



Town of Walpole Select Board Policies & Procedures

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SECTION 101: GENERAL

101-001: PURPOSE

The Select Board of the Town of Walpole, (hereinafter “the Board”), recognizing the need to codify the traditional and accepted working relationships among the members of the Board, between the Board and the Town Administrator and between the Board and other Town boards, committees, officials and citizens, and also recognizing the need to systemize and commit to writing the Town’s public policies and procedure, here by create operating procedures for the Select Board.

101-002: NATURE OF POLICIES and PROCEDURES

These policies and procedures shall contain items relating to topics that cannot be addressed elsewhere. Topics that would more appropriately be addressed in a statute, by-law, regulation or Charter shall not be addressed in this format.

101-003: PROTOCOL FOR ESTABLISHING POLICIES and PROCEDURES

Draft policies and procedures shall be placed on the agenda for a regularly scheduled meeting of the Board. Drafts shall be in writing, and may be introduced only by a member of the Board or the Town Administrator. Upon receipt of a draft the Board may choose to discuss the policy immediately or schedule it for a future meeting. The Board may schedule any hearings or meetings they feel necessary for discussion. The Board may distribute a draft copy of the policy to the appropriate officials they feel necessary for comment.

101-004: AUTHORITY

The powers of the Select Board are established by state laws, the By-laws and Charter of the Town of Walpole and are granted in terms of action as a group, members of the Board have authority only when acting as a board legally in session.

101-005: VIOLATIONS

Any person who violates any provision of these policies & procedures shall be subject to disciplinary action by their appropriate appointing authority.

SECTION 102: ESTABLISHMENT

102-001: ELECTION and QUALIFICATION

In accordance with the Town Charter the Board shall consist of five duly elected members. An individual must be a registered voter in the Town. Upon election, the Board member must take an oath of office and be sworn to faithful performance of official responsibilities by the Town Clerk.

102-002: VACANCY

The process for addressing a vacancy in the membership of the Select Board is outlined in Section 3-10 of the Walpole Town Charter.

102-003: ROLE OF THE SELECT BOARD, POWERS AND DUTIES

1. The Select Board is responsible to the people of the Town of Walpole. All executive authority of the town government shall be vested in a Select Board. The Select Board shall have all the powers and duties conferred upon Boards of Selectmen and Select Boards under the Constitution and General Laws of the Commonwealth and as determined by the Town By-Laws and the Walpole Charter.

The Select Board by State Law and local Charter have the powers and duties to make or rescind appointments to town boards, offices and committees, authorized or required by the General Laws, the Charter, by By-Law or by the Representative Town Meeting. They are responsible for supervising the departments of the general government that are not supervised by other elected officials. This responsibility is delegated to the Town Administrator, and the Board will refrain from involvement in the day-to-day operations. Comments and questions about town departments should be addressed to the Town Administrator. The Board may be called upon to resolve disputes that are unable to be resolved on the staff level.

2. To sign warrants for the payment of all town bills
3. To appoint a professional town administrator and town counsel
4. To prepare the Town Meeting warrant
5. To provide executive policy and procedure to be carried out by the Town Administrator.
6. To act with all powers and duties as Commissioners of Police, Fire, Roads and Cemeteries.
7. To make investigations of the affairs of the town and the conduct of any town department, office or agency or employee of the town, whether elected or appointed, serving with or without pay, and any claims against the town or require the Town Administrator and/or town counsel to make such an investigation.
8. To make final approval and award any contracts negotiated on behalf of the town, except for those contracts preempted by state statute.
9. To act as the Licensing Authority of the town and to issue licenses and/or permits to properly regulate the activities of business in regard to public health, safety and well-being, except as otherwise provided by state law.
10. To provide for an independent audit of the accounts of the town.
11. To require all offices and municipal agencies to administer and enforce the laws equally among the public to protect the general welfare; and to bring suit against any offices or municipal agency if necessary to carry out the rule of that law.

102-004: GOALS AND OBJECTIVES

The Select Board will periodically establish goals and procedures. Goals, which are time specific, will be evaluated by the Board against specific objectives.

The Board will establish goals in the following areas:

1. Fiscal Management
2. Communications
3. Policy Development
4. Intergovernmental communications/relations
5. Public relations
6. Select Board/Town Administration relations
7. Select Board meeting effectiveness/efficiency

Upon review of goals, the Select Board will establish a new series of objectives and set dates for next evaluation.

102-005: ORGANIZATION OF THE BOARD

The Select Board shall organize annually at the first regularly scheduled meeting following the annual election of Town Offices. The organizational meeting shall be called to order by the previous Chair who shall preside as Chair pro tem until a new Chair is elected. A majority vote shall constitute an election. If there is no immediate previous Chair, the senior member in terms of current service shall serve as Chair pro tem. Nominations for office of Chairperson will be made from the floor. Nominations require a second. Upon the election of the Chairperson, they will call for the election of a Vice-Chair and a Clerk under the same provisions stated for Chair.

SECTION 103: RESPONSIBILITES

103-001: RESPONSIBILITES OF THE CHAIR

The Chair has the same powers as any other member of the Board to vote upon all measures coming before it, to offer resolutions and to discuss questions.

1. Preside at all meetings of the Board. Calling the meeting to order at the appointed time. Maintain order in the meeting room, recognize speakers, call for votes and announce the business before the Board.
2. Sign documents necessary to carry out state requirements and other documents as voted by the Board.
3. Call Special meetings in accordance with the Open Meeting Law.
4. Participate in the planning of the Board's Agenda.
5. Coordinate with the Town Administrator and Board's Executive Assistant the scheduling of appointments before the Board.
6. Confer with the Town Administrator regarding matters that may occur between meetings.
7. Communicate with all members of the Board information relative to matters before the Board.
8. Represent the Board at meetings, conferences and other gatherings unless otherwise determined by the Board.
9. Serve as spokesperson of the Board at Town Meetings and present the Board's position unless otherwise determined by the Board or delegated by the Chair.
10. The Chair shall have the same rights as other members to discuss questions and to vote thereon. In the absence of other offerings they may introduce motions, seconds to motions and resolutions.

103-002: RESPONSIBILITIES OF THE VICE-CHAIR

The Vice-Chair of the Board will act in the absence of the Chairperson as presiding officer of the Board and will perform such other duties as may be delegated or assigned to him/her.

103-003: RESPONSIBILITIES OF THE CLERK

The primary duties of the Clerk are to sign any official document requiring the Clerk's signature and in the absences of the Executive Assistant, the Clerk will take minutes.

103-004: ROLE OF THE TOWN ADMINISTRATOR

The Select Board, by an affirmative vote of the majority, shall appoint a Town Administrator who functions as the Town's Chief Administrative Officer and shall be directly responsible to the Select Board for the administration of all town affairs placed in their charge by or under the Charter or Town by-law. The primary duties of the Town Administrator shall be the day-to-day administration of the general government as outlined in the Town Charter, the General Bylaws, and the position's job description.

The Town Administrator must maintain a close working relationship with all members of the Board. They shall regularly brief the Board members on all important issues.

In order to provide the Town with continuity of management and the Town Administrator with job security, the Board is committed to maintaining an employment agreement with the Town Administrator, as permitted by Statute.

103-005: BOARD ETHICS

1. A member of the Select Board in relation to the community, should
 - a. Realize that their basic function is to make policy, with administration delegated to the Town Administrator.
 - b. Realize that they are one of the team and should abide by, and carry out, all board decisions once they are made.
 - c. Be well informed concerning the duties of a board member on both local and state levels.
 - d. Remember that they represent the entire community at all times.
 - e. Accept the office of Select Board member, as a means of unselfish service, not benefit personally or politically from their board or outside activities.
 - f. In all appointments, avoid political patronage by judging all candidates on merit, experience, and qualifications only.
 - g. Abide by the ethics established by the State and not use the position to obtain inside information on matters, which may benefit someone personally.
2. A member of the Select Board, in their relations with administrative officers of the Town should:
 - a. Endeavor to establish sound, clearly defined policies that will direct and support the administration for the benefit of the people of the community.
 - b. Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside of the administration.
 - c. Give the Town Administrator full responsibility for discharging their disposition and solution.
3. A member of the Select Board, in their relations with fellow board members, should:
 - a. Recognize that action at official legal meetings is binding and that they alone cannot bind the Board outside of such meetings.
 - b. Not make statements or promises of how they will vote on matters that will come before the Board until they have had an opportunity to hear the pros and cons of the issue during a Board meeting.
 - c. Uphold the intent of executive session and respect the privileged communications that exists in executive session.

- d. Make decisions only after all facts on an issue have been presented and discussed.
- e. Treat with respect the rights of all members of the Board despite differences of opinion.

103-006 TOWN ADMINISTRATOR ANNUAL PERFORMANCE REVIEW

The Select Board shall annually conduct a performance review of the position of the Town Administrator.

The Chair will furnish to the Board a written evaluation tool mutually agreed on by the Select Board and the Town Administrator. Board members shall return their completed evaluations to the Chair within 30 days.

The five evaluations shall be averaged into one final evaluation by the Chair, after eliminating any results, which are off the reasonableness scale, and a summary will be presented to the Town Administrator at a public meeting of the Select Board.

SECTION 104: MEETINGS AND HEARINGS

104-001: REGULAR BOARD MEETINGS

Regular Board meetings are held every other Tuesday night. The Board shall not meet on designated legal holidays.

104-002: SPECIAL MEETINGS

A meeting called for any time other than the regular meeting night shall be called a Special Meeting. The same rules shall apply as those for a regular meeting. Special meetings may be called if a majority of the members agree to meet and all Board members are notified.

104-003: WORKSHOP MEETINGS

The Board may conduct informal working sessions as necessary. The meeting will be posted in accordance with the Open Meeting Law; no official action will be taken. Minutes shall be a synopsis of the transactions of the informal meeting.

104-004: EMERGENCY MEETINGS

Emergency meetings may be convened when a sudden, generally unexpected occurrence or set of circumstances demanding immediate action takes place. The Chair shall have the authority to call emergency meetings of the Board in accordance with the Open Meeting Law.

104-005: MEETING PROCEDURES

Meetings are to be conducted in accordance with generally accepted rules of parliamentary procedure and the Open Meeting Law. It is the practice that application of such procedure be on a relatively informal basis, due to the size of the group and the desirability or flexibility in the expression of opinion, Robert's Rule of Order may be used as a guide in matters requiring clarification of definition.

A Quorum shall consist of three (3) members of the Board. As a practical courtesy, action on critical or controversial matters, the adoption of policy or appointments shall be taken whenever practicable with the full Board in Attendance. Actions and decisions shall be by motion, second and vote.

The Town Administrator is expected to be in attendance at all meetings of the Board in order to keep the Board informed and advised and shall make recommendations in all matters that fall within the jurisdiction of her/his office.

They shall carry out the actions of the Board as they relate to the conduct and administration of Town affairs under his jurisdiction.

104-006: EXECUTIVE SESSIONS

Executive sessions other than a few minutes in duration, will be scheduled at the end or beginning of the open meeting. Only items clearly allowed under the Open Meeting Law shall be included in Executive Session. The mover must specify in the motion to enter into Executive Session the reason the session is sought. A majority of the members present must vote to enter into Executive Session by roll call vote. The Chair must state whether or not the board will reconvene into open session.

SECTION 105: SELECT BOARD OFFICE POLICIES

105-001: AGENDA PROCEDURES

Only items held by a Select Board member may be added to the agenda.

All items for the agenda must be submitted to the Select Board office by 12:00 noon on the Thursday preceding the meeting. Items of emergency or routine nature that develop after closing of the agenda may be considered by the Chair under Other Business.

Members of the Board, the Town Administrator, staff, or others, who prepare background material for the meeting, should make an effort to have such material available Thursday morning. If background information is insufficient or complicated, or if complex memos or motions are presented at the meeting which were not in the Board's meeting packet, any member should feel free to request the tabling of the item to allow careful study of the material presented or the motion

Agenda normally includes:

- I. Call to Order
- II. Announcements / Proclamations
- III. Appointments
- IV. Open Forum
- V. New Business
- VI. Old Business
- VII. Consent Agenda
- VIII. Minutes
- IX. Town Administrator's Update

105-002: MEETING POSTINGS

The Select Board will post a notice 48 hours in advance not including Saturday, Sunday or holidays with the time, date and location of the meeting, on the bulletin board closest to the Town Clerk's office and the Website.

105-003: MINUTES

The Executive Assistant to the Select Board shall record open meetings of the Board. They shall be presented to the Board and shall be considered for approval at the meeting of the Board.

The minutes shall contain as required by the Open Meeting Law the date, time, place, members present or absent and action taken at each meeting, including executive session. The minutes shall record exactly the votes and other official actions taken by the Board. The records of each meeting shall become public record and be available to the public; provided however, that the records of any executive session shall remain confidential so long as publication may defeat the lawful purposes of the executive sessions and in accordance with the Open Meeting Law and Public Records Law, but no longer. No Votes taken in open session shall be by secret ballot.

Approved minutes are recorded on the website. Minutes of Executive Sessions are kept separately and recorded in accordance with the above procedures.

105-004: CORRESPONDENCE

All correspondence is opened and date stamped, unless it is addressed to a specific Board member and marked "Personal" or "Confidential". The Town Administrator and Executive Assistant will review all incoming mail and place any items on the Agenda that require action by the Select Board. The Agenda closes on Thursday at noon in order to give the Executive Assistant sufficient time to prepare Agenda. Only the Chair can allow documents to be placed on the Agenda that are received after noon.

105-005: BOARD MEMBER EXPENSE REIMBURSEMENT

Select Board members shall be entitled to reimbursement of expenses incurred in the execution of their official duties subject to appropriation and production of valid receipts/vouchers.

SECTION 106: COMMITTEES, BOARDS, COMMISSIONS

106-001: COMMITTEE APPOINTMENTS

1. This policy shall apply to all committee appointments for which the Select Board is the appointing authority as authorized or required by the General Laws, the Charter, By-Laws or Representative Town Meeting.
2. All appointees to committees subject to appointment by the Select Board shall be residents of the Town.
3. When residents submit applications or resumes to be considered for a vacancy on a committee, they may meet with the Board before the Board will take action. The Select Board will hold all applications for a particular appointment to have all applicants come in at one time, when the Board will be making appointments.
4. Regular members are generally appointed for a three-year term. The terms of most regular members expire on April 1st.
5. Associate members are generally appointed for a one-year term to expire on March 31st.
6. If an applicant is appointed to fill the un-expired term of someone who has resigned, their committee term expires at the same time that it did for the person they are replacing.
7. The Executive Assistant shall send letters in February to members, whose terms are to expire in the following months, asking them if they wish to be re-appointed.
8. Committee members who are scheduled for reappointment do not need to meet with the Board. The Executive Assistant shall prepare a list for the Board to vote on prior to the expiration of their term.

9. Vacancies should be advertised, at the minimum, on the Town of Walpole website, on the bulletin board at Town Hall, and in at least one external outlet (such as newspaper, social media, Walpole Community TV, or elsewhere) as deemed most effective to attract the most qualified candidates.

106-002: ADVISORY COMMITTEES OF THE SELECT BOARD

The Select Board may appoint ad hoc advisory committees to aid on matters under the Board's jurisdiction. The use of such advisory committees provides greater expertise and more widespread citizen participation in the operation of government.

Charges to advisory committees shall be in writing and shall include the work to be undertaken, the time in which it is to be accomplished, and the procedures for reporting to the Select Board. Each committee must report in writing at least annually to the Select Board. The Board will discharge committees upon the completion of their work.

106-003: RELATIONS WITH TOWN BOARDS, COMMITTEE AND COMMISSIONS

The Select Board, in their relationship with and to other boards, committees and commissions, shall at all times:

1. Set Town-wide goals and priorities
2. Identify problems and work together towards a resolution
3. Develop intergovernmental relations with State, County, and Federal Governments

To carry out these functions, the Select Board shall:

1. Schedule meetings with the Chair of the Major Boards, Committees and Commissions to carry out the functions outlined.
2. Schedule "All Boards" meetings.
3. Meet with State Legislators to discuss issues, which affect Walpole.

The Select Board shall meet not less than once annually with each committee, board or commission that it appoints to receive progress updates and reports. Other elected boards and commissions shall be invited to meet with the Board, as the Select Board shall deem appropriate.

106-004: RESIDENTIAL REQUIREMENT

It shall be the policy of the Select Board that residency within the Town of Walpole shall be required of any individual who shall serve on any town committee or board so appointed by the Select Board.

106-005: RELATION TO CITIZENS

The Select Board recognizes that it represents and is accountable to all the citizens of Walpole. It is the Boards policy to make every effort to strengthen communications with citizens.

1. An individual or group may request an appointment before the Board to the Chair of the Board through their Executive Assistant. The Board requests that the requestor provide the reason for the appearance and the action desired. Citizens are encouraged to have written material in advance to allow the Board Members the opportunity to review prior to their next meeting. Appointment requests must be presented to the Chair for their approval/denial prior to the close of the agenda.
2. As stipulated herein, at the first meeting of each month, the Board shall allocate time for an OPEN FORUM, which provides an opportunity for citizens to voice their concerns. Any questions raised by a

citizen during this time will not generally be answered unless the Board and or Town Administrator are able to respond with an appropriate answer. The Town Administrator will investigate any questions or concerns raised by a citizen and respond to the citizen promptly.

SECTION 107: REMOTE PARTICIPATION POLICY

107-001: ADOPTION

In accordance with 940 CMR 29.10(2) (a), the Select Board, hereby adopt 940 CMR 29.10 so that remote participation is permitted in the Town. (Adopted October 12, 2012 by the Select Board) In accordance with 940 CMR 29.10(3), the Select Board may revoke its adoption of 940 CMR 29.10 by simple majority vote at any time.

This policy and 940 CMR 29.10 shall apply to all Town boards, committees, commissions, sub-committees and working groups regardless of whether such public bodies are appointed or elected and whose meetings are televised. Where the Remote Participation Policy is more stringent than 940 CMR 29.10, the Policy shall control. This policy may be amended by the Select Board at any time in accordance with 940 CMR 29.10.

The Select Board allows any individual Board, Committee, or Commission to vote against “opt-out” using remote participation at any of their meetings.

