Wastewater:** Water that comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product in manufacturing or processing.
- O. **Storm Drainage System:** Publicly-owned facilities by which storm water is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
- P. **Storm water:** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
- Q. **Storm water Pollution Prevention Plan:** A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm water, Storm water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.
- R. **Violator:** Any person who has been issued a notice of violation of this bylaw.
- S. **Wastewater:** Any water or other liquid, other than uncontaminated storm water, discharged from a facility.
- T. **Watercourse:** A manmade or natural channel through which water flows, such as a river, brook, or underground stream.
- U. **Waters of the Commonwealth:** All waters within the jurisdiction of the Commonwealth, including without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal rivers, and groundwater.

SECTION 3. APPLICABILITY

This bylaw shall apply to all water entering the municipal storm drainage system generated on any developed and undeveloped lands unless explicitly exempted by the Planning Board. The provisions in this bylaw shall take precedence over any conflicting provisions from previous bylaws.

SECTION 4. AUTHORITY

This bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act and pursuant to the regulations set forth in the federal Clean Water Act found at 40 CFR 122.34.

SECTION 5. RESPONSIBILITY FOR ADMINISTRATION AND ENFORCEMENT

The Conservation Commission shall administer, implement, and enforce the provisions of this bylaw. The Chairman of the Conservation Commission may delegate, in writing, any powers granted or duties of the Conservation Commission to its employees or agents.

SECTION 6. PROHIBITED ACTIVITIES

A. Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the MS4 or watercourses any materials, including, but not limited to, pollutants or waters containing any pollutants set forth in this bylaw.

B. Prohibition of Illicit Connections.

No person shall construct, maintain, use, or allow the continued existence of illicit connections to the MS4, regardless of whether the illicit connection was permissible under law, regulation, or custom at the time of connection.

C. Obstruction of MS4.

No person shall obstruct or interfere with the normal flow of storm water into or out of the MS4 without prior written approval from the Conservation Commission.

SECTION 7. EXEMPTIONS

The following discharges are exempt from discharge prohibitions established by this bylaw, unless the discharge is determined by the Conservation Commission or the United States Environmental Protection Agency (USEPA) to be a significant contributor of a pollutant to the MS4, in which case the following discharges may be subject to the terms of this bylaw:

- A. Water line and hydrant flushing;
- B. Flow from potable water sources;
- C. Flow from landscape irrigation or lawn watering;
- D. Wastewater from non-commercial washing of vehicles;
- E. Flow resulting from firefighting activities;
- F. Dechlorinated water from swimming pools (if dechlorinated to less than one part per million chlorine);
- G. Uncontaminated water originating from residential pumping including air conditioning condensation and water from exterior fountain or footing drains (not including active groundwater dewatering systems);
- H. Diverted stream flows, rising ground water, ground water infiltration to storm drains, springs, or natural flow from riparian habitats or wetlands;
- I. Dye testing, given a verbal notification to the Conservation Commission prior to the time of testing;
- J. Discharges specified in writing by the Conservation Commission as being necessary to protect public health and safety; and

- K. Any non-storm water discharge that is permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the U.S. Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

SECTION 8. SUSPENSION OF MUNICIPAL STORM DRAIN SYSTEM ACCESS

D. Suspension Due to Illicit Discharges in Emergency Situations.

The Conservation Commission may, without prior notice, suspend MS4 discharge access to a person if it is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the Commonwealth. If the person fails to comply with a suspension order issued in an emergency, the Conservation Commission may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the Commonwealth or to minimize danger to persons.

E. Suspension Due to the Detection of Illicit Discharge.

Any person discharging to the MS4 in violation of this bylaw may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Conservation Commission will notify a violator of the proposed termination of its MS4 access. The person may petition the Conservation Commission for a reconsideration and hearing.

SECTION 9. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Conservation Commission prior to the allowing of discharges to the MS4.

SECTION 10. MONITORING OF DISCHARGES

A. Applicability.

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

B. Access to Facilities.

- 1) The Conservation Commission may request to enter and inspect facilities subject to regulation under this bylaw as often as may be necessary to determine compliance with this bylaw. If a discharger has security measures in place which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Conservation Commission.
- 2) Facility operators shall allow the Conservation Commission ready access to all parts of the premises for the purposes of inspection, sampling, examination and

copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

- 3) The Conservation Commission shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Conservation Commission to conduct monitoring and/or sampling of the facility's storm water discharge.
- 4) The Conservation Commission has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.
- 5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Conservation Commission and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- 6) Unreasonable delays in allowing the Conservation Commission access to a permitted facility is a violation of a storm water discharge permit and of this bylaw. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the Conservation Commission reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this bylaw.
- 6) If the Conservation Commission has been refused access to any part of the premises from which storm water is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this bylaw, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this bylaw or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Conservation Commission may seek issuance of a search warrant from any court of competent jurisdiction.