On March 29, 2023, Governor Healey signed into law An Act Relative to Extending Certain State of Emergency Accommodations, which, among other things, extends the expiration of the provisions pertaining to the Open Meeting Law to March 31, 2025. Specifically, this extension allows remote and hybrid meeting options for public bodies through March 31, 2025 without a quorum of the public body physically present at a meeting location, and to provide "adequate, alternative" access to remote meetings. The Act does not make any new changes to the Open Meeting Law other than extending the expiration date of the temporary provisions regarding remote meetings to March 31, 2025

107-002: PURPOSE

The intent of this policy is to establish clear guidelines on the practice of remote participation by Town Boards and Committees under the Open Meeting Law, M.G.L. c.30A, §§18-25.

107-003: MINIMUM REQUIREMENTS

1. Members of the public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other.
2. Members of the public body who participate remotely must have access to the same materials being used at the meeting location.
3. Members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of M.G.L. c. 39, §23D.

107-006: REMOTE PARTICIPATION PROCEDURE:

1. Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the chair or, in the chair’s absence, the person chairing the meeting, of their desire to do so and the reason for and facts supporting their request.

2. At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason under 940 CMR 29.10 for their remote participation. It is important to protect a member's privacy rights with respect to illness or disability, use the words "personal illness" or "geographic distance". This information shall also be recorded in the meeting minutes.
3. All votes taken during any meeting in which a member participates remotely shall be by roll call vote.
4. A member participating remotely may participate in an executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by a simple majority vote of the public body.
5. If technical difficulties arise with the media connection, the chair or acting chair must decide how to address them. It is encouraged to suspend deliberations while the difficulties are being addressed. If the remote member is disconnected during the meeting, the minutes must reflect this fact.
6. When feasible, the chair or, in the chair's absence, the person chairing the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that they reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with M.G.L. c. 30A, sec. 22. The Select Board reserves the right to revoke Town Board remote participation at any time under 940 CMR 29.10 (3).

SECTION 201: EMPLOYEE POLICIES

201-001: COMMEMORATION OF EMPLOYEE

Upon receipt of notice of the death of a current or retired employee of the Town of Walpole, the relevant Town facility (Town Hall, Police Station or Fire Station) shall display the appropriate bunting on the exterior of the building and all flags on Town property shall be lowered to half-staff to commemorate the passing of a colleague in public service for the duration defined as follows:

Line of duty death: from the notice through thirty (30) days after the funeral

Current or Retired employee: from the notice through seven (7) days after the funeral

Should the closest relative (s) (parents, spouse, and children) desire not to implement this policy, the Town shall honor their wishes.

201-002: APPOINTMENTS/HIRING

1. Select Board Appointments - In accordance with the Walpole Charter, Section 3-2 (4), the Selectmen appoint the following positions:
 - a. For Fixed terms: I. For fixed terms unless otherwise governed by the General Laws: Constables, (after notice having been duly advertised for one (1) month prior to said appointment), animal control officer, veteran's agent, emergency management director and, subject to the Town By-laws, a Town counsel.
 - b. For Indefinite Terms: For indefinite terms: Town Administrator, Town Clerk, Chief of the Police Department, Chief of the Fire Department and Sealer of Weights and Measures.
 - c. For fixed, overlapping terms, the members of the: Council on Aging, Board of Appeals, Permanent Building Committee, Insurance Advisory Committee, Permanent Cable Advisory Committee, Conservation Commission, Board of Health, Historical Commission, Economic Development Committee, Recreation Committee, Sidewalk Committee, Town Report Committee, Trust Fund Commissioners, Registrars of Voters and such other standing and/or ad hoc committees as may be constituted from time to time by vote of the Select Board.
 - d. In addition, the Select Board appoints sworn Police and Fire Personnel.
2. Employment - The Select Board policy for the recruitment, selection, and appointment of nonunion personnel is identified below. The process for union personnel shall be in accordance with specific union collective bargaining agreements. The filling of positions on a seasonal/recreation, temporary and/or emergency basis as determined by the Town Administrator shall not be subject to the requirements herein.
 - a. Recruitment: A Department with a vacancy or a newly budgeted position shall notify Town Administration and the Personnel Department of such position.
 - b. Job Posting and Advertising
 - i. Job posting is a centralized process coordinated through the Human Resources Department. The position will be posted at specified locations in the Town Hall, the department seeking to fill said vacancy, or the Library.
 - ii. Advertising of a position at a minimum will be on the Town of Walpole website, on the Human Resources Board at Town Hall, and posted in at least one outside outlet (such as newspaper, social media, professional associations or elsewhere) at the discretion of the

HR Department or Department Head as deemed most effective to attract the most qualified candidates at least one week prior to the deadline.

- c. Interviewing/hiring
 - i. An informal Screening Committee shall be created by the Town Administrator or their designee. A representative from the applicable Department should be included (if applicable).
 - ii. When there are a sufficient number of applicants, a Screening Committee shall generate a list of finalists with ranking for the appointing authority's consideration. The appointing authority will then conduct final interview(s).
- d. Appointment Process
 - i. The Select Board shall interview finalists for positions appointed by the Board in open session at a special session of the Board.
 - ii. For positions appointed by the Town Administrator, all finalists shall be interviewed by the Town Administrator following a screening committee review and narrowing of applicants.
 - iii. The successful applicant will be presented a job offer by the applicable appointing person/entity (Board or Town Administrator) contingent upon successful completion of a Town physical examination, review of references and/or background, and specific physical abilities testing if so required.
 - iv. Town Administration and the Select Board sign Personnel Action Form to formalize hiring.
 - v. Person becomes employed.

201-003: DRUG FREE WORKPLACE POLICY

The purpose of the Town of Walpole's Drug-free Workplace Policy is to identify prohibited workplace conduct with respect to controlled substances and alcohol and to make employees and managers aware of the penalties for substance abuse on the job. This Policy complies with the Town's obligations under the Federal Drug-Free Workplace Act, 41 U.S.C. § 8101, et seq.

It is the Policy of the Town to provide employees with a working environment that is free of the problems associated with the use and abuse of alcohol and controlled substances. The use of controlled substances is inconsistent with the behavior expected of employees and subjects the Town to unacceptable risk of workplace accidents or other failures that would undermine the Town's ability to operate effectively and efficiently. Violations of any and all provisions of this Policy by an employee of the Town may result in disciplinary action, up to and including termination from employment.

1. The non-prescriptive use, sale, possession, distribution, dispensation, manufacture, or transfer of controlled substances, including on-the-job consumption of alcohol, on Town property, or at any other worksite where employees may be assigned, or elsewhere during work hours, is strictly prohibited. Although the non-medical use of small amounts of marijuana has been decriminalized in the Commonwealth of Massachusetts, the use of marijuana on Town property or any other worksite where employees may be assigned remains strictly prohibited.
2. Further prohibited is the use, sale, possession, distribution, dispensation, manufacture, or transfer of controlled substances on non-working time to the extent that such use impairs the employee's ability to perform their job or where such use, sale, possession, distribution, dispensation, manufacture, or transfer affects the reputation of the Town to the general public or otherwise threatens its integrity.
3. The employer may seek the right to search handbags, containers, or other personal effects of workers at any time in compliance with federal and state laws and collective bargaining agreements governing such

actions. If deemed necessary and allowable by law, employees may be asked to submit to physical search. At no time will any employee be searched by or in the presence of a member of the opposite sex. Refusal to cooperate may be treated as insubordination warranting immediate discipline.

4. Employees who appear to be impaired while on the job may be asked by their supervisor to submit to a test to determine whether they are under the influence of illegal drugs or alcohol. Tests that may be used include blood tests, urinalysis, or breathalyzer.
5. Any sale of controlled substances during the workday or on the employer's premises will be treated as gross misconduct, punishable by immediate discipline (suspension or termination). Any off-duty employee convicted of selling controlled substances may also be subject to discipline by the employer.
6. Employees who must use a prescription drug that causes adverse side effects (e.g. drowsiness, or impaired reflexes or reaction time) should inform a supervisor that they are taking such medication or are under a physician's advice to do so to the extent such side effects is likely to have an impact on their performance of job duties. Such employees are responsible for informing supervisors of the drug's possible effect on performance and the expected duration of use. If a worker is using a drug that could cause safety problems, the supervisor may grant the employee sick leave or temporarily assign the employee different duties.
7. All employees, as a condition of employment, must notify their supervisor of any criminal drug statute conviction under state or federal law for a violation occurring in the work place, or a plea of nolo contendere to such charges, no later than five (5) days after such conviction. Supervisors shall immediately notify the Assistant Town Administrator.
8. The place of performance shall be the Town of Walpole, Town Hall and all other municipally owned facilities and their immediate area.
9. Employee Assistance Program: The Town recognizes drug and alcohol dependency as an illness and a major public health problem. The Town's objective is to prevent conviction for drug-related offenses prior to their occurrence. Employees who wish to obtain help in dealing with such problems are encouraged to contact the Assistant Town Administrator/Human Resources Administrator or their healthcare provider for assistance. Conscientious efforts to seek such help will not jeopardize an employee's job, and will not be noted in any personnel record.
10. All employees must sign a statement acknowledging that they have been informed of the rules and requirements of the Drug-Free Workplace Act as provided in this Policy.
11. Certification of Drug Free Workplace: The Town of Walpole certifies that it will provide a drug-free workplace by:
 - a. Publishing a statement notifying employees of the contents and provisions of this Policy;
 - b. Establishing a drug-free awareness program to inform employees about:
 - i. The dangers of drug abuse in the workplace;
 - ii. The applicant's policy of maintaining a drug-free workplace;
 - iii. Any available drug counseling, rehabilitation, and employee assistance Programs; and,
 - iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
 - c. Requiring employees as a condition of employment to sign a statement of their own acknowledging receipt and understanding of this Policy and its provisions and committing to abide by same;
 - d. Taking one of the following actions, within thirty (30) days of receiving notice under paragraph 7, with respect to any employee who is so convicted or enters a plea of nolo contendere:
 - i. Taking appropriate personnel action against such an employee, up to and including termination; or
 - ii. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
 - e. Making a good faith effort to continue to maintain a drug-free workplace through implementations of paragraphs one through ten.

201-004**SEXUAL HARASSMENT POLICY**

The Town of Walpole is committed to the provision of a safe and non-discriminatory work place for all of its employees. Pursuant to this commitment, the Select Board endorses and adopts the following policy and its adjunct procedures to educate employees, to comply with statutory mandates, to address real and potential incidents and to strive to secure a harassment-free work environment. This policy applies to all employees of the Town of Walpole, excluding those employees under the supervision and control of the School Committee.

It is illegal and against the policies of the Town of Walpole for any employee or Town Official, male or female, to sexually harass another employee by:

1. making unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature, a condition of the employee's continuing employment; or
2. making submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
3. such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile or offensive working environment.

Sexual harassment also includes "Hostile Work Environment," a form of sexual harassment where pervasive and sexually hostile working conditions unreasonably interfere with an employee's ability to do their job, and "Quid Pro Quo," where tangible job benefits are offered or withheld in exchange for sexual favors.

This Policy may apply to conduct that occurs between co-workers that takes place outside the workplace (including, but not limited to, online conduct or conduct utilizing the internet or other electronic media), or during non-work hours. When the conduct complained of occurs outside of the workplace or during non-work hours, the Town may consider the following and other factors in assessing whether the conduct constitutes conduct in violation of this policy:

1. whether the event at which the conduct occurred is linked to the workplace in any way, such as at a Town-sponsored function;
2. whether the conduct occurred during work hours;
3. the context of conduct that occurs outside of normal work hours and whether there is any connection to the workplace;
4. the severity of the alleged outside-of-work conduct;
5. the work relationship of the complainant and alleged harasser, which includes whether the alleged harasser is a supervisor and whether the alleged harasser and complainant come into contact with one another on the job;
6. whether the conduct adversely affected the terms and conditions of the complainant's employment or impacted the complainant's work environment.

Examples of conduct, which may constitute sexual harassment include but are not limited to:

1. using one's position or authority, either implicitly or explicitly, to coerce an employee into complying with sexual favor;
2. unwelcome sexual advances, whether they involve physical touching or not, (e.g. cornering, brushing against the body, suggestive or insulting comments);
3. questions and compliments about a person's sexual behavior, sexually oriented jokes, or comments about a person's body or conversations filled with sexual innuendo and double meanings, and
4. displaying sexually suggestive pictures or objects in the work place, leering or ogling in a sexually explicit manner, or gesturing and making lewd motions with one's body.
5. viewing sexually explicit websites, sending sexually explicit emails or voicemails to or from the work place.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment

that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment. This can include conduct that is aimed at a person's sexual orientation or gender identity.

Retaliation against an individual who has complained about sexual harassment, and/or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by the Town of Walpole.

Any employee who believes they have been the subject of sexual harassment should report the alleged act(s) and/or behavior to their department head and/or the Town Administrator (508-660-7304), the Assistant Town Administrator (508-660-7288) and/or the Human Resource Administrator (508-660-7294), pursuant to the Complaint Procedure identified below. Complaints should be made within a timely manner. Complaints may also be made through contacting either of the two government agencies below:

Massachusetts Commission Against Discrimination
One Ashburton Place, Room 601
Boston, MA 02108 (617) 994-6000
Web site www.mass.gov/mcad

Equal Employment Opportunity Commission
John F. Kennedy Federal Building
15 New Sudbury Street, Room 475
Boston, MA 02203 (800) 669-4000
Web site www.eeoc.gov/boston

An investigation of all complaints will be undertaken immediately and in compliance with the Sexual Harassment Complaint Procedure. Any supervisor, agent or other employee who has been found by the administration after appropriate investigation to have sexually harassed another employee will be subject to appropriate sanctions, which range, depending upon the circumstances, from remedial training up to and including termination.

Any retaliation for filing a complaint or cooperating in an investigation is unlawful and is prohibited by the Town. Retaliatory action shall be regarded as a separate and distinct cause for complaint under the Sexual Harassment Complaint Procedure, and as a basis for disciplinary action against the offending employee should investigation validate said complaint.

The complaint procedure shall be implemented in instances of the alleged sexual harassment of employees by non-employees and on non-employees by employees occurring in the work place and within the jurisdiction of the complaint procedure of the Town of Walpole. Alleged occurrences, which are not within the jurisdiction of the complaint procedure, will be referred to an enforcement agency, if applicable. If there is no available enforcement agency, administration will take reasonable steps to prevent such conduct.

The Select Board affirms its responsibility to provide a work environment free of sexual harassment and recognize that such an environment is the result of continued responsible action and behavior by all employees. Because the Town takes allegations of sexual harassment seriously, officials will respond promptly to eliminate complaints and, where it is determined, that such inappropriate conduct has occurred, will act promptly to eliminate the conduct and impose such corrective action as is necessary. This Policy is not designed or intended to limit the Town's authority to discipline or take remedial action for workplace conduct that is deemed unacceptable, regardless of whether that conduct satisfies the legal definitions of sexual harassment. Any employee is encouraged to raise questions regarding sexual harassment or other barriers to equal employment opportunity with the Assistant Town Administrator.

TOWN OF WALPOLE

SEXUAL HARASSMENT COMPLAINT PROCEDURE

Any employee who believes that they have been the subject of sexual harassment should report the alleged charge immediately in accordance with the following procedure. (All information disclosed in the procedure will be held in strictest confidence and will only be disclosed on a need-to-know basis in order to investigate and resolve the matter.)

STEP 1

The individual alleging sexual harassment will report the incident to their department head and/or Town Administrator, Assistant Town Administrator or Human Resource Administrator as soon as possible and will be interviewed to discuss the nature of the allegations. Complaints may be made orally or in writing. If said allegations are made to another person, the matter must be immediately directed to the Assistant Town Administrator. The Assistant Town Administrator will discuss the matter separately and privately with the complainant and alleged harasser, in an attempt to mediate and resolve the matter.

STEP 2

If the matter cannot be resolved, the individual alleging sexual harassment will be informed:

1. That in order to pursue the complaint further, they must, with assistance if requested, detail the nature of the complaint, and
2. That there are external procedures, administrative and judicial (MCAD, EEOC and personal legal counsel) which are also available recourse.

If the complainant does not detail the allegations, the specific complaint cannot be further investigated by the Town of Walpole Officials unless circumstances clearly indicate otherwise. Upon receipt of the details of the complaint, the Town Administrator will be notified. The Town Administrator shall determine involvement of legal counsel.

STEP 3

Within five days after receiving the details of the complaint (if at all possible), the alleged harasser will meet with the Assistant Town Administrator and be informed of:

1. the charge being made,
2. Town policy regarding sexual harassment, and
3. the seriousness of the charge made.

The respondent will be provided with the details of the complaint and given the opportunity to respond to the allegation verbally or in writing, providing all specifics.

STEP 4

The Assistant Town Administrator shall investigate the allegations. Investigations will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. This investigation can include, but is not limited to:

1. interviews with respondent/complainant
2. interviews with supervisor
3. interviews with witnesses, and
4. review of any documents on file

Upon the commencement of Step 2 of complaint, the Assistant Town Administrator will report findings of fact to the Town Administrator. In all cases, the thorough investigation and thoughtful consideration are paramount; however, timely resolution remains the objective. The Town Administrator will determine the action to be taken

and it will be based on the facts on a case-by-case basis with whatever consultation the Town Administrator may require.

STEP 5

If it is determined that there has been a violation of this policy, including but not limited to inappropriate conduct or any failure of an employee to meet their obligations under the policy, the Town will take such action as is appropriate under the circumstances. Such action may range from counseling all the way up to termination from employment, or any such other forms of disciplinary action that fall in between, as the Town deems appropriate under the circumstances. In the case of violations of this policy by elected officials of the Town, the Town will take such action as is appropriate under the circumstances including, but not necessarily limited to, public censure of the elected official.

Should the complaining party disagree with the Town Administrator's conclusion following investigation, they may pursue their allegations at the state or federal agencies identified above.

Any retaliatory action taken by an employee against any other employee as a result of an individual's seeking redress under this procedure is prohibited and shall be regarded as a separate and distinct cause for complaint under this procedure, and as a basis for disciplinary action against the offending employee.

201-006: USE & OPERATION OF MOTOR VEHICLES

1. General Policy: The use and operation of motor vehicles owned or hired by the Town of Walpole shall be governed by this policy. Drivers who are required to have a C.D.L. must also comply with any applicable Federal, State or local requirements.
 - a. Motor vehicles shall only be operated by a paid employee or a volunteer of the Town possessing the appropriate class and valid Driver's License needed for the vehicle being driven; except that motor vehicles may be operated by others hired in connection with repair and maintenance work as directed by the Town.
 - b. Motor vehicles shall only be operated for official Town business and at the discretion of the appropriate Department Head.
 - c. The use of Town-owned or hired motor vehicles for unreasonable personal use is prohibited unless otherwise contractually permitted. The Town Administrator shall take corrective action of abuses of this provision.
 - d. An operator shall transport only Town employees or officials in Town-owned or hired vehicles except that persons who are not employees or officials may be transported in connection with official business of the Town. Persons who are not employees or officials of the Town may also be transported in connection with parades and celebrations as authorized by the Town Administrator. In addition, persons who do volunteer work for the Town may be transported in Town-owned or hired vehicles. Any resident may be transported in School or Council on Aging vans, buses, or sedans.
 - e. No operator shall allow more than the capacity of that vehicle.
 - f. No operator of a pickup truck or dump truck shall allow any rider to stand in the body of such vehicles while the vehicles are in motion.
 - g. Any operator of a Town-owned vehicle who is cited for a violation of the motor vehicle laws may be subject to disciplinary action dependent upon the citation received. Disciplinary action shall be limited to a written warning, suspension of the right to operate Town-owned or hired motor vehicles for a period of time or permanent loss of right to operate Town-owned or hired motor vehicles.
 - h. Any operator who is convicted of operating a Town-owned or hired vehicle under the influence of alcohol or drugs or convicted of possession of alcohol or drugs shall be

terminated from employment. Any employee arrested for driving under the influence, whether operating a Town-owned vehicle or personal vehicle shall notify the Town Administrator immediately.

2. Assignment of Vehicles:

- a. The following employees and officials shall have motor vehicles assigned to them for use in the conduct of their official business.
 - i. Town Administrator
 - ii. Director of Public Works
 - iii. Fire Chief
 - iv. Police Chief
 - v. Health Director
 - vi. Inspector of Buildings
 - vii. Superintendent of Highways
 - viii. Superintendent of Building Maintenance
 - ix. Superintendent of Vehicle Maintenance
 - x. Superintendent of Water & Sewer
 - xi. Superintendent of Parks, Cemeteries, and Forestries
 - xii. Asst. Superintendent of Water & Sewer
 - xiii. Town Engineer
 - xiv. Animal Control Officer
 - xv. Deputy Police Chief
 - xvi. Deputy Fire Chief
 - b. The above employees and officials may also use said vehicles for transportation to and from work
 - c. The Town Administrator may from time to time permit other employees or officials to use vehicles for transportation to and from work on a temporary basis if it is consistent with the needs of the Town. All other vehicles will be assigned on a daily basis by the Department Head and garaged at the appropriate Town facility when not in use.
 - d. The Town Administrator may permit the Director of the D.P.W. to assign vehicles, on a temporary basis, to a Foreman or other employee from each Division who would be responsible for responding to after hour emergency calls, which relate to the respective Division, in conformance with these regulations including the restrictions under Item 3. Vehicles assigned to Foreman may not be used for transportation outside Town during the lunch period.
3. Vehicle Cleanliness: Vehicles are to be washed as needed, but not less than bi-weekly. Interiors are to be cleaned and free of debris and dirt at the end of each day. The Department Head of each department and division shall be responsible for ensuring compliance herein.
4. Vehicle Accident Policy: In the event that any employee operating a Town owned vehicle is involved in a motor vehicle accident, the following procedure will be observed at all times:
- a. Report the accident immediately to the police in the city or town the accident occurs in. When reporting the accident, provide the following information:
 - i. Your exact location
 - ii. Whether or not you, any passenger(s), or the operator(s) of the other vehicle(s) may be injured.
 - iii. Advise the dispatcher that you are in a Town of Walpole vehicle
 - b. Do not move the vehicle(s) unless directed to do so by a police officer or if the present location of the vehicle will cause further risk of accident.
 - c. If you are able to do so, retrieve a copy of the vehicle registration from the vehicle along with your driver's license and make them available to the investigating police officer. DO NOT

SIMPLY EXCHANGE PAPERS WITH THE OTHER OPERATOR(S). Every vehicle accident involving a Town of Walpole vehicle MUST be investigated by a police officer.

- d. Contact your immediate supervisor immediately and advise them of the accident. If necessary, request their response.
 - e. Prior to police arriving on scene, be sure to obtain the license plate and make/model/color of the other vehicle(s) involved and write this down.
 - f. If the vehicle is to be towed from the scene, obtain all information as to the name of the tow company and the location of where the vehicle is being towed. If there is another vehicle being towed, obtain the same information for that vehicle.
 - g. Upon return to duty or earlier if directed by a supervisor, complete an accident report for Town files and insurance purposes.
5. All individuals involved in a motor vehicle accident are also required to complete a RMV motor vehicle accident report. Vehicle Registrations: Vehicle Maintenance staff shall ensure that a copy of a motor vehicle's registration is placed inside every vehicle. Vehicle Maintenance will maintain the originals of those registrations.
6. Municipal Vehicle Parking:
- a. All municipal vehicles shall be parked in accordance with posted parking regulations at all times.
 - b. Operators of municipal vehicles are to park ONLY in marked spaces when at Town Hall. Fire Lanes, end of aisles, and the side(s) of the building are not authorized spots. Town Hall staff assigned vehicles will be required to park said vehicle in assigned parking stalls on the westerly side of Town Hall.
7. Fuel Conservation: Municipal vehicles shall not be allowed to idle unattended for extended periods, unless the idle is necessary at an emergency scene or in winter conditions.
8. Mileage Reimbursement Rate - Private Vehicle Usage: The Town reimbursement rate for employees who use their personal vehicles for official use shall be equivalent to the IRS rate in effect on July 1st of the given fiscal year, when such use is documented on an official reimbursement form.

201-007: EMERGENCY CLOSINGS: TOWN HALL & TOWN OFFICES

1. The decision to close Town Hall offices due to emergency situations (storm, power failure, snow, etc.) is made by the Town Administrator. This decision will govern all offices within the Town Hall.
2. Should a shutdown of Town Hall Offices be required, the pay policies will follow the processes outlined in the Personnel Bylaw and the respective collective bargaining agreements.

201-008: EMPLOYEE INTERNET & E-MAIL USE POLICY

1. Walpole's Goals for Technology: The Town of Walpole's computer networks are connected to the Internet and other online services in order to allow Town government to serve the public more efficiently and effectively. Accordingly, various on-line capabilities are made available to designated Town employees for legitimate, work-related purposes. These capabilities may include the ability to send and receive electronic mail (E-mail), to conduct information searches on the "World Wide Web," to gain access to computers not owned or controlled by the Town, and to copy data to and from remote computer sites. Use of these capabilities is subject to the same management oversight and supervision as any other employee activity. Such use must conform to all applicable laws and regulations. All official policies and procedures established by the Town Administrator or their designees to regulate the behavior and performance of Town employees shall apply to use of these computer capabilities. Failure to comply with the guidelines in this policy may result in termination, suspension, or other limitation of an employee's privileges for access to Internet-related capabilities, and may be the cause for further discipline up to and including discharge.
2. Communications & Information Access:

- a. To provide equitable access for all employees to network resources to practice research and problem-solving skills.
 - b. To provide all members of the municipal community with opportunities to communicate and collaborate with the broader local and global communities.
- 3. Instructional/Curricular Technology Integration:
 - a. To have all employees use technology to ethically access and analyze information, think critically, solve real world, complex problems and expand research skills.
 - b. To have all employees use technology to improve their ability to communicate effectively for a variety of purposes, audiences, and situations.
- 4. Explanation of Networked Resources:

The Town of Walpole has actively pursued making advanced technology and increased access to learning opportunities available to our staff. Our goal in providing this service to employees is to promote educational excellence by facilitating resource sharing, innovation and communication. While we support and encourage employee access to a wide variety of information resources, we recognize the responsibilities for using the networked resources appropriately, legally and ethically. Networked resources include, but are not limited to, CD-ROM materials, on-line library catalog systems, the Internet, electronic mail, bulletin-board conferencing systems and information stored on the Town's servers, such as data files and applications.
- 5. The Internet:

The Internet is a vast, global network, linking computers at Libraries, State and Federal Agencies and other sites. This technology allows for communication and access to information on a global scale including but not limited to:

 - a. Access to local, state and federal entities, agencies and contributing authorities and consultants.
 - b. World Wide Web sites that offer thousands of resources
 - c. Access to university library catalogs, the Library of Congress information and news from research institutions as well as the opportunity to correspond with researchers and educators.
 - d. Discussion groups on a variety of topics.
 - e. Electronic mail communication with people all over the world.
- 6. Disclaimer of Liability:

With access to computers and people all over the world also comes the availability of material that may not be considered to be of value in the context of the municipal setting. The Town of Walpole has taken precautions to restrict access to controversial materials. However, on a global network it is impossible to control all materials. The Town of Walpole believes that the valuable information and interaction available on this worldwide network far outweighs the possibility that users may procure material that is not consistent with the goals of the Town. The Town of Walpole cannot be held responsible for the accuracy and quality of information obtained on the Internet.

The Town of Walpole disclaims all liability for the content of material that an employee may access on the Internet, for any damage suffered in the course of, or as a result of, the employee Internet use, and for any other consequences of an employee's Internet use.
- 7. Implementation Guidelines:

All staff will be offered instruction through Information Management on the use of networked resources as part of the program incorporating technology into the work area. An awareness of the philosophy of the Town of Walpole concerning the use of networked resources includes staff recognition that the Internet is one of many resources. Guidelines must be provided for employees.

8. Networked Resources Access is a Privilege:

All uses of Walpole's networked resources must be in support of, and consistent with municipal operations and objectives. Network access through the Town of Walpole is a privilege, not a right. Unacceptable uses of the network will result in the limitation or cancellation of user privileges and possible disciplinary or legal action.

Adherence to the policy is a condition for an employee's privilege of networked resources access. All employee users of the networked resources must read, sign and agree to the terms of the following Acceptable Use Policy. Employees who have not returned the signed form with their signature will not be given network access and are prohibited from using networked resources with town owned computers, during compensated or uncompensated hours nor associating with the Town during personal, private non-town use.

9. Listing of Acceptable and Unacceptable Uses: Appropriate use of technology in the municipal environment is the joint responsibility of administration and staff. Every user is expected to take individual responsibility for appropriate use of the network when selecting, sharing or exploring information and media.

- a. E-mail and other on-line services are the property of the Town of Walpole and must be used for Town of Walpole's business purposes.
- b. E-mail messages are considered public records and are therefore legally discoverable and subject to record retention policies. Employees should not expect that e-mail messages (even those marked "personal") are private or confidential.
- c. The Town Administrator may, for legitimate business reasons, approve the monitoring of e-mail messages. Legitimate business reasons include, but are not limited to, system checks, review of employee productivity when employee productivity is called into question by a supervisor or manager, investigations into claims of possible criminal activity, and investigations into claims of inappropriate use of the Town's Internet or on-line services.
- d. Use of the Town's system constitutes consent to monitoring of e-mail transmissions and other on-line services and is conditioned upon strict adherence to the Policy.
- e. All users are expected to undertake precautions to prevent infection of Town's computers by computer viruses. In particular, executable programs imported from other sites to the Town's computers must not be used unless they have been authorized by the Information Technology Department (IT) and they have been subjected to virus detection procedures approved by IT. The IT Department may, from time to time, impose additional restrictions or regulations on the importing of remote files, and such restrictions or regulation shall be considered part of this policy.
- f. Notwithstanding the provisions of prohibited use, political lobbying or other activities that may be deemed to be political in nature shall be permitted to the extent that such activities are a part of the official responsibilities of an employee, provided that such activities relate to political issues rather than to specific political candidates.
- g. Managers and supervisors are responsible for ensuring that all their employees using computers have read this policy and understand its applicability to their activities.
- h. Acceptable uses of the Town of Walpole's networked resources include, but are not limited to, information/resource sharing and materials that:
 - i. Reflect honesty, and high ethical and moral responsibility.
 - ii. Show restraint in the consumption of shared resources.
 - iii. Promote innovation and excellence through research, worldwide resource sharing and communication.
 - iv. Demonstrate respect for intellectual property and ownership of data.

10. Prohibited Uses: The following uses of the Town of Walpole networked resources are not permitted:

- a. Accessing, sending or displaying offensive, obscene, sexually explicit, defamatory, or harassing messages or materials work, or from home to work.
 - b. The transmission of materials used for commercial promotion, product endorsement, or political lobbying (see above).
 - c. Attempts to violate the computer security systems implemented by the Town of Walpole or other institutions, organizations, companies or individuals.
 - d. Software piracy, or the downloading and transferring of software for which the user does not have the proper licensing.
 - e. Trespassing in another's folders works or files.
 - f. Plagiarizing, i.e., taking material created by others and presenting it as one's own.
 - g. Sharing your password with anyone or using another person's password.
 - h. Damaging computers, systems, or networks.
 - i. Tampering with, making changes to, or altering system folders or files.
 - j. Uploading or creating computer viruses.
 - k. Violating copyright laws and illegal distribution of software.
 - l. intentionally wasting limited resources.
 - m. Using Town resources for personal, commercial, political or religious purposes.
 - n. Sharing written or graphic information that identifies specific employees using e-mail or the Internet.
 - o. Revealing any personal addresses, phone numbers, credit card numbers, bank account numbers or other private information of any individual.
11. Network Etiquette: Employees are expected to learn and to abide by generally accepted rules of network etiquette, as well as the rules of municipal decorum. These include but are not limited to:
- a. Being polite.
 - b. Using appropriate language.
 - c. Being considerate of other's use of the system.
 - d. Adhering to the general rules and standards for professional behavior and communications.
 - e. The goal of network etiquette if to encourage the efficient use of a shared resource.
12. Changes in the Guidelines: The Town of Walpole reserves the right to revise this policy at any time.
13. User Agreement: As a user of the Town of Walpole Computer network, I have read, understand and agree to comply with the Town of Walpole's Acceptable Use Policy. I agree that inappropriate use or behavior may result in loss of use, disciplinary action and/or legal action.

201-010: POLICY ON ETHICAL CONDUCT

The Town of Walpole's policy on ethical conduct shall be in accordance with MGL c268A, the state Conflict of Interest statute.

201-011: SMOKE-FREE WORKPLACE POLICY

1. Purpose: The Select Board, in compliance with Massachusetts General Laws Chapter 270, Section 22, which mandates that enclosed workplaces with one or more employees must be smoke-free, hereby establishes the following policy to promote and require smoke-free workplaces.
2. Smoking Prohibitions - It is prohibited for any persons including employees, volunteers, customers, and visitors to smoke in any location identified in General Laws Chapter 270, Section 22, which includes but is not limited to, the following work areas:
 - a. All areas inside all buildings owned or controlled by the Town of Walpole including but not limited to, the town office building, the senior center, all recreation department offices, meeting spaces and function/activity areas including Turners Pond Lodge and East Walpole Community

Center (former E.W. library, The Marathon House, Schools, the fire stations, the police department, the library, all public works buildings (including garages), all water & wastewater treatment plants, public works pumping and well stations, and any other enclosed work space where employees perform services for compensation for the town such as polling places and rooms used for public meetings in locations not owned by the town. Additionally, it is prohibited to smoke inside any town owned or leased vehicle of any kind, at any time. This includes all automobiles, senior buses/vans, trucks, police cruisers, all fire/ambulance/rescue vehicles, all public works vehicles and machinery including heavy equipment and any other enclosed vehicles employees may use.

Smoking, for the purposes of this Policy, shall include the use of cigars, cigarettes, pipes, or other tobacco products, as well as Electronic Nicotine Delivery Systems, such as electronic cigarettes, electronic cigars, electronic pipes, or other similar products that rely on vaporization or aerosolization, whether reusable or for one-time use.

3. Enforcement - The Town Administrator or their designee has overall responsibility for enforcing the smoke-free workplace law. Questions, complaints or reports of violations should be directed to the Town Administrator or the Assistant Town Administrator, who will answer any questions and promptly investigate the complaint and take remedial action. Appropriate remedial action depends on the type of offense, the existence of any prior incidents, and the effectiveness or lack thereof of any prior remedial steps. Generally, remedial action consists of advising the offending employee, volunteer or visitor to promptly extinguish their cigarette, cigar or pipe or leave the premises. The offending employee, volunteer or visitor will receive a copy of the smoke-free workplace policy. Employees who are found to violate the smoke-free workplace policy will be disciplined following principles of progressive discipline. Additionally, potential consequences for employees or other persons who smoke in a place where smoking is prohibited and violate the Massachusetts Smoke-Free Workplace Law, include a civil penalty of \$100 for each violation. The Massachusetts Department of Public Health is the enforcement agency charged with promulgating regulations to implement collection and reporting of fines. Any person may register a complaint to initiate an investigation and enforcement action with the Town Administrator, Assistant Town Administrator, Walpole Board of Health or the Massachusetts Department of Public Health.
4. Prohibition Against Retaliation - It is prohibited by law to discriminate or retaliate in any manner against a person for making a complaint of a violation of the smoke-free workplace law or for furnishing information concerning a violation, to a person, entity or organization, or to an enforcement authority. An employee who retaliates or discriminates against any person or persons for making a complaint under this Policy or for furnishing information concerning a violation of the Smoke-Free Workplace Law or this Policy shall be disciplined up to and including discharged.
5. Smoking Areas - Designated smoking areas or smoking rooms are not permitted. However, employees may go outside to smoke during their morning and afternoon break periods. No extra break periods are permitted for smokers in addition to regular break periods afforded non-smokers. Smoking is not permitted in outside areas where "no smoking" signs are posted such as near refueling stations or other areas where open fire is prohibited by any other by-law, fire or health or safety regulation, nor within ten (10) feet of any public building so as to prevent any second hand smoke from reentering said building. Smoking is not permitted while performing any work-related job duties for which the employee is compensated.
6. Employee Support - The Town of Walpole is sensitive to the withdrawal symptoms of nicotine addiction and supports employees in their efforts to quit smoking. Employees who smoke and want to quit or know someone who wants to quit should call the Try-To-Stop Tobacco Resource Center at 1-800-TRY-TO-STOP (1-800-879-8678) for free helpful information, or visit their website at www.trytostop.org.
7. Employees may also contact any of the following for assistance:
 - a. Your Primary Care Physician
 - b. Your Health Insurance Provider

- c. The American Lung Association (www.lungusa.org)
- d. The American Cancer Society (www.cancer.org)
- e. The Town's Employee Assistance Program (contact Personnel)

SECTION 201-012: TOWN OF WALPOLE ACCEPTABLE USE POLICY, ELECTRONIC COMMUNICATIONS AND COMPUTER USAGE POLICY

1. INTRODUCTION

This Policy is intended to provide guidance on the appropriate use of the Town of Walpole's electronic communication and information equipment and systems (hereafter "Systems"). Such Systems include, but are not limited to, computer workstations, laptops, tablets, hardware & software, electronic mail ("e-mail"), telephones, cellular phones, pagers, Blackberry/iPhone/Droid style devices, Smart Phone, facsimile machines, and the Internet, including all internet based applications such as Social Media tools (Facebook, Twitter, etc.). This policy shall also address the use of the Town of Walpole name & Town Seal, dissemination of official material and/or information, and use of Social Media regarding official Town departments, boards, or committees.