SECTION 11. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES

The Conservation Commission will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the MS4, or waters of the Commonwealth. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 or watercourses through the

use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

SECTION 12. WATERCOURSE PROTECTION

Every person owning property through which a watercourse passes, or such person's lessee, shall not place trash, debris, yard waste, vegetation, or other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

SECTION 13. NOTIFICATION OF SPILLS

Notwithstanding other requirements of local, state, or federal law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the MS4, or waters of the Commonwealth, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release in accordance with this bylaw and any regulations promulgated pursuant to this bylaw. In the event of release of hazardous materials from the sanitary sewer, said person shall immediately notify the Board of Health. In the event of release of any other hazardous material, said person shall immediately notify the Fire Department who shall then notify the Conservation Commission. In the event of a release of non-hazardous materials, said person shall notify the Conservation Commission no later than the next business day. Notification of a release to the Conservation Commission shall include all pertinent information regarding the release, including proof of notification to the Massachusetts Department of Environmental Protection, if such notification was required.

SECTION 14. ENFORCEMENT

- A. Authorized Agent.
The Conservation Commission and any authorized agents shall enforce the provisions of this bylaw, issue and prosecute violation notices and enforcement orders, and may pursue all criminal and civil remedies for such violations.
- B. Orders.
Whenever the Conservation Commission or its authorized agent finds that a person

has violated a prohibition or failed to meet a requirement of this bylaw, it may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- 1) The performance of monitoring, analyses, and reporting;
- 2) The elimination of illicit connections or discharges;
- 3) That violating discharges, practices, or operations shall cease and desist;
- 4) The abatement or remediation of storm water pollution of contamination hazards and the restoration of any affected property; and
- 5) Payment of a fine to cover administrative and remediation costs; and
- 6) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property are required, the notice shall set forth a deadline within which such remediation or restoration must be completed. If elimination of illicit connections or discharges is required as abatement, such elimination must be completed within sixty (60) days from the identification of the illicit connection or discharge. The Conservation Commission may, for good cause extend the time for compliance after written request. If an extension beyond 60 days is necessary, the violator must submit to the Conservation Commission a written schedule for expeditious elimination of the illicit discharge at least ten (10) days prior to the 60-day deadline. The violator shall provide a monthly progress report to the Conservation Commission summarizing the status of the elimination schedule. In the interim period, the violator may be required to take reasonable and prudent measures to minimize the discharge of pollutants to and from the MS4.

Should the violator fail to remediate or restore within a timeframe deemed reasonable by the Conservation Commission the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

Within thirty (30) days after abatement of the violation, the violator will be notified of the cost of abatement, including administrative costs. The violator may file a written protest objecting to the amount of the assessment within thirty (30) days of receipt of the notification of costs incurred. If the amount due is not paid within a timely manner, as determined by the decision of the Conservation Commission or its designated agent, or by the expiration of the time in which to file an appeal, the Conservation Commission may impose a municipal charges lien on the property pursuant to Massachusetts General Laws Chapter 40, Section 58.

C. Appeals.

The decisions or orders of the Conservation Commission or its designated agent shall be final. Further relief shall be to a court of competent jurisdiction.

D. Civil Relief.

If a person has violated or continues to violate the provisions of this bylaw, the Conservation Commission may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

E. Criminal Penalty.

Any person that has violated or continues to violate this bylaw shall be fined \$300 per offense, the maximum allowable penalty under the Massachusetts General Laws, Chapter 40, Section 21. Each day such violation continues shall constitute a separate offense.

F. Non-Criminal Disposition.

In lieu of enforcement proceedings, penalties, and remedies authorized by this bylaw, the Conservation Commission may elect to use the non-criminal disposition procedure set forth in Massachusetts General Laws, Chapter 40, Section 21D, and the Town's General Bylaws. The penalty shall be \$300 per offense, with each day a violation continues constituting a separate offense.

G. Violations Deemed a Public Nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this bylaw is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

H. Remedies Not Exclusive.

The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Conservation Commission to seek cumulative remedies.