Use of the Town of Walpole's Systems by any employee, contractor, consultant, and/or volunteer ("user"), as well as the acceptance of employment and/or volunteer service with a Town department, board or committee shall constitute acceptance of the terms of this Policy and any such additional related policies that may be issued by the Town of Walpole.

Access and use of the Town of Walpole's Systems is intended for business-related purposes, including communicating with coworkers and colleagues, and researching topics relevant to Town business. All existing state, federal, and local laws and Town of Walpole policies apply to your conduct while serving in an official capacity of the Town and/or using the Town's Systems, particularly those that govern intellectual property protection, sexual or other harassment, misuse of Town resources, privacy rights, and confidentiality.

This Policy sets forth general guidelines and examples of prohibited uses of the Town's Systems for illustrative purposes, but does not attempt to identify all required or prohibited activities by users. Questions regarding whether a particular activity or use is acceptable should be directed to the IT Director, your supervisor, and/or the Town Administrator. These guidelines may be supplemented by more specific administrative procedures and rules governing day-to-day management and operation of the Town's Systems. Furthermore, this Policy may be amended from time to time, and is meant to be read in conjunction with all other applicable policies of the Town of Walpole.

The overriding principle in the policy is that the purpose of the Systems and use of same is to further the town's interest by using the systems while not embarrassing, disparaging or bringing shame to the Town of Walpole.

2. PRIVACY

Users should not expect any right of privacy in said Systems, including electronic communications and information made or stored on the Town's Systems. The Town owns any material placed on said systems and therefore, the Town retains the right to inspect its Systems, including any Town-owned or leased computer or electronic communications equipment, any data contained in such equipment, and any data sent or received by that equipment. The Town will exercise that right when reasonable and in pursuit of legitimate needs for supervision, control, and the efficient and proper operation of the workplace. Users should be aware that appropriately authorized network administrators may monitor network traffic, and/or access all files, including e-mail files and Internet use history, stored on any component or equipment comprising said systems.

All electronic files and documents originating from or passing through the Town's Systems are considered to be the property of the Town.

3. SECURITY

All usernames and passwords are for the exclusive use of the individual to whom they are assigned. The user is personally responsible and accountable for all activities carried out under their username, and should take all reasonable precautions to protect their password. The password associated with a particular username must not be given or divulged to another person (with the exception of the IT Director). No one may use, or attempt to use, a user-name or password assigned to another person, or pose as another user. A breach of security is considered to be a serious infraction and may result in employment action including termination.

4. INTERNET GUIDELINES

Usage of the Internet as a tool in the workplace is acceptable, however misuse or abuse of the Internet can result in a loss of staff time, as well as potentially violate laws, bylaws, ordinances, regulations, or other Town policies. Therefore, users should adhere to the following Internet Guidelines.

- a. Use for Official Business. It is the Town's policy to restrict Internet access to official Town business. Use of the Internet for personal matters is prohibited,
- b. Authorization. Authorization for Internet access must be obtained through the IT Director. Once authorization is approved, each user is responsible for the security of their account password and will be held responsible for all use or misuse of such account (see Section III, Security, above).
- c. Compliance with Laws. Users must not utilize the Internet to knowingly violate any state, federal or local law, or the laws of any other nation. United States copyright and patent laws may apply to information and materials) accessed through the Internet, and care should be taken to not violate the copyrights or patents of others on or through the use of the Internet.
- d. Viruses. All appropriate precautions should be taken to avoid and detect viruses, including scanning all computer files (including attachments) that are downloaded and/or opened from the Internet, before installation or execution of such files/attachments. Users should direct any questions regarding the proper use of virus detection software to the IT Director prior to downloading and/or opening any computer files/attachments.
- e. Town Monitoring. As noted above, users should not have any expectation of privacy as to their computer or Internet usage in said systems, including the receipt and sending of e-mail. It is possible for the Town to monitor Internet usage histories and/or patterns, and the Town may inspect, without limitation, any portion of its Systems, including files stored either on the computer hard drive or the Town's server, to the extent necessary to ensure compliance with this Policy or any other applicable state, federal, or local law or Town policy.
- f. Prohibited Practices.
 - i. Users shall not use Town computers knowingly to download or distribute pirated software or data. Any software or files downloaded via the Internet may be used only in ways that are consistent with their licenses or copyrights. The downloading of games or other programs for amusement/entertainment purposes is strictly prohibited.
 - ii. Users shall not make an unauthorized attempt to enter into another employee's computer (commonly referred to as "hacking").
 - iii. All computer hardware, software, data, communication, and information in said systems shall at all times remain the property of the Town of Walpole, and may not be removed from their respective sites or downloaded onto personal computer equipment without the express written approval of the IT Director. The installation or upgrade of computer software programs on computer hardware, without the express written approval of the IT Director, is strictly prohibited.

- iv. Users must not utilize the Internet to deliberately propagate any malware including but not limited to virus, worm, "Trojan horse," trap-door or back-door program code, or knowingly disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.
- v. Users shall not disclose confidential information or promote personal political beliefs and shall not request, access, or generate any materials which constitute unlawful discrimination, sexual harassment or any unlawful activity.
- vi. The Town's computers shall not be used for private financial gain, or private commercial, advertising or solicitation purposes.
- vii. Use of the Town's Systems, including computers, to display any kind of image or document that is obscene, pornographic, sexually explicit or sexually suggestive, is prohibited. Additionally, these materials may not be archived, stored, distributed, edited, or recorded using Town's network, printing, or computing resources.
- viii. Users shall not utilize the Town's Systems for the purpose of sending "chain-letters", unsolicited mass e-mails, or other "spam."
- ix. Users shall not maliciously use or disrupt the Town's computers, networks, or Internet services; nor breach the Systems' security features; nor misuse or damage the Town's equipment; nor misuse passwords or accounts; nor attempt to access unauthorized sites; nor use the Town's Systems after such access has been denied or revoked; nor attempt to delete, erase or otherwise conceal any information stored on any portion of the Town's Systems.
- x. Users shall not access the Internet for non-work related purposes, including but not limited to: social networking sites such as Facebook, Twitter, and LinkedIn, non-work related blogs or websites, or personal shopping sites, for example, during work hours and/or using the Town's Systems.

5. ELECTRONIC MAIL ("E-MAIL") GUIDELINES

- a. The Internet does not guarantee the privacy and confidentiality of information. Sensitive material transferred over the Internet may be at risk of detection by a third party. Users must exercise caution and care when transferring such material in any form. Each and every electronic communication sent through the Town's Systems must include the following message: *This electronic message is confidential and intended for the named recipient only. Any dissemination, disclosure or distribution of the contents of this communication is unlawful and prohibited. If you have received this message in error, please contact by return email or telephone (Department's Telephone Number), and delete the copy you received Thank you.*
- b. The Secretary of State's Office of the Commonwealth has determined that e-mail qualifies as "public records", as defined in Chapter 4, section 7(26) of the Massachusetts General Laws. Therefore, all e-mail sent by or received through the Town's Systems shall be archived by the IT Director. All users shall retain either a printed or a digital record of email sent by or received through the Town's Systems, in the same manner that other paper records are kept by their departments, and in accordance with the Record Retention requirements.
- c. Users should be aware that opening programs or files attached to email messages may cause computer viruses to infect the Town's Systems, and thus should only open such attachments from known, anticipated and trusted sources.
- d. Employees shall not broadcast messages to all employees via e-mail without permission from their department head or Town Administrator.

6. TELEPHONE USAGE

Telephones (including cellular phones, "Smartphones," and Blackberry/iPhone/Droid-style devices) in certain circumstances are provided for business use. Personal telephone calls may be permitted, when doing so furthers the town's interest because of time savings permitting the employee to remain focused

on town work or because of an emergency, but users should exercise good judgment in making such calls. Managers/department heads are responsible for monitoring their employees' telephone usage. Excessive usage for non-business related purposes, as well as misuse of telephones, such as to make harassing or threatening calls, may result in discipline, up to and including termination from employment. The Town may recover the cost of any personal use from the employee so assigned.

7. Employees are reminded that text messages or other similar messages sent via cell phones; Smartphones, and Blackberry/iPhone/Droid-style devices may constitute public records, and therefore, any such messages must be maintained as public records, in the same manner as email messages (see Section V. above).

8. SOCIAL MEDIA

Following written approval from the Town Administrator, departments, boards or committees may utilize social media sites and social networking sites (collectively "social media sites") to further enhance communications to and with residents, businesses and various stakeholders in support of Town of Walpole's goals and objectives. With the approval of the Town Administrator, Walpole officials and Walpole departments have the ability to publish articles, facilitate discussions and communicate information through such media to conduct Town of Walpole business. Social media sites may only be utilized to facilitate further discussion of Town of Walpole issues, operations and services by providing members of the public the opportunity to participate in many ways using the Internet.

This policy sets forth general guidelines that must be adhered to with respect to utilization of social media sites for official Town of Walpole purposes. Questions regarding this Policy should be directed to the Town Administrator. This Policy may be amended from time to time, and is meant to be read in conjunction with all other applicable policies and procedures of the Town of Walpole.

a. DEFINITIONS

- i. "Social Media Sites" and "social networking sites" refer to websites that facilitate user participation, networking, and collaboration through the submission of user generated content. Social media in general includes tools such as blogs, wikis, microblogging sites, such as Twitter; social networking sites, such as Facebook and LinkedIn; video sharing sites, such as YouTube; and bookmarking sites such as Del.icio.us.
- ii. A "social media identity" is a specific user identity or account that has been registered on a third party social media site.
- iii. A "blog" (an abridgement of the term web log) is a Town of Walpole service with regular entries of notices, descriptions of events, or other material such as graphics or video.
- iv. A "moderator" is an authorized Town of Walpole official or employee, typically a department head and/or board or committee chair, who reviews, authorizes and allows content submitted by the Walpole officials, employees and public commentators to be posted to a Town of Walpole social media site or sites.
- v. An "object" refers to any file, photo, video, document, or other attachment that may be uploaded via e-mail, internet, or other means to messages, blogs, web sites, social media sites, etc.

b. POLICY

- i. Prior to activation or utilization, any or all Town of Walpole social media sites or blogs shall be:
 1. Approved by the Town Administrator following input by the IT Director; and
 2. Published using social media platform and tools approved by the Information Technology Department ("IT").
- ii. The official posting for the Town of Walpole will be done by the employee(s) or department head(s) so approved by the Town Administrator.

- iii. Departments have the option of allowing employees to participate in existing social media sites as part of their job duties, or allowing employees to create social media sites as part of their job duties. Department Heads may allow or disallow employee participation in any social media activities in their departments.
- iv. All Town of Walpole social media sites shall adhere to applicable state, federal and local laws, regulations and policies including the Public Records Law, Public Records retention schedules, Copyright Law and other applicable Town of Walpole policies.
- v. Public Records Law and e-discovery laws and policies apply to social media content. Accordingly, such content must be able to be managed, stored and retrieved to comply with these laws. Furthermore, once such content is posted on a social media site, it should stay posted, unless it is removed for one of the reasons set forth below in Number 10 or is removed by the site hosting entity, or it is changed to fix spelling or other errors, such as grammatical corrections.
- vi. All social media sites and entries shall clearly indicate that any content posted or submitted is subject to public disclosure.
- vii. Each Town of Walpole social media site shall include an introductory statement, which clearly specifies the purpose, which shall be one that furthers the Town's interests and topical scope of the blog and/or social media/network site. Where possible, social media sites should link back to the official Town of Walpole Internet site for forms, documents and other information.
- viii. Each Town social media site shall indicate to users that the site is subject to a third party's website Terms of Service. Furthermore, each Town of Walpole social media site shall indicate that: the social media site provider could collect personal information through user's use of the social media site; and that this personal information may be disseminated by the third party; and that such dissemination may not be governed or limited by any state, federal or local law or policy applicable to the Town.
- ix. All social media sites shall clearly indicate they are maintained by the Town of Walpole and shall have the Town of Walpole contact information prominently displayed.
- x. The Town of Walpole reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law. To this point, passwords and login information for all web and social media sites managed or subscribed to by the Town shall be provided to the IT Director for security purposes and to comply with the provisions of this policy.
- xi. Town of Walpole social media content and comments containing any of the following forms of content shall not be allowed for posting:
 - 1. Comments not topically related to the particular site or blog article being commented upon;
 - 2. Profane, obscene, or vulgar language or content;
 - 3. Content that promotes, fosters or perpetuates discrimination in violation of State or Federal law including on the basis of race, color, gender, gender identity, national origin, religion, ancestry, age, sexual orientation, disability, maternity leave, genetic information, or active military status;
 - 4. Sexual content or links to sexual content;
 - 5. Conduct or encouragement of illegal activity;
 - 6. Information that may tend to compromise the safety or security of the public or public systems; or
 - 7. Content that violates a legal ownership interest of any other party.
 - 8. Comments or objects that could be interpreted by a reasonable and prudent person as unprofessional, disrespectful, or insubordinate and not in the best interests of the Town of Walpole.

9. Comments or objects that would in any manner reveal personal, confidential, private or privileged information of any person receiving services from the Town of Walpole or Walpole employees.
- xii. All Town of Walpole social media moderators shall be responsible for ensuring that the terms of this policy, including their responsibilities to review content submitted for posting to ensure compliance with the policy, are met.
- xiii. Where appropriate, the Town of Walpole IT security policies shall apply to all social media sites and articles.
- xiv. Officials (elected or appointed) and employees representing the Town of Walpole via social media sites must conduct themselves at all times, on or off duty, as a representative of the Town of Walpole and in accordance with all applicable rules, regulations, and policies (including personnel policies) of the Town of Walpole. See Section III, Employee Guidelines for Use of Social Media Sites. The provisions of subsection 11 above shall apply to employee and board/committee member use of Social Media sites privately owned or operated separate from the Town of Walpole.
- xv. No Town or department social media site can endorse or otherwise cite (either with approval or disapproval) vendors, suppliers, clients, citizens, candidates, co-workers or other stakeholders.
- xvi. Employees and/or board or committee members found in violation of this policy may be subject to disciplinary action, up to and including termination of employment and/or removal from Town boards and/or committees.

c. EMPLOYEE GUIDELINES FOR USE OF SOCIAL MEDIA SITES

- i. Electronic Communications and Computer Usage Policy. All employees are responsible for understanding and following the Town of Walpole's Electronic Communications and Computer Usage Policy, in addition to this Policy.
- ii. First Amendment Protected Speech. Although the Town of Walpole can moderate the social media sites that accept comments from the public (such as blogs and wikis) to restrict speech that is obscene, threatening, discriminatory, abusive, harassing, or off topic, employees cannot use the moderation function to restrict speech with which the Town of Walpole merely disagrees (i.e. subject matter restrictions). Users have some First Amendment rights in posting content to public social media sites hosted by municipalities. Moderators must respect those rights by posting all comments other than those excluded for specific legitimate reasons, as referenced above. It is critical that employees and board and committee members recognize the distinction that this section makes between receiving incoming feedback versus employees posting comments or objects in violation of the provisions herein.
- iii. Copyright Law. Employees must abide by laws governing copyright and fair use of copyrighted material owned by others. Never reprint whole articles or publications without first receiving written permission from the publication owner. Never quote more than a short excerpt of someone else's work and, if possible, provide a link to the original.
- iv. Copyright - Site Ownership. All web sites developed for official use by the Town of Walpole or its departments, boards or committees shall be owned by the Town. Any and all copyright materials & content created by Town staff in the performance of their duties and responsibilities shall also be the property of the Town.
- v. Protect Confidential Information. Never post legally protected personal information that you have obtained from the Town of Walpole (e.g., information that is not public record under the Public Records Law, G.L. c.66, §10 and G.L. c. 4, §7(26), or whose dissemination is restricted under applicable Federal or State privacy laws or regulations). Ask permission to publish or report on conversations that occur within the Town of Walpole. Never post information about policies or plans that have not been finalized by

the Town of Walpole unless you have received explicit written permission from your supervisor to post draft policies or plans on the department's social media sites for public comment.

- vi. Consider Your Content. As informal as social media sites are meant to be, if they are on a government domain or a government identity, they are official government communications. Social media sites will be sought out by mainstream media - so a great deal of thought needs to go into how you will use the social media in a way that benefits both the Town of Walpole and the public. Employees should not comment about rumors, political disputes, electoral politics, or personnel issues, for example.
- vii. Handling Negative Comments. Because the purpose of many social media sites, particularly department blogs and wikis, is to get feedback from the public, you should expect that some of the feedback you receive would be negative. Some effective ways to respond to negative comments include:
 - 1. Providing accurate information in the spirit of being helpful;
 - 2. Respectfully disagreeing (following discussion & approval with supervisors); and
 - 3. Acknowledging that it is possible to hold different points of view.
- viii. Respect Your Audience and Your Coworkers. Do not use ethnic slurs, personal insults, obscenity, or engage in any conduct that would not be acceptable in your department's workplace. Do not be afraid to be yourself, but do so respectfully. This includes not only the obvious (no ethnic slurs, personal insults, obscenity, threats of violence, etc.) but also proper consideration of privacy and of topics that may be considered objectionable or inflammatory such as party politics and religion. Do not use your department's social media presence to communicate among fellow Town of Walpole employees. Do not air your differences with your fellow Town of Walpole employees on your department's social media's or private sites.
- ix. Use the Social Media Site or Identity Only to Contribute to your Department's Mission - When you contribute to your department's social media site or identity; provide worthwhile information and perspective that contribute to your department's mission of serving the public. What you publish will reflect on the Town of Walpole. Social media sites and identities should be used in a way that contributes to the Town's mission by:
 - 1. Helping you and your co-workers perform their jobs better;
 - 2. Informing citizens about government services and how to access them;
 - 3. Making the operations of your department transparent and accessible to the public;
 - 4. Creating a forum for the receipt of candid comments from residents about how government can be improved; and
 - 5. Encouraging civic engagement.
- x. Mistakes. The Town of Walpole's policy is that once something is posted, it should stay posted. Only spelling errors or grammar fixes should be made without making the change evident to users. If you choose to modify an earlier post, make it clear that you have done so— do not remove or delete the incorrect content; provide the correct information and apologize for the error. Ways to accomplish this include:
 - 1. Strike through the error and correct; or
 - 2. Create a new post with the correct information, and link to it from the post you need to correct or clarify.

Either method is acceptable. In order for the social media identity or site to achieve transparency, the Town of Walpole cannot change content that has already been published without making the changes clearly evident to users.

- xi. Media Inquiries. The Town of Walpole or department social media identities or sites may lead to increased inquiries from the media. If you are contacted directly by a reporter, you should refer media questions to the Town Administrator.
- xii. Personal Comments. Make it clear when you are speaking for yourself as a resident or stakeholder, and not on behalf of the Town of Walpole, when posting on private sites or blogs. If you publish content on any website not owned by the Town of Walpole and it has something to do with the work you do or subjects associated with the Town and not in violation of the provisions of this policy, use a disclaimer such as this: "The postings on this site are my own and don't necessarily represent the Town of Walpole's positions, operations, or opinions."
- xiii. Employee or Official Profile. If you identify yourself as a Town of Walpole employee or official ensure your profile and related content is consistent with how you wish to present yourself to colleagues, residents and other stakeholders and is not in violation of any provision of this policy.
- xiv. Defamation. Be aware that employees acting in their individual capacity (not on behalf of the Town of Walpole) are not immune from defamation claims. Under Massachusetts law, defamation is established by showing that the defendant published a false, non-privileged statement about the plaintiff to a third party that either caused the plaintiff economic loss or was of the type that is actionable without proof of economic loss. Some statements, like imputation of a crime, are defamatory per se. Avoid statements that may be interpreted as defamatory.
- xv. Records Retention. Social media sites will contain communications sent to or received by Town of Walpole officials and employees, and are therefore Public Records. Ensure that the Town of Walpole or department retains a copy of the social media content in accordance with Public Records Retention Schedules. Review the third party social media service provider's terms of service for its record retention practices. Note that while third party social media providers will most likely save your content for some period of time, they generally will not save it indefinitely. To the extent their policies are inconsistent with Public Records Retention Schedules, the Town of Walpole or department should retain copies of social media posts such as by printing or otherwise storing periodic "snapshots" of the social media sites, to the greatest degree possible and feasible.
- xvi. Open Meeting Law. Be aware of the Open Meeting Law and possible violations for improper deliberations outside of a posted meeting. A series of individual postings on a social media site cumulatively may convey the position of a quorum of a governmental body regarding a subject within its jurisdiction, and may constitute improper deliberation among the members of a board or committee.

9. VIOLATIONS OF POLICY

A violation/violations of this Policy may result in either the suspension or permanent loss of the privilege to use the Town's Systems, and may subject the individual to further disciplinary action up to and including termination from employment and/or removal from board(s) and/or committee(s).

Further, any inappropriate use of sites and materials covered hereunder may result in an immediate order from the Town Administrator to remove, revise, or otherwise discontinue the site, group, page, or other media which must be complied with.

TOWN OF WALPOLE ACCEPTABLE USE POLICY ELECTRONIC COMMUNICATIONS AND COMPUTER USAGE POLICY

This acknowledges that I have received and reviewed Electronic Communications and Computer Usage Policy, of the Town of Walpole

By signing this form, I agree to abide by the Policy and any Guidelines promulgated there under, understand and accept the sanctions for policy violations, and I agree to review periodically any changes or modifications. I recognize that the law and associated Policy regarding use of Internet, electronic mail and the Town's electronic communications and information systems are continually evolving. Therefore, I understand that my regular review of this Policy, as it may be amended, is required.

Print Name

Signature

Date

To be included in employee's personnel file. Board or Committee member forms to be retained in the Office of the Select Board

SECTION 201-013: TOWN OF WALPOLE FRAUD POLICY

The Town of Walpole is committed to protecting its revenue, property, information, and other assets from any attempt, either by members of the public, contractors, vendors, agents or its own employees, to obtain by fraud or similar irregular activity as defined herein, financial or other benefits at the expense of the taxpayers.

Town Officials and employees must, at all times, comply with all applicable laws and regulations regarding the safe, secure and proper handling of town property, revenue, information or other assets belonging to or entrusted to the town. The Town prohibits any activity that violates a law or is unethical. The Town does not permit or condone any activity by its employees, officials or vendors that fails to stand the closest possible public scrutiny.

This policy sets out specific guidelines and responsibilities regarding appropriate actions that must be followed for the investigation of fraud and other similar irregularities. It is the intent of this policy to grant the town the broadest ability to prevent and investigate fraud and similar irregularities.

1. Definitions

Occupational fraud is defined by the Association of Certified Fraud Examiners as the use of one's occupation for personal enrichment through the deliberate misuse or misapplication of the Town of Walpole's resources or assets. There are three major categories of occupational fraud.

a. Asset Misappropriations - Theft or misuse of the Town of Walpole's assets.

i. Cash

- 1. Fraudulent Disbursements - Perpetrator causes the Town of Walpole to disburse funds through some trick or device (e.g. submitting false invoices/time card/sheets, expense reimbursement schemes, check tampering, false sick or injury leave, etc.)**
- 2. Skimming - Cash is stolen from the Town of Walpole before it is recorded on the Town of Walpole's books and records.**
- 3. Cash Larceny - Cash is stolen from the Town of Walpole after it has been received by or recorded on the Town of Walpole's books and records.**

ii. Inventory and all other assets

1. Misuse - Misuse of the Town of Walpole's inventory or assets for personal use (e.g. Town vehicles, computers, supplies, etc.)
2. Larceny - Inventory or other assets are stolen from the Town of Walpole.
- b. Corruption - Wrongfully use influence in a business transaction in order to procure some benefit for themselves or another person, contrary to duty to employer or the rights of another.
 - i. Conflicts of Interest - An undisclosed economic or personal interest in a transaction that could potentially adversely affect the employer.
 - ii. Bribery - The offering, giving, receiving, or soliciting of anything of value to influence an official act or business decision.
 - iii. Illegal Gratuities - A party who benefits from an official act or a business decision gives a gift to a person who made the decision. An illegal gratuity does not require proof of an intent to influence.
 - iv. Economic Extortion - An employee demands that a vendor/contractor/etc. pay to influence an official act or a business decision.
- c. Fraudulent Statements - Falsification of the Town of Walpole's financial statements.

Other similar irregularities is defined as any activity involving questionable behavior or business dealings by members of the public, contractors, vendors, agents or government employees, that put government revenue, property, information and other assets at risk of waste or abuse.

2. Applicability - This policy applies to all Elected Officials and employees of the Town of Walpole as well as any business or individual doing business with the government.

3. General Policy and Responsibility

- a. It is the Town's intent to fully investigate any suspected acts of fraud or other similar irregularity. An objective and impartial investigation will be conducted regardless of the position, title, and length of service or relationship with the government of any party who might be or becomes involved in or becomes/is the subject of such investigation.
- b. Each Elected Official, Department Head/Director, Commissioner and Manager is responsible for instituting and maintaining a system of internal control to provide reasonable assurance for the prevention and detection of fraud, misappropriations and other irregularities. Management should be familiar with the types of improprieties that might occur within their area of responsibility and be alert for any indications of such conduct.
- c. The Town Administrator or their designee has the primary responsibility for the investigation of all activity defined in this policy.
- d. The Town Administrator will notify the Select Board of a reported allegation of fraudulent or irregular conduct upon the commencement of the investigation to the extent practical. Throughout the investigation, the Select Board will be informed of pertinent investigative findings.
- e. In all circumstance where there are reasonable grounds to indicate that a fraud or similar irregularity may have occurred, the Town Administrator, in conjunction with the advice of Town Counsel, will contact the office of the District Attorney and/or the Walpole Police.
- f. Upon conclusion of the investigation, the results will be reported to the members of the Select Board, and others as determined necessary.
- g. The Town Administrator will pursue every reasonable effort, including court ordered restitution, to obtain recovery of the Town/Town's losses from the offender, or other appropriate source. The Town Administrator will also initiate appropriate disciplinary action against employees who violate this policy.

4. Procedures

- a. All Employees
 - i. Any employee who has knowledge of an occurrence of fraud or similar irregular conduct, or has reason to suspect that a fraud or similar irregular conduct has occurred, shall

- immediately notify their supervisor. If the employee has reason to believe that their supervisor may be involved or does not feel comfortable reporting the occurrence to their supervisor, the employee shall immediately notify the Town Administrator.
- ii. Employees have a duty to cooperate during an investigation.
 - iii. Employees who knowingly make false allegations will be subject to discipline and possible termination of employment.
- b. Town/Town Management/Elected Officials
 - i. Upon notification from an employee of suspected fraud or similar irregular conduct or if management has reason to suspect that a fraud or similar irregular conduct has occurred, they shall immediately notify the Town Administrator.
 - c. Office of the Town Administrator
 - i. Upon notification or discovery of a suspected fraud or similar irregular activity the Town Administrator will promptly notify the Chief of Police and determine the appropriate process to investigate the suspected fraud or similar irregular activity. In all circumstances, where there are reasonable grounds to indicate that a fraud or similar irregular activity may have occurred, the Town Administrator will inform the SELECT BOARD and Town Counsel. The Chief of Police will follow proper legal protocols regarding the involvement of the Office of the District Attorney when necessary.
 - d. Contacts/Protocols After an initial review and a determination that the suspected fraud or similar irregular activity warrants additional investigation, the Town Administrator and/or Police Chief will notify the SELECT BOARD. The Town Administrator will coordinate the investigation in consultation with the SELECT BOARD and, as appropriate, the Chief of Police will coordinate any required criminal investigation.
 - e. Security of Evidence
 - i. Once a suspected fraud or similar irregular activity is reported, the Town Administrator, in consultation with the Chief of Police and Town Counsel, shall take immediate action to prevent the theft, alteration, or destruction of relevant records. Such actions include, but are not necessarily limited to, removing records and placing them in a secure location, limiting access to the location where records currently exist, and preventing the individual suspected of committing the fraud or similar irregular activity from having access to the records. The records must be adequately secured until the Town Administrator and/or Police Department obtains the records to begin the audit investigation.
 - f. Personnel Actions
 - i. If a suspicion of fraud is substantiated by the investigation, disciplinary action shall be taken by the Appointing Authority, in consultation with the Town Administrator (if different), and the SELECT BOARD.
 - g. Whistle-Blower Protection
 - i. Under Massachusetts General Law Chapter 149, paragraphs 148A, 185 and 187, no employer or person acting on behalf of an employer shall:
 - 1. Dismiss or threaten to dismiss an employee
 - 2. Discipline or suspend, or threaten to discipline or suspend, an employee Impose any penalty upon an employee; or Intimidate or coerce an employee because the employee has acted in accordance with the requirements of this policy. The violation of this section will result in discipline up to an including dismissal in accordance with the applicable federal, state, and local administrative laws and policies
 - h. Media Issues
 - i. Any Town employee or elected official contacted by the media with respect to an audit or investigation shall refer the media to the Town Administrator at 508-660-7289. The

- alleged fraud or audit investigation shall not be discussed with the media by any person other than through the Town Administrator.
 - ii. If the Town Administrator is contacted by the media regarding an alleged fraud or audit investigation, the Town Administrator will consult the SELECT BOARD Chair, before responding to a media request.
 - iii. Neither the Town Administrator, nor the SELECT BOARD will discuss the details of any ongoing fraud or audit investigation with the media that may compromise the integrity of the investigation.
- i. Documentation
 - i. At the conclusion of the investigation, the results will be reported to the members of the SELECT BOARD, and others as determined necessary. If the report concludes that the allegations are founded, the report will be forwarded to the Office of the District Attorney and/or the Walpole Police.
- j. Completion of the Investigation
 - i. Upon completion of the investigation, including all legal and personnel action, any records, documents and other evidentiary material will be returned by the Town Administrator to the appropriate department. Every effort will be made to preserve the confidentiality of the matter as allowed and authorized by law.
- k. Training
 - i. New employees shall be trained at the time of hiring about the Town's Code of Conduct and Fraud Policy. This framing explicitly covers expectations of all employees regarding:
 - 1. Their duty to communicate certain matters;
 - 2. A list of the types of matters, including actual or suspected fraud, or similar irregular activities to be communicated along with specific examples; and
 - 3. Information on how to communicate those matters.

Section 201-014: Town of Walpole Employment Contract Policy

This policy is intended to facilitate the hiring and retention for key positions that are essential to the Town's operations when the compensation for such position cannot be adequately addressed under the Town's Personnel By-law and Wage and Classification Plan. This policy establishes a process for authorizing the Select Board to enter into new individual employment agreements with employees holding such positions. It is anticipated that there shall be a limited need to utilize this policy for adding additional positions.

Process: Pursuant to § 4-3(C) of the Town Charter grants the Town Administrator with general appointment power of all Town employees (with Select Board approval) and Massachusetts General Laws c. 40, § 4, authorizes the Select Board to enter into individual employment contracts pursuant to the Town's corporate powers and its status as an employer. In addition to these grants of authority, the Massachusetts General Laws includes certain statutory provisions such as MGL c. 41, section 108N (Town Administrator), section 108N1/2 (Treasurer, Collector and Assessor) and section 108O (Police and Fire Chiefs) that authorize not only employment contracts but also agreements on employee benefits that otherwise differ from more general statutory provisions. Consistent with these statutory and Town Charter authorities the Select Board hereby promulgates this policy;

1. When the Select Board determines that a position, provides a critical or essential function to the Town and there is a demonstrated need for the Town to enter into an individual employment agreement, the Select Board shall make application under this policy. This policy sets forth criteria to be considered by the Select Board in making a determination of "demonstrated need" for an individual employment agreement. The criteria set forth in clauses (a) and (b) below must be satisfied. The criteria set forth in

clauses (c) through (h) below shall be considered by the Select Board; however, it is the intent that some but not necessarily all criteria set forth in clauses (c) through (g) below must be met.

- a. The compensation requirements for the position cannot be adequately addressed under the Town's Personnel By-law and Wage and Classification Plan. [Criterion must be met]
 - b. The position provides a critical or essential function for the Town.[Criterion must be met]
 - c. The position requires special education or experience that differentiates it from other positions within the Town or from similar positions in other communities.
 - d. The position includes other factors that make it unique from similar positions in other municipalities in a substantial way.
 - e. There is greater need or importance for the position in the Town when generally compared with other communities.
 - f. The position is structured similarly to a private sector comparable position, and the private sector is a primary source of competition for filling, and retaining individuals in, the position.
 - g. The position vital to the continued operations of the Town of Walpole and requires Walpole to compete with other communities to fill such a position.
 - h. The Personnel By-law and Wage and Classification Plan do not provide salary and benefits for the position that are competitive.
2. Prior to making a formal application under this Policy, the Town Administrator shall present a preliminary application for discussion with the Select Board. If, after discussion of such preliminary application, the Select Board determines that there is a "demonstrated need" to execute an individual employment agreement then the Select Board shall recognize the determination of demonstrated need. The Town Administrator shall provide a copy of said contract to the Human Resources Department to be placed in the employee's personnel file and file a copy of the contract with Town Clerk.
 3. The amount of compensation contemplated for the individual employment agreement shall be supported in light of relevant comparable data.
 4. Upon execution of the individual employment agreement, the position shall be deemed exempt from the classification and salary plan and any other provisions of the Personnel By-Law addressed in the individual employment agreement.

SECTION 202: TOWN MEETING WARRANTS, SCHEDULES, POSTING

202-001 TOWN MEETING WARRANT ESTABLISHMENT & TIMELINE

The Select Board shall vote to open the Warrant for the Fall Town Meeting no later than the fourth Tuesday in July and open the Warrant for the Spring Town Meeting no later than the fourth Tuesday in November.

A Timeline shall be created in coordination with the Town Administrator's Office. This timeline will outline the dates and necessary action needed by the petitioners.

202-002 ARTICLE SUBMISSIONS: BOARDS, COMMISSIONS, COMMITTEES

A formal vote by the majority of the Board, Committee or Commission members at a duly posted meeting is required to sponsor an article on a Town Meeting warrant. It is the responsibility of the Board to either provide the actual language, or to contact staff (Select Board or Town Administrator's Office) to assist with the draft language. The relevant Chair must review and concur with the proposed text and/or map, (when required), prior to the execution of the warrant by the Select Board.

It is the responsibility of the sponsoring Board, Committee or Commission to advocate for the article's passage, attending all hearings and meetings presenting support materials, answering questions, etc. before reviewing Boards; i.e. Select Board, Planning Board, Finance Committee, et al.

202-003 ARTICLE SUBMISSIONS: TOWN OFFICIALS & STAFF

Staff must submit the sponsorship and support of the relevant Board, Committee or Commission through submittal of draft language for an article, with accompanying descriptive rationale. This solicitation must be made with enough advance notice for the Board, Committee or Commission to deliberate at a posted meeting, and determine if sponsorship is appropriate. If it is the sponsorship of the Select Board that is being sought, draft language, Et. al., must be submitted to their office at least one meeting prior to the date on which they are scheduled to execute the warrant. Departments and staff may not propose warrant articles without first consulting with the Town Administrator.

202-004 ARTICLE SUBMISSIONS: PRIVATE PETITIONS

The petition inclusive of the required number of signatures of Walpole registered voters (10 for Annual Town Meeting Warrant Articles and 100 for Special Town Meeting Warrant Articles*) certified by the Town Clerk, must be submitted to the Office of the Select Board five (5) days prior to the scheduled close of the warrant. The text of the warrant article, and when applicable, required maps, must be attached to the petition. Private petitioners will be responsible for the advocacy of the petitioned articles in the same manner as Boards, Committees and Commissions (see above).