SECTION 15. SEVERABILITY

The provisions of this bylaw are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

SECTION 16. REGULATIONS

The Conservation Commission or selected designee may promulgate after due notice and public hearing Rules and Regulations to effectuate the purposes of this bylaw. Failure by the Conservation Commission or selected designee 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.

SECTION 17. TRANSITIONAL PROVISIONS

Property owners shall have sixty (60) days from the effective date of the bylaw to comply with its provisions or petition the Conservation Commission for an extension.

ARTICLE 21 – (Board of Selectmen) – Special Legislation Petition - To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for Special Legislation authorizing the Town Administrator to approve all bills, drafts, orders and payrolls under the

authority of the Board of Selectmen, and sign warrants for payment on behalf of the Board of Selectmen, notwithstanding any general or special law to the contrary, and subject to the provision that the Town Administrator shall make available to said Board any records of such actions on a regular basis and as the Board may require; provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments thereto prior to enactment by the General Court; and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition; or take any other action relative thereto.

ARTICLE 22 – (Police Department) – To see if the Town will vote to transfer the sum of Five Thousand Dollars and Zero Cents (\$5,000.00) from the Firearms Services Revolving Fund Account #0910-000-5780-00 to the Police Overtime Account #0001-210-5700-01, to offset costs incurred during the fiscal year, or take any other action relative thereto.

ARTICLE 23- (Planning Board) - To see if the Town will vote to accept the twelfth paragraph of G.L. c. 41, §81U, under which the Town may spend up to \$100,000 of a surety posted to secure the construction of ways and the installation of municipal services in a subdivision approved under the Subdivision Control Law, without appropriation but with the approval of the Board of Selectmen, in order to complete work as specified in the approved subdivision plan relative to the construction of ways and the installation of municipal services, or take any other action relative thereto.

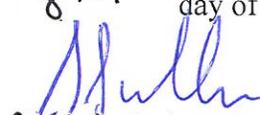
ARTICLE 24- (Town Administrator) – Acceptance of fourth paragraph of MGL Chapter 40, §5B - To see if the Town will vote to accept the fourth paragraph of G.L. c 40, §5B, under which the Town may dedicate, without further appropriation, all, or a percentage not less than 25 per cent, of particular fees, charges or other receipts to any stabilization fund established under G.L c. 40, §5B, to be effective for Fiscal Year commencing July 1, 2020, or take any other action relative thereto.

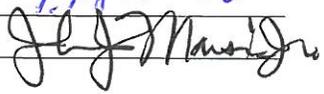
ARTICLE 25 – (Board of Selectmen) – Discontinue Chestnut Street Ext. as a Public Way- To see if the town will vote to discontinue as a public way the portion of Chestnut Street Extension shown as “Chestnut S. Ext.” on a plan entitled “Plan for Diamond Match Co. of Webster Lumber & Supply Co. Dudley - Mass”, dated April 16, 1941, prepared by J.R. Kleindienst, recorded with the Worcester South District Registry of Deeds in Plan Book 118, Plan 10, which parcel runs from its intersection with the southerly line of Oxford Street to the parcel of land shown on said plan as ‘Boston & Albany R.R. Leased to Webster Lumber & Supply Co’. , and to transfer the care, custody and control of said discontinued portion from the Board of Selectmen for public way purposes to the Board of Selectmen for the purpose of conveyance, and, further, to authorize the Board of Selectmen to convey and release all right, title and interest of the Town in said portion on such terms and conditions, and for such consideration, which may be minimal consideration, as the Board deems appropriate, or take any other action relative thereto.

You are hereby directed to serve this warrant by posting attested copies thereof, at the Dudley Municipal Center and on the Town of Dudley Web site and by posting notice of availability of the Warrant on one (1) Cable Access Channel.

Warrant to be posted at least seven (7) days before holding of said meeting. Hereof, fail not, and make due return of this warrant with your doing thereon, to the Town Clerk at the time of holding of said meeting.

Given under our hands this : 8th day of June in the year Two Thousand Twenty.

Steven Sullivan, Chairman 

John Marsi, Vice-Chairman 

Kerry J. Cyganiewicz, Clerk _____

Paul Joseph _____

Jason Johnson _____

Board of Selectmen 

I have notified and warned the inhabitants of the Town of Dudley by posting up attested copies of the same at the Dudley Municipal Center on the ____ of ____ 2020. I also observed it posted on the Town's Website and notice of availability on the Dudley Cable Access Channel on the ____ of ____ 2020.

Thereby making my return to the Dudley Town Clerk on the ____ of ____ 2020.

Constable, Town of Dudley