*The required 100 signatures for inclusion of an article in the warrant of a Special Town Meeting called by the Select Board is separate and distinct from the petition of 200 registered voters to call for a Special Town Meeting.

Proposed amendments to the Zoning Bylaw shall be submitted in accordance with the Zoning Bylaw and MGL c.40A.

202-005 WARRANT REVIEW PROCESS

Following the submission procedures outlined herein, the Select Board shall observe the following process in preparation of the final warrant.

1. Petitioner/staff submits text and map if required, to Select Board's office.
2. The Selectmen's Executive Assistant shall prepare a draft warrant showing all submitted articles, and shall forwarding said draft Town Meeting Warrant to Town Counsel for review. Any articles proposing the borrowing of funds shall also be forwarded to the Finance Director for Bond Counsel's review.
3. The Selectmen's Executive Assistant shall forward all zoning articles and related materials to Planning Board within fourteen days of receipt of such proposed zoning ordinance or by-law as required in MGL Chapter 40A, whereby the Planning Board shall initiate the public hearing schedule and notices.
4. The Selectmen's Executive Assistant shall make any corrections to the warrant based upon advice of Counsel or upon identification of any procedural or technical changes. Any changes to articles sponsored by Boards, Committees, Commissions or departments shall be referred to said sponsor for further input. Changes to language submitted via private petition shall not be made. The Executive Assistant shall forward the final draft of the warrant to the Select Board for execution.
5. It is the responsibility of any petitioner to ensure they have met the requirements as set forth in Section 9-F of the Zoning Bylaws when submitting a warrant article to amend the Zoning Bylaws or the Zoning Map.

202-006 WARRANT POSTING REQUIREMENTS

After the Select Board execute the final warrant, the Executive Assistant shall forward it to the Police Chief for posting in at least two public places in each precinct. As required under M.G.L. c.30, Section 10, the warrant for a Regular Town Meeting must be posted a minimum of seven days prior to the start of Town Meeting and fourteen days for a Special Town Meeting. In addition, the Executive Assistant shall advertise notice of the Town Meeting in the local newspaper at least fourteen days prior to the start of said meeting and post said notice on the bulletin board outside the Town Clerk's office. The Town Clerk shall notify all representatives of Town Meeting

202-007 WARRANT CHANGES –

Once the warrant is signed and posted by the Select Board, changes may only be made by the Select Board vote to re-open the warrant. The Board shall sign the new warrant and follow the posting requirements.

SECTION 203: LEGAL SERVICES REQUESTS

203-001 BACKGROUND

As per Article II of the Town's by-laws, the Select Board shall appoint a Town Counsel for no longer than a three-year period. Town Counsel advises the Select Board who have the authority to institute various legal proceedings and to execute legal instruments on behalf of the Town. As the Town's executive authority the Select Board has a varying degree of responsibility for the many Town Committees and Departments to include those legal matters that might involve these entities from time to time. However, the by-laws also require that "Town Counsel do every professional act relating to Town affairs which may be required of him by vote of the town or any board and/or commission or town officers." Town Counsel shall provide written legal opinions and shall prosecute or defend legal actions involving any Town entity.

203-002 OBJECTIVES

It is the objective of this policy that:

1. Formal means of communications between Town Counsel and the Select Board shall be established.
2. A mechanism to monitor and record the use of Town Counsel by Town Committees and Departments are maintained.
3. Requests for legal services to insure effective utilization of the Town Counsel's time and efficient use of funds are prioritized.
4. That access to Town Counsel by the various Town Committees and Departments is not obstructed, but rather to quantify and organize the process for the benefit of the Town.

203-003 PROCEDURES

Except as noted below, all requests for legal services should be in writing. The request will be submitted to the Town Administrator, who will review the request and if appropriate, comments will be added prior to forwarding the request to Town Counsel. The Town Administrator will insure that the request is proper and adequately prepared before forwarding to Town Counsel. Town Counsel will analyze requests when received and assign them relative priorities. They will then proceed to dispose of requests in the manner, which they deems appropriate consistent with applicable policies and the expressed desires of the Select Board.

The Select Board will maintain a file on all requests for legal services for their review. Requests of a confidential nature shall be kept in separate file.

The following circumstances shall constitute grounds for exemption from the written request procedure:

- Individual members of the Select Board
- Police Chief during the course of a criminal investigation and other confidential matters.
- Emergencies where an immediate response is needed to avoid a result detrimental to the best interests of the Town. However, as soon as possible written backup material should be provided on the request form. To the greatest extent possible, any request of this nature should be first presented to the Town Administrator.

Requests for legal services not consistent with this policy shall not be honored by the Town Counsel.

SECTION 204: TOWN OWNED PARCELS & PROPERTY REGULATIONS

204-001 USE OF TOWN OWNED PROPERTY

1. A permit is required from the Select Board for any of the following activities, singly or in combination: Use of Common or other town property for, weddings, concerts, political events, celebrations, camping, art shows, festive and religious celebrations etc.
2. Applications for permits to conduct permitted activities on Town Property shall be filed on an application provided by the Town no later than 21 days prior to the requested date for said use and at least 60 days prior to the event if the applicant is seeking a special license to serve alcoholic beverages. Late or incomplete applications will be considered at the discretion of the Select Board.
3. Permit applications shall include, name address and telephone number of applicant. The date or dates and times requested nature of the event and duration of the event.
4. Care must be taken to prevent damage to town property.
5. The Police Department shall be the enforcement agency for any and all portions of this policy.
6. No alcoholic beverages may be sold, dispensed, or consumed upon any Town property without the sole permission of the Select Board. If an applicant is seeking permission to sell wine or malt beverages they must first obtain a special one day license as set forth in MGL and Select Board Policies and Procedures.
7. After the event, the individual or sponsoring group issued such permit must clean up town property and leave it in the same condition that it was in before the event. The clean-up must be accomplished on the same day as the event. All waste must be removed by the sponsor.
8. At the discretion of the Select Board, upon a determination that the public need or safety so require, a police officer (or police officers) may be required to be present at the event, to be paid for by the applicant.
9. The Select Board must approve the hours of such event.
10. No use of public property for events permitted hereunder shall be allowed until the applicant or organization proposing such use obtains and maintains during the period of any such use insurance coverage or a bond in a company licensed to do business in the Commonwealth of Massachusetts and acceptable to the Select Board and in an amount acceptable to the Select Board, based upon the nature of the event or function being proposed. All policies or bonds shall identify the Town as an additional insured and shall provide that the Town shall receive written notification at least 30 days prior to the effective date of any amendment or cancellation. Certificates evidencing all such coverages shall be provided to the Town prior to the commencement of any activities on Town property.
11. The attached Release of Claims, Indemnity and Hold Harmless Agreement shall be executed by any individual submitting an application for use of public property or by an authorized representative of any organization seeking to use Town property, together with a certificate of authorization by the organization as to the authority of the individual signing for the organization.
12. No views expressed by private individuals or groups using public property shall be considered the views of the Town and the permit holder shall post a sign stating so if any position or statement is being made to the public during the licensed period.

204-002 RENTAL OF TOWN FACILITIES

1. Rental of building space within Town buildings, excluding public schools, shall only be permitted in the Council on Aging, Blackburn Hall, and Adams Farm Barn & Pavilion. Rental of space within school facilities shall be governed by the School Committee.
2. Rules and regulations for the rental of building space shall be developed by the Recreation Department for use of Blackburn Hall, and by the Council on Aging Board for the Council on Aging. These rules and regulations must include, but not be limited to, provisions that require the cleanup of rented space(s) following said rental and provision of certificates of insurance if deemed necessary. Further, no device, equipment, or machinery may be permitted upon Town property that, in the opinion of the responsible department head or Town Administrator, may cause harm or injury to a person or persons. Fees may be charged for the rental of Town buildings and property provided that the Select Board shall have first approved a schedule of fees for the buildings listed above.

3. The Select Board may authorize leases of other facilities for terms not to exceed five (5) years upon terms and conditions they deem appropriate.
4. The short-term use of field or park space in the Town must be approved in advance by the Recreation Committee subject to any terms or conditions they deem appropriate.
5. No alcoholic beverages may be sold, dispensed, or consumed upon any Town property without the sole permission of the Select Board. If an applicant is seeking permission to sell wine or malt beverages they must first obtain a special one day license as set forth in Section 204-003.

204-003 SPECIAL LICENSE REQUIRED IN ORDER TO SELL OR SERVE WINE AND/OR MALT BEVERAGES

1. All businesses, private individuals, and organizations holding events at town property must seek permission for the use of Town property and must file an application for a One-Day Special License pursuant to M.G.L. c. 138, Section 14 with the Licensing Board where Wine and/or Malt beverages are to be sold, tickets are to be sold, or an entrance fee is to be charged. The Town has the right to reject any requests to serve or sell wine or malt beverages on Town property. Special licenses for the sale of wines and/or malt beverages may be issued to a responsible manager of any indoor or outdoor activity (for profit or non-profit). Proof of an organization's non-profit status may be required. Approval by the Select Board under this section is necessary to avoid violation of Article XIII-Police Regulations Section 3 of the Town of Walpole Bylaws.
2. **SPECIAL LICENSES IN GENERAL**
Special licenses may be issued only to a natural person or a natural person in conjunction with a business, organization, charity or Town Department. The person named on the license is responsible for management of the license and shall be on the premises for the entire event. It is essential that the licensee have control of the area in order to preclude service to underage persons, to intoxicated persons, etc. If the event takes place in an outside area, or outside a Town Facility, alcohol may only be sold, served and consumed within the delineated area approved by the Select Board. This area must be enclosed by a fence, rope or other means to prevent patrons or members of the public from wandering in and out with alcoholic beverages of any kind.
3. **PURCHASE FROM A WHOLESALER**
For events that are required to obtain a One-Day Special License, all alcoholic beverages must be purchased from an authorized source of alcohol, usually a licensed wholesaler in Massachusetts, as show on a list for 1-Day licenses issued by the Alcoholic Beverages Control Commission, in compliance with 204 CMR 7.05. Alcohol may not be purchased out of state, from a caterer, or from a package store. The list of authorized sources of alcohol is available at the Select Board's Office or through the State Alcoholic Beverages Control Commission.
4. **INSURANCE**
The liquor liability coverage shall be at a minimum of \$1,000,000 per occurrence and \$3,000,000 aggregate naming the Town of Walpole as additional insured. The Town shall also require a certificate for General liability naming the Town of Walpole as additional insured on a per occurrence basis, \$1,000,000 (bodily injury & property damage) liability limit and with an aggregate of \$3,000,000. It will be at the Select Board's discretion as to whether higher limits on insurance are needed.
5. **POLICE DETAIL**
All one (1) day wine and malt licenses granted on Town property require a minimum of one (1) police detail, to run from a minimum of one (1) hour before the start of the event, to one (1) hour after the end of the event. More officers and additional hours may be added at the discretion of the Select Board based on

factors such as number of guests, location, date, time and type of event. Police detail is to be paid for by the applicant

6. POSTING

The licensee is required to post the Special License in a conspicuous location during the event.

7. HOURS

No special licensee may sell any alcoholic beverages between the hours of 1:00 a.m. and 8:00 a.m.

The hours during which sales or serving of wine or malt beverages may be made by a special license shall be fixed by the Select Board as Licensing Authority for the Town.

8. ISSUANCE, SUSPENSION, CANCELLATION, OR REVOCATION The Select Board has the authority to refuse to issue or reissue a special license, if the licensee fails to comply with state or local regulations or any reasonable requirements of the local licensing authority.

204-004: SALE OF TOWN OWNED PARCELS & PURCHASE OF OTHERS

The Select Board receives requests or petitions periodically to sell Town owned parcels as well as offers to purchase privately owned parcels. When the Select Board is granted authority by the vote of Town Meeting to act in the Town's behalf to dispose of Town parcel(s) or purchase private parcel(s), the Board establishes the following guidelines on the fair and consistent method of acquiring and disposing of real property.

1. The Town will strictly adhere to compliance with MGL, Chapter 30B, the Uniform Procurement Act and not seek Legislation to waive compliance with MGL, Ch.30B.
2. When private requests come before the Select Board, the Board will require the requisite number of signatures on a petition and then accepts the request to place a warrant article only as a private petition.
3. The Town should not consider selling any parcels within environmentally sensitive areas, particularly those designated in DEP's approved Zones One and Two.
4. With regard to acquisition of property with an assessed value of greater than \$50,000, the Town will retain an independent appraisal to determine value before Town Meeting is requested to consider such purchase.

SECTION 205: MUNICIPAL PROJECTS: WAIVER OF FEES

205-001: CONSTRUCTION & BUILDING PROJECTS

The Select Board will consider fees on projects that are on, in or upon Town buildings or properties waived unless they by vote shall determine otherwise.

SECTION 206: DISPLAY OF AMERICAN FLAG

206-001: FEDERAL, STATE & LOCAL OBSERVANCES

American Flags shall be displayed along Main Street in downtown and along Washington Street in East Walpole on Memorial Day, Flag Day, Fourth of July and Veteran's Day.

206-002: NIGHT DISPLAY REQUIREMENT - LIGHTING OF FLAGS

No American Flag shall be displayed after sunset without proper illumination upon said flag. If light cannot be provided, then the flag shall be lowered and placed indoor until sunrise the next day.

SECTION 207: DISPLAYS OF HOLIDAY DECORATIONS

(DELETED AND ADDED NEW SECTION 211 June 2014)

SECTION 208: EMPLOYEE TRAVEL REGULATIONS

208-001: PURPOSE

The Select Board of the Town of Walpole desires to create guidelines regarding all forms of business travel of Town of Walpole employees, and to establish a method of pre-payment and reimbursement for expenses incurred as a result of said travel.

208-002: SCOPE

This policy shall be followed by each and every department under the governance of the Town of Walpole Board, and shall include all employees assigned to all non-School departments without exception.

208-003: ENFORCEMENT

Enforcement authority of this policy shall be maintained by the Select Board delegated to the Town Administrator of the Town of Walpole.

208-004: TRAVEL GUIDELINES & REGULATIONS

1. All business related travel by employees of the Town of Walpole shall be conducted in the most reasonable, cost-efficient manner possible.
2. The Select Board interprets the definition of business related travel to include, but not be limited to, authorized travel by any employee of the Town of Walpole to carry-out and/or enhance the duties and responsibilities assigned to him/her. This shall include, but not be limited to conferences, meetings and seminars designed to educate and inform, and all travel necessary to carry out the normal requirements of an employee's position.
3. All business related travel by employees of the Town of Walpole shall have prior written approval of the department head and from the Town Administrator.
4. All employees of the Town of Walpole engaging in business-related travel shall submit detailed descriptions and itemized receipts of all expenses authorized by this policy, at the conclusion of said travel in order to receive reimbursement. Only the cost of registration(s), meals (daily allowance), airfare, and other approved modes of transportation shall be paid in advance. The Mode of Transportation must be approved by the Town Administrator.
5. For purposes of determining mileage reimbursement for the use of private vehicles, mileage shall be calculated from the employee's regular office location to the destination point. Mileage to or from an employee's place of residence is not reimbursable. Reimbursable mileage expenses shall be based upon the IRS mileage rate in effect on July 1st of each fiscal year, and shall remain in effect for that fiscal year. Expenses for tolls and parking shall not be included in this mileage rate, but may be submitted according to the provisions of section 6.01 of this policy.
6. All employees of the Town of Walpole, who incur expenses for meals during business related travel, shall be reimbursed for costs incurred, up to a maximum daily allowance amount. Said amount shall reflect the per diem rate established and set by the Internal Revenue Service. Annually during the first week of July, the Finance Director shall determine the then-current IRS rate and communicate it in writing to all Department Heads. This amount shall be in effect for the fiscal year. This provision shall not apply to employees of Town of Walpole who are engaged in business related travel for a time period of twenty-four (24) hours or less.

208-005: APPROVAL PROCEDURE:

1. Prior to the commencement of any business related travel, the requesting department shall submit an "AUTHORIZATION FOR EMPLOYEE TRAVEL" request form (SEE FORM #208-1) to the Town

Administrator for approval. This form shall contain all information regarding the proposed travel, including location, duration, purpose, names of those traveling, and all relevant funding information. The form shall be complete with the signature of the appropriate department head.

2. This completed form must be received by the Town Administrator no later than fifteen (15) business days prior to the commencement of travel.
3. If advanced payment is required, the "AUTHORIZATION FOR EMPLOYEE TRAVEL" form must be accompanied by a completed voucher for payment to be executed by the Town Accountant.
4. Upon the approval of the Town Administrator, a signed copy of the "AUTHORIZATION FOR EMPLOYEE TRAVEL" form and attached voucher will be forwarded to the Town Accountant, whereby advance payment will be processed and forwarded to the Town Treasurer. This will occur no less than five (5) business days prior to the commencement of travel, with the payment check and all necessary documentation regarding such, returned to the requesting department.
5. In the event that no advance funding for the designated travel is necessary, the requesting department must still submit to the Town Administrator an "AUTHORIZATION FOR EMPLOYEE TRAVEL" form. This approved form shall then be returned to the requesting agency no less than ten (10) business days prior to the commencement of travel.
6. If approval for travel is NOT granted by the Town Administrator, the "AUTHORIZATION FOR EMPLOYEE TRAVEL" form will be returned to the requesting agency no less than ten (10) business days prior to the commencement of travel. This shall include the reason for disapproval.
7. In the event that an emergency situation requires immediate travel as deemed necessary by the department head and approved by the Town Administrator, then the "AUTHORIZATION FOR EMPLOYEE TRAVEL" form and all relevant information shall be forwarded to the Town Administrator in a timely fashion not less than five (5) business days following the conclusion of travel.

208-006: REIMBURSEMENT PROCEDURE:

1. At the conclusion of business related travel in which employee out-of-pocket expenses were accrued, the employee shall submit all itemized and detailed receipts to the department head for review.
2. The department head will in turn submit a "TRAVEL EXPENSES REIMBURSEMENT REQUEST"(SEE FORM #208-2) form to the Town Administrator, listing itemized and detailed receipts to be reimbursed to the employee. Accompanying this shall be a completed warrant specifying the total amount to be reimbursed. This form and attached warrant shall be submitted to the Town Administrator no later than ten (10) business days following the conclusion of travel.
3. Upon granting approval of the reimbursement request, the Town Administrator will forward the signed "TRAVEL EXPENSES REIMBURSEMENT REQUEST" form to the Town Accountant for reimbursement. This procedure, and return of reimbursement to the employee, shall not exceed twenty (20) business days following the conclusion of travel.
4. In the event that approval of the reimbursement request is disapproved by the Town Administrator, the "TRAVEL EXPENSES REIMBURSEMENT REQUEST" form will be returned to the requesting department no later than ten (10) business days following the conclusion of travel, and shall include the reason(s) for disapproval. Following this step, the employee, through their department head, may appeal to the Town Administrator for reconsideration. This shall be conducted through official, written communication directed to the attention of the Town Administrator, and shall include the basis for the reconsideration request. The Town Administrator shall then have ten (10) business days from receipt of the appeal to issue a final decision.

SECTION 209: HOLIDAY DISPLAY POLICY

209-001: GENERAL PRINCIPLE

The Walpole Select Board recognizes and celebrates the diversity of the individuals of the community the Board has been elected to serve. Traditionally, the Town has decorated and will continue to decorate the interior and exterior of the Town's buildings and the Town's display areas with symbols that reflect the various seasonal and

holiday celebrations of the community, but the Town will do so only in a manner that does not advance or inhibit any particular religion, culture or ethnicity and in a manner that respects the complex values of modern society.

209-002: POLICY PURPOSE

The purpose of the Holiday Display Policy shall be to ensure that each Town-owned facility and property has a welcoming atmosphere and that does not result in the Town acting to advance or inhibit any particular religion, culture or ethnicity and that provides equal access to private parties to use a portion of the Town Common for private Holiday Displays as set forth herein.

209-003: POLICY DIRECTIVES

The Town may erect secular Holiday Displays upon any Town facility or property.

Private Holiday Displays may be located upon the Town Common, specifically on the portion of the Common located to the East of Main Street bordered by Common and Front Streets, with equal opportunity for access to be provided to all private parties.

Private Holiday Displays shall be grouped in the same area of the Town Common, so no one private Holiday Display shall be more prominently placed than any other private Holiday Display. Each private Holiday Display shall have a sign that states that: "This display is sponsored by XX."

209-004: APPLICATION AND PERMIT REQUIREMENTS

1. No Holiday Display shall be erected by a private party on Town-owned property without submitting a letter of request to the Select Board's Office
2. An application for a private Holiday Display Permit shall be received at least 30 days prior to the date upon which the Holiday Display is proposed to be erected.
3. The letter of request shall be accompanied by information as to the substance and size of the display and the proposed location for the private Holiday Display.
4. The letter of request shall include an agreement by the applicant to indemnify and hold the Town harmless for damage to the Town's property as a result of use of the Holiday Display Permit.
5. The Select Board shall review each Holiday Display Permit application in order to maintain the public's health, safety and welfare and the Board may consult with the Police Chief, Fire Chief, Building Commissioner and other Town Officials, to make sure any proposed display shall conform to all applicable laws and satisfy public safety requirements.
6. No disturbance of ground shall be allowed except after consultation with the Town Parks Superintendent to ensure minimal disruption.
7. No Holiday Display shall be duplicated during any display period (For example: only one "crèche", "menorah", etc. shall be allowed).
8. The Select Board shall include any reasonable time, manner and place restrictions on any Holiday Display Permit that is issued.
9. Setup and removal of any private Holiday Display shall be the sole responsibility of the private party erecting the holiday display. If the Town has to remove a Holiday Display then the party responsible for the relevant display shall reimburse the Town for its costs to remove the display.
10. A private Holiday Display shall not be erected by Town staff or using Town equipment.

SECTION 210: PUBLIC RECORDS ACCESS GUIDELINES

The Town's Public Records response shall be consistent with the Massachusetts Public Records Law, G.L. c.66 and c.4 §7 (26).

220-General information:

1. Town Hall - Business Hours. The regular business hours of Walpole Town Hall are:

Monday, Wednesday, Thursday – 8:00 A.M. – 4:00PM
Tuesday 8:00 A.M. - 8:00 P.M.
Friday - 8:00 A.M. -12:00 P.M.

2. Super Record Access Officers. The following Super Record Access Officers have been designated:

Super RAO:

Town Administrator
135 School Street
Walpole, MA 02081

508-660-7304

508-660-7303 - fax

Super RAO:

Police Chief
972 Main Street
Walpole, MA. 02081

508-660-7541

508-668-0531 - fax

Super RAO:

Town Clerk
135 School Street
Walpole, MA 02081
508-660-7296
508-660-7297 – fax

Super RAO:

Superintendent of Schools
135 School Street
Walpole, MA 02081
508-660-7200 x221
508-660-7395 - fax

Super RAO

Fire Chief
20 Stone St
Walpole, MA 02081
508-660-7650

3. RAO:

All Department Heads are Record Access Officers.

Record Access Officers are available to answer questions concerning and help facilitate and help facilitate the making of public records requests. Contact information for RAOs is also posted the www.walpole-ma.gov and at public offices.

SECTION 211: FUEL EFFICIENT VEHICLE POLICY

211-01 Definitions:

1. **Combined city and highway MPG (EPA Combined fuel economy):** Combined Fuel Economy means the fuel economy from driving a combination of 43 percent city and 57 Percent highway miles and is calculated as follows: $=1/((0.43/\text{City MPG})+(0.57/\text{highway MPG}))$
2. **Drive System:** The manner in which mechanical power is directly transmitted from the drive shaft to the wheels. The following codes are used in the drive field:
 - a. AWD = All Wheel Drive: 4 -wheel drive automatically controlled by the vehicle power train system
 - b. 4WD = 4-Wheel Drive: driver selectable 4-wheel drive with 2-wheel drive option

- c. 2WD = 2-Wheel Drive
3. Heavy-duty vehicle: Vehicles with a manufacturer's gross vehicle weight rating (GVWR) of more than 8,500 pounds

211-02 Policy Statement:

In an effort to reduce the Town of Walpole's fuel consumption and energy costs the Select Board hereby adopts a policy to purchase fuel efficient vehicles to meet this goal.

211-03 Purpose:

To establish a requirement that the Town of Walpole purchase only fuel efficient vehicles for municipal/school use whenever such vehicles are commercially available, practicable and economically feasible.

211-04 Applicability:

This policy applies to all divisions and departments of the Town of Walpole. It shall apply to road-worthy passenger vehicles, pick up and utility trucks, and SUVs. It does not apply to specialized equipment or off-road vehicles.

211-05 Guidelines:

All departments/divisions shall purchase only fuel efficient vehicles for municipal use whenever such vehicles are commercially available and practical.

The Town of Walpole will maintain an annual vehicle inventory for ALL vehicles and a plan for replacing any non-exempt vehicles with vehicles that meet, at a minimum, the fuel efficiency ratings contained in the most recent guidance for Criterion 4 published by the MA Department of Energy Resources' Green Communities Division. Said plan will be subject to funding availability and appropriation from Town Meeting.

The Town of Walpole will check the Green Communities Division's Guidance for Criterion 4 annually prior to ordering replacement vehicles.

Exemptions

- Heavy-duty vehicles: examples include fire-trucks, ambulances, and some public works trucks that meet the definition of heavy-duty vehicle.
- Police cruisers are exempt from this criterion due to lack of widespread availability. However, Walpole will attempt to purchase fuel efficient police cruisers, when they become commercially available and the price of said vehicle is economically feasible. Police, Fire, DPW and Administrative vehicles that do not respond to emergency calls are NOT exempt and must meet fuel efficient requirements.

Inventory

The following information (example provided below) shall be included in a vehicle inventory list and said list shall be updated on an annual basis and provided to the Green Communities Division:

Model	Make	Model Year	Month / Yr. Purchased	Drive System 2WD, 4WD, or AWD	>8500 pounds?	Exempt / Non Exempt	MPG Rating	Vehicle Function
Ford	F250	2016	Aug-17	4WD	Y	Exempt	N/A	DPW
Ford	Focus	2016	Jul-14	2WD, 4WD, or AWD	N	NE	32	Assessors
International	Dump Truck	2011	Sep-11	RWD	Y	Exempt	N/A	Sander

NOTE: Departments/Divisions may use EPA combined MPG estimates or actual combined MPG.

211-06 Fuel Efficient Vehicle Replacement Plan:

All non-exempt vehicles shall be replaced with fuel efficient vehicles that adhere to the most recent Green Communities Criterion 4 Guidance when economically feasible. Vehicles shall be replaced when they are no longer operable and will not be recycled from one municipal department to another unless the recycled replacement is more efficient than the vehicle it is replacing. In addition, when replacing exempt vehicles, the function of the vehicle will be reviewed for potential replacement with a more fuel efficient vehicle, including a fuel efficient non-exempt vehicle.

The Town of Walpole will review on an annual basis the Vehicle Inventory, along with the Green Communities Criterion 4 Guidance, to plan for new acquisitions as part of its capital planning process.

SECTION 212: PURCHASING POLICY

212-001: GENERAL

The Town Of Walpole as stated in its Charter, Article IV, Section 4-3 empowers the Town Administrator to purchase all goods and services for the Town of Walpole. The Purchasing Department shall act on the Town Administrator's behalf and oversee and facilitate the Purchasing done by all Town Departments using the MUNIS Purchase Order system. Purchasing shall also coordinate centralized purchasing for commodities such as paper, envelopes etc. and also conduct formal bidding for goods and services as dictated by Massachusetts General Law. In monitoring all purchasing functions done by employees of the Town of Walpole, the Purchasing Department is responsible that purchases are made in an open, fair, competitive manner and goods and services are obtained at the lowest responsible and responsive cost.

212-002: PURCHASING THRESHOLDS & GUIDELINES

The Town of Walpole shall procure and award supply and service contracts in accordance with M.G.L. c.30B, the Uniform Procurement Act.

212-003: PURCHASE ORDER SYSTEM

Purchase Orders are the acceptable method to make purchases whenever possible and feasible. Planning at the department level is required to anticipate needs and purchases. Open Purchase Orders can be created to allow for incidental small purchases from vendors from whom purchases are made on a frequent basis. Open Purchase Orders can be used at the start of the fiscal year to encumber estimated services i.e. phone, oil etc. Exceptions to Purchase Orders are gasoline, advertisements, dues and memberships, legal services.

212-004 EMERGENCY PURCHASES

As emergency situations are rare, so too should be the need to purchase without a purchase order obtained in advance. The Purchasing Office will be responsible for monitoring this provision and will advise the Town Administrator of any suspected abuse.

212-005 PURCHASE ORDER PROCESS

The following process shall be observed in entering and creating purchase orders within the Town's computerized financial system:

1. Requisition Entry at Department Level
2. Requisition Approved by Department Head (Can be two levels of approval depending on amount of purchase)
3. Requisition Conversion
4. Purchase Order Number Assigned/Encumbrance is Posted
5. Purchase Orders Printed, Processed and Signed
6. Purchase Orders Sent to Each Department for Mailing and Accounts Payable purposes

SECTION 213: DISPOSITION OF SURPLUS EQUIPMENT

The Town of Walpole shall dispose of surplus equipment in accordance with M.G.L. c.30B, the Uniform Procurement Act.

SECTION 214: TIE BREAKER PROCEDURE FOR QUOTES AND BIDS

214-001 General Policy

Despite its simplicity, a coin toss will be used to break a tie. The tied vendors/purchasers will be called and informed of the tie. They will be invited into the office (if possible) and be witness to the flip of the coin in the presence of one or more witnesses. The procurement officer and witnesses will sign a statement under penalties of perjury stating that the named vendors/purchasers submitted offers that were tied in price and that the tie breaker procedure was implemented. The Town will advise any aggrieved vendor/purchaser that such tie breakers are considered to be fair if used as stated herein and thus use of such will not be questioned. The results of the tie breaker will be documented in writing and kept in the procurement file pertaining to the quote/bid.

SECTION 301: GENERAL**301-001: LOCAL EMERGENCY PLANNING COMMITTEE**

The Town of Walpole shall remain a member of the Norfolk County Regional Emergency Planning Committee, in accordance with the Emergency Planning and Community Right-to-Know Act (EPCRA). The intent of this committee is not only to build critical relationships but to facilitate cross-sector collaboration and information sharing. The group discusses capabilities, concerns, and realistic expectations, shares planning initiatives, and otherwise synergizes training and exercise opportunities. The makeup of the committee shall be in accordance with the Committee's bylaws, and shall contain representation from Walpole Public Safety agencies.

301-002: DECLARATION OF LOCAL EMERGENCIES

1. Any four out of the following *seven* Town Officers:
Chairman of the Select Board or designee; Town Administrator; Emergency Management Director; Police Chief; Fire Chief; Public Works Director; *Health Director*
may meet and vote to declare a state of local emergency if conditions are deemed to warrant same. Such vote must be recorded in writing, stating the date, time and reason for such a declaration. A declaration of emergency allows the Town of Walpole to expend funds without a budget allocation. It also allows Walpole to request State resources to assist in meeting the demands of the emergency.

This shall be authorized in accordance with MGL Chapter 34, Section 31; MGL Chapter 40, Section 19; MGL Chapter 44, Sections 31 and 33B.

301-003: EMERGENCY MANAGEMENT PLAN

(The Emergency Management Plan shall serve as a stand-alone document. It shall be on file and available for review in the office of the Select Board, the Town Clerk's Office, The Police & Fire Departments. Items within the plan that address sensitive safety response or security matters shall only be available to the general public (non-town staff) following approval by the Chief of Police.)

301-004: INCIDENT MANAGEMENT

The Town of Walpole has adopted the principles of the National Incident Management System (NIMS). Further, it is formally recognized that NIMS shall be the local standard for incident management, and that the Incident Command System is hereby adopted as the Town of Walpole's official incident response system.

301-005: PARADE SAFETY: PROHIBITED PRACTICES

The Board bans throwing of candy and other items during a parade. Any candy distributed must be handed out and must be wrapped.

301-006: EMERGENCY NOTIFICATION SYSTEM

1. Purpose of Policy: To establish guidelines when activating the Town of Walpole's Emergency Notification System-Swift Reach Communication System.
2. It is hereby established that prior to any department head activating the Emergency Notification System, they shall first notify the Town Administrator or their designee for permission. When it is deemed necessary to send out an Emergency Notification Message to the public the Select Board shall be notified as soon as possible.

3. It is the intent of the Town of Walpole Select Board that this Emergency Notification System shall only be used for emergency situations that will benefit the Safety and Welfare of the citizens of The Town of Walpole. The Communication System should be used for, but not limited, to the following incidents-only if deemed necessary by the Department Head and approved by Town Administration.
 - a. Any incident where evacuation is required
 - b. Public Health Emergencies
 - c. Missing persons
 - d. Police related emergencies
 - e. School related emergencies
 - f. Testing of the System
 - g. To activate Town of Walpole employees or volunteer to an emergency
4. At times, it might be advantageous to use this system to educate Walpole residents about a non-emergency situation. If a department head wants to use the system for a non-emergency situation they shall first seek permission from the Town Administrator (or his designee) and the Select Board in advance, prior to activating this communication system.
5. The cost of sending out a message will be absorbed by the department sending out the message unless stated otherwise by Town Administration.
6. The Emergency Notification System will be managed by the following set-up:
 - a. *System Administrators:* (Individuals with access to entire Notification System)
 - b. Town Administrator
 - c. Information Technology Director
 - d. Fire Department Command Staff
 - e. Health Director

System Users: (Individuals with access only to their department) Each Department will have personnel established as a system user.

SECTION 301-007: SECURITY CAMERAS POLICIES AND PROCEDURES

1. Purpose: The purpose of this policy is to regulate the use of security cameras to protect the legal and privacy interests of the Town of Walpole, the community at large and Town employees while concurrently assisting in the protection of safety in and property of municipal buildings owned by the Town of Walpole not under the jurisdiction of the Walpole School Committee. The primary use of security cameras will be to record images for future identification, investigation, and possible prosecution related to and illegal and/or criminal activity and actions.
2. General Policy - The Town of Walpole is committed to establishing and maintaining a workplace that is secure and safe for both employees, Town officials and the community at large. To enhance this commitment, the Town of Walpole shall install and utilize security cameras. The cameras will be used in a professional, ethical, and legal manner consistent with all existing Town of Walpole policies, as well as State and Federal laws. Camera use will be limited to situations that do not violate the reasonable expectation of privacy as defined by law.
3. Policy Guidelines/Procedures
 - a. Security cameras shall only be installed under the authority of the Town Administrator, after final approval by the Select Board. Camera installation will be coordinated with Building Maintenance Department and Information Technology. Departments shall not install cameras for security purposes on their own.
 - b. The Town Administrator and/or their designee shall coordinate installation of security cameras with Building Maintenance, Information Technology and the Police Department to determine type and location of security camera.

- c. Placement of cameras shall only be considered for the security and safety of employees and customers or for legally mandated reasons. Cameras shall never be placed in areas where privacy would normally be expected. Camera placement must take into consideration any confidential material that could be visible.
- d. No cameras shall record voice or audio, with the exception of the interview rooms at the Police Station which record audio and video for investigative purposes.
- e. Any building where cameras are to be located upon or in shall have the following statement placed conspicuously at each entrance to the building: "This property is protected by video security cameras."
- f. Display of live streaming video from security cameras shall be limited to the Walpole Police Dispatch Center, and in addition the Chief of Police and/or their designee(s), the Town Administrator and/or their designee(s), and the IT Director shall have access to the IP feed & video. Cameras showing live video from the Police Station Clock Tower, the East Walpole CBD, and the Town Hall cupola may be displayed as live streaming video via the Town of Walpole web site.
- g. Viewing of recorded video shall be limited to the Town Administrator and/or their designee(s), IT Director, Legal Counsel, Chief of Police and/or their designee(s), and other Law Enforcement personnel involved as part of any investigation and/or prosecution effort.
- h. Video recordings shall be maintained and retained by the Information Technology Department according to the following schedule:
 - i. External Building Cameras: 30 Days
 - ii. Internal Building Transaction Cameras: 120 Days

It shall be the responsibility of the IT Director to ensure that all recordings are kept secure, and shall permit no individual unless those stipulated herein to view recorded material.

In the event of a law enforcement investigation, or in the event of an active claims investigation for insurance purposes, the police department may retain videos for periods of time longer than time limits specified herein.

- i. When an incident is suspected to have occurred, designated personnel herein may review the images from security camera data/recordings. Any suspicion of illegal or criminal activity shall immediately refer to the Walpole Police Department.
- j. Expense and maintenance of the camera shall be the responsibility of the Information Technology Department with maintenance assistance from the Building Maintenance Department as needed.
- k. Security Cameras in use per this policy shall not be utilized to enforce routine personnel time and attendance matters, however may be used to investigate and/or prosecute any criminal activity by any person.
- l. Violations & Penalties - Any person who may violate the terms and conditions of this policy may be subject to disciplinary action, up to and possibly including termination.

SECTION 303: TOWING VENDORS & TOWING REGULATIONS

303-001: PURPOSE

The Town of Walpole shall secure the services of tow companies to handle emergency and general service towing for the Police Department. These companies shall be subject to the rules and regulations listed below. The Police Department shall maintain a schedule to assure that the department has adequate towing coverage on a regular basis. All tow company facilities, vehicles and police towing records are subject to inspection by the Walpole Police Department.

303-002: POLICE TOWING APPLICATION PROCESS

The selection of tow companies and awarding contracts shall be done upon recommendation of the Police Department and in accordance with MGL c30B, the Uniform Procurement Act.

303-004: TOW VEHICLE REQUIREMENTS

All tow vehicles utilized by the Walpole Police Department shall:

1. Be equipped with at least one (1) four-wheel drive, dual winching tow truck, with 14,500 GVWR minimum chassis, dual 8,000 pound winches, a wheel lift, and equipment for towing motorcycles and two (2) flatbed car carriers, each 25,500 GVWR minimum, with a winch, minimum 50 feet of winch cable and an additional 50 feet carried in the vehicle, and a wheel lift for a second vehicle.
2. Comply with all legal lighting requirements and in addition, shall have adequate amber lighting capable of 360-degree visibility. The amber lighting shall be used at all service and towing scenes only.
3. Carry a portable tail and stop light assembly capable of being mounted on the rear of a towed vehicle. Such portable assembly shall be mounted on every vehicle towed.
4. Carry a broom, shovel, flares, hydraulic jack, speedy dry, adequate standard first aid kit, adequate fire extinguisher, pry bar of at least 3 ft. length, adequate wooden blocks and adequate wire/bolt cutters.
5. Be maintained in good mechanical condition at all times. Vehicle exterior shall be presentable and bear the company name on both sides. Magnetic signage is prohibited, and no vehicle shall display the Town Seal or any official Town of Walpole markings at any time.
6. Be properly registered, insured, inspected and compliant with both the rules and regulations of the Registry of Motor Vehicle and the Department of Public Utilities.
7. Be equipped with two-way radios or other means of communication between trucks and their base of operation.

303-005: TOW COMPANY AND VEHICLE OPERATOR REQUIREMENTS

All authorized tow companies and tow truck operators shall comply with the following regulations:

1. Respond to vehicle accidents or remove vehicles from the roadways when a private call is received from an owner/operator or their presence is requested by the Walpole Police Department or other duly authorized police agency.
2. Notify the Walpole Police of any accident or vehicle off the roadway prior to its removal. Vehicles shall not be removed unless authorized by the Walpole Police or other duly authorized police agency.
3. When on call, be available 24 hours a day, 7 days a week for police towing and service calls.
4. Be available 24 hours a day, 7 days a week to release vehicles to persons whose vehicles have been placed in storage by reason of a police authorized tow.
5. Have tow operators certified through the Statewide Towing Association, Wreck Masters or other recognized tow operator-training program. Tow companies shall provide the police department with a current list of eligible operators annually in January and shall include names and driver's license information. Updated lists shall be provided, as operators are added or deleted. No company shall permit a non-qualified, unlicensed or under-licensed individual to perform towing services, nor shall any

individual convicted of a felony within the last seven years be authorized to perform towing services for the Town of Walpole.

6. Respond to and arrive on scene at all police calls within 5 minutes of being called between the hours of 7 AM and 10 PM, or 10 minutes at any other times.
7. Not refuse to surrender personal property to rightful owners, which is not part of the internal or external vehicle in question or attached thereto.
8. Be responsible for the security of all stored or impounded vehicles by providing a fenced, secure area with night lighting.
9. Post a copy of the D.P.U. tow rates in a conspicuous place in the business and supply the Walpole Police with a copy of such rates.
10. Notify the Walpole Police before releasing any vehicle stored or impounded as a result of a criminal charge or investigation. Vehicles shall be released to the registered owners only, unless otherwise authorized by the police department.
11. Maintain records of all vehicles towed and/or stored for the Walpole Police Department for at least three years. Records shall include: make, model, color, registration information, from where towed, date and time of release, to whom released and charges for tow and storage. These records shall be subject to inspection by the Walpole Police Department during normal business hours.
12. Provide tow operators with ANSI approved reflective safety apparel and ensure that same is worn while engaged in all towing or service operations. Operators shall at all times be professional, courteous and helpful to police and those being serviced. Operators shall assist in any scene maintenance as required by removing ALL debris and refuse from the area.
13. No tow company shall be directly involved in the towing related business of any other tow company on Walpole's list.
14. Tow companies must maintain a professional, accessible, and clean establishment.
15. Each Tow company shall, as a condition of towing privilege, make and take all necessary precautions and measures to maintain a site appearance and condition that is free of debris, clutter, discarded items, excess auto parts, and all other items that would create unsightly conditions. Further, no tow company shall cause or allow to be caused the retention and/or storage methods of impound and/or stored vehicles from creating unsightly, unsanitary, or unhealthy conditions. It is made clear through this provision that the appearance of a scrap or junkyard, in the determination of the Select Board following a report from the Building Commissioner, shall not be acceptable and may result in the rescinding of towing privileges.
16. Respond to all requests for towing or service as requested by the Walpole Police Department.
17. A town authorized tow company is prohibited from contracting outside help from another towing company that has NOT been authorized by the Chief of Police. In the event help is needed, the tow company must notify the Police dispatcher that they will require a back up company. The dispatcher will then contact a back-up company for the town that is on the Town tow list.
18. Must maintain all required forms of insurance, including workers compensation and automobile & professional liability coverage. The Town of Walpole MUST be listed as an Additional Insured on all

professional and automobile coverage's for any tow truck that will or may perform services within the Town of Walpole. Proof of required insurance shall be provided to the Select Board annually not later than January 31 or the vendor shall be suspended or removed from the Police towing list.

19. Must comply, at all times, and remain in good standing with all applicable Town by-laws, zoning by-laws, site plan approvals, permit/license conditions, etc. to remain active on the Police towing list.

20. Must be current at all times with all taxes and fees owed to the Town of Walpole.

303-008: ENFORCEMENT OF POLICY

It shall be the responsibility of the Walpole Chief of Police or his designee to enforce all rules and regulations as listed herein. Failure of any tow company or operator to comply with said regulations, as may be determined by the Chief of Police, or by the Building Commissioner regarding Sections 303-005 #14 and #15, shall be deemed sufficient grounds for suspension or removal from the police departments tow list by the Select Board or their designee.

SECTION 304: MINIMUM REQUIREMENTS GUIDE FOR DOMESTIC ANIMALS IN SHELTERS

The following policies shall be enacted and followed by the Walpole Animal Control Officer ("ACO") for all dogs in the Town's custody and care, including but not limited to strays, owner-surrenders, cruelty-holds, and dangerous dog holds. These policies are implemented for the purpose of ensuring that all domestic animals held in the custody and care of the Town of Walpole shall be treated in a humane manner while in custody and with the goal of re-homing the animal with its original owner (if practical/legally permissible) or with a new family as soon as practical. For animals that are deemed "dangerous" or a "nuisance" pursuant to G.L. c. 140, Section 157, the same policies shall be followed to the extent practical/legally permissible.

304-001 ACCOMMODATIONS

The following accommodations are to be provided to ensure that the basic welfare needs of the dog are afforded:

1. **Staffing:** The Walpole ACO and any volunteers they deems appropriate to help walk the dogs shall have the responsibility to care for the dogs in the shelter.
2. **Food** - Dogs shall be fed two times daily.
3. **Exercise/Play** - Dogs shall be exercised at daily for at least 30 minutes, including weekends and holidays. Exercise should include walking the dog or if walking is not practical, playing/interacting with the dog one on one. If practical and weather permitting, exercise shall also include outdoor time in the outdoor pen for at least 1 hour per day. Dogs which are penned outside shall have water and shelter from the sun and from rain available.
4. Appropriate safety measures will be taken during these exercise periods for dogs that are deemed dangerous as necessary to protect other animals and persons.
5. **Bed** – Beds of appropriate size for the size of the kennel shall be provided to each dog in the kennel. Dog beds will be cleaned as needed and under no circumstances will urine or feces be allowed to remain on any beds. If a bed is being cleaned, another dry and clean bed will be provided until the original bed is clean and dry.

6. **Toys - Dogs** shall be provided appropriate toys which include things to chew on and gnaw on and play with. Toys can be rotated every few days, bones can be stuffed with peanut butter, cream cheese, canned dog food, etc. if there are no known dietary restrictions.
7. **A Name** – If a dog is unidentified, a name shall be given by the ACO.
8. **Condition of the Dog** – Dogs shall be kept clean and dry to the maximum extent practicable;
9. **Sleeping** - Lights will be turned off at night for at least an 8 hour time period so that the dogs can sleep in a normal environment; if needed, lights will be placed on a timer.
10. **Appropriate Shelter Temperature** - The kennel temperature will remain at a comfortable/recommended setting, appropriate for all seasons. Daily checks will be made to ensure the temperature is satisfactory.
11. **Cleaning** - Kennels will be cleaned on an ongoing basis and at least daily. Kennels will be spot cleaned or hosed out, as appropriate. Dogs will remain clean and dry during the cleaning process. Cleaning supplies will be those customarily used and recommended by the MSPCA or other nationally recognized animal advocacy organizations.
12. **Drainage** - Wastewater is not allowed to accumulate. Each kennel has a wastewater drain and there are strip gullies in the corridor floors. Gullies will be hosed out daily.
13. **Monitoring** – If funding allows, the shelter shall be monitored by CCTV.
14. **Re-homing of dogs** – After a holding period of seven (7) seven days, dogs to be re-homed with a new family will be posted on appropriate websites for view. Pursuant to G.L. c. 140, §151A (a), an appropriate adoption fee will be charged to cover the cost of any vaccinations that were provided by the Town. Before delivery of a dog adopted from the kennel, the ACO shall require the purchaser of the dog to show identification and to procure a license and tag for the dog from the Town Clerk.
15. **Veterinary care** -treatment necessary to relieve suffering will be provided to the maximum extent practicable.

304-002 LOST DOMESTIC ANIMALS WITH ID:

1. Take animal into custody.
2. Fill out intake forms which shall include the following information as required by G.L. c. 140, §151A(b) - date and location of apprehension; description of the animal; place of detainment; if tagged, and name and address of owner.

304-003 LOST DOMESTIC ANIMALS WITHOUT ID:

1. Take animal into custody.
2. Fill out intake forms which shall include the following information as required by G.L. c. 140, §151A (b) - date and location of apprehension; description of the animal; place of detainment; if tagged, name and address of owner; name and address of a new owner, if any, including the date of sale or transfer of the animal; and any other information which may be required in the event of euthanasia of an animal.
3. Copies of intake forms shall be forwarded to the Town Clerk within 30 days of intake and shall be maintained by the Town Clerk for 2 years.
4. Bring dog to Tufts VETS for chip identification
5. After the 7-day holding period, place ad in appropriate online or newspaper forum, and make reasonable attempt to get the dog fostered and/or adopted.
6. Adoption fee: \$25 and requirement to get vaccinated and licensed.

304-004 DOMESTIC ANIMALS SEIZED FOR CRUELTY

PURSUANT TO SECTION 112 OF CHAPTER 266 OR SECTION 77 OR 94 OF CHAPTER 272:

1. Take animal into custody.
2. Fill out intake forms, including photos of animal for evidentiary purposes.
3. **Within 3 days of seizure:**
4. Animal to be examined by veterinarian and results of examination to be documented for evidentiary purposes. If it is determined by the veterinarian that the animal has been rendered disabled, diseased or injured in a manner such that the animal should be humanely euthanized, the ACO may apply to the District Court for process for the animal to be killed humanely pursuant to G.L. c 133, Section 1.
5. If the owner is known, and can after reasonable search be found, a copy of the application to court shall be served upon them in hand with an order of court to appear at a time and place named to show cause why such animal should not be killed and its value determined. If the owner is not known or cannot after reasonable search be found, court shall order notices to be posted in two public places in the town where the animal was taken, stating the facts of the case, and giving twenty-four hours' notice of a hearing on said application. At the hearing, if it appears that the animal is so disabled, diseased or injured as to be unfit for human use, the court shall issue process directing the ACO to humanely euthanize the animal.
6. If it is determined by the vet that medical treatment is needed, estimate of treatment cost will be itemized and presented to the court at the security hearing. Treatment by town will be subject to available funding.
7. Security Bond petition for 90 days of reasonable expenses (estimated medical care, quarantine costs, shelter and board) will be filed with the court.
8. **Within 14 days of Seizure:**
 - a. Show Cause hearing will be held by the Select Board.
 - b. If security is posted, steps will be taken immediately to foster out the animal until charges are adjudicated.
 - c. If security is not posted and animal is forfeited to the Town of Walpole, steps will be taken immediately to arrange adoption of the animal.

SECTION 401: ROAD AND STREET OPENING PERMIT

RULES AND SPECIFICATIONS
REGULATING
STREET EXCAVATING
TOWN ENGINEER
TOWN OF WALPOLE
MASSACHUSETTS

In accordance with the regulations of the Select Board entitled "Street Excavations" adopted March 19, 1985, by the Select Board, upon due notice, may from time to time amend and/or revise rules, regulations and specifications for excavations or digging within the limits of the public ways of the Town of Walpole and may rule, regulate or specify particulars with respect to any excavation or diggings as aforesaid.

401-001: DEFINITIONS

1. **Permittee, Applicant or Contractor** shall mean any person, firm partnership, association, society, corporation, company or organization of any kind that is licensed to undertake street excavation in the Town of Walpole.
2. **Subcontractor** shall mean any person, firm, partnership, association, society, corporation, company or organization of any kind, planning to undertake a street excavation and who is not the actual Street Opening Permit holder.
3. **Engineer** shall mean Town Engineer of the Town of Walpole. They may from time to time delegate certain duties to designees who will act in the Town's behalf.
4. **Street** shall mean:
 - a. Any Town accepted Street (Public Way)
 - b. Any Way defined by the Town Clerk as "A Way Used and Maintained as a Public Way". (MGL 41, SECTION 81L)
5. **Period of Responsibility** - Each applicant is responsible for the satisfactory maintenance of the trench and/or work area for one year from the date of excavation. If the contractor involved does not notify the Engineering Department regarding start of work and inspections as is required elsewhere in these Rules, they may be held responsible for the trench for a period exceeding one year.

Work covered under a permit issued herein is not considered "approved" for bond release purposes until such time as the one year Period of Responsibility has expired.

6. **Public Utility**- Meaning a company or firm regulated by the DTE (Department of Telecommunications and Energy)

401-002: EXCAVATION PERMIT

1. General: The permit will be for each specific excavation only. No generic permits will be issued. Work must be performed within the time frame specified and agreed to by the applicant at the time of application. All time requirements specified and required elsewhere in these Rules and Regulations (Refer to Section 4 and 5, for example.) must be met.

Permits must be kept at the job site during the work and must be shown, upon request, to any authorized Town personnel.

2. Applicability

- a. **Public Ways-** No person shall make any excavation in any Public way as defined in Section 1-d-1 above without first obtaining a Street Opening Permit from the Town Engineer's Office, for each specific excavation, except as otherwise may be provided in these regulations.
- b. **Ways Certified by the Town Clerk as Maintained by the Town-** No person shall make any excavation in any other Way defined in Section 1-d-2 above without first obtaining a Street Opening Permit from the Town Engineer's Office, for each specific excavation, except as otherwise may be provided in these regulations.
 - i. The applicant is responsible for obtaining any and all permission from the private entities involved that own the rights in the way. Evidence of this permission will be required before a Town of Walpole Permit will be issued. This evidence will be attached to and become part of the Permit, if it is approved.
- c. **Private Ways-** Private Ways are not covered by these Rules and Regulations. All permission to excavate and occupy the Way must be obtained from the private parties involved. The applicant is responsible for obtaining any and all permission from the private entities involved that own the rights in the way.
- d. **State Highways-** If a State Street Opening Permit is required due to the location of the proposed work, it must be obtained by the applicant prior to the filing of the application for the Town permit. Upon application for the Town Street Opening Permit, any and all conditions imposed by MHD will become attached to and become part of the Town permit if it is so approved.

3. Form of Application

- a. Application form An applicant must submit a completed application Form
- b. Bond- Adequate Bond as per Section 4.0 of these Regulations.
- c. Certificate of Insurance, as per Section 5.0 of these Regulations
- d. Application fee
 - i. General Fee of \$100.00 per request.
 - ii. Public Utility Fee \$75.00 per request
- e. Sketch/Plan-A clear concise sketch should be submitted, and at the discretion of the Town Engineer, a plan appropriately certified by a professional engineer and land surveyor may also be required.
- f. Completeness all applications shall be submitted to the Town Engineer's office. The application will not be considered nor acted upon until all required materials have been submitted and approved.

4. Term of Permit

- a. **Routine Excavations:** Permits will be issued by the Town Engineer in a given calendar year during the period April 1 to November 30. The permit is good for excavation during the calendar period in which it was issued. If the rights granted in a particular permit are not exercised by November 30, the permit shall be null and void, and a completely new application filed after April 1 of the next year. No permit will be allowed to extend to the next calendar season.

- b. **Non-routine Excavations:** During the period of December 1 through March 30, applications may be made to the Engineering Department for Street Opening Permits, however, such permit applications shall be considered on a day-to-day basis only. No long-range permits shall be given during this period. Approval of such permits will take into account, availability of asphalt, CDF, cement concrete for street patching, ambient weather conditions, snowfall/snow pack, and in-ground frost.
- 5. Excavation Moratorium: 5-Year Moratorium
 - a. **Restriction:** Street surface openings will be restricted for a period of "at least five (5) years" after a new "permanent surface" is laid, except in cases of extreme emergency. Since modern bituminous concrete surface materials remain in excellent condition for many years beyond the aforesaid range and since such openings are the greatest single contributor to pavement deterioration, utility companies and contractors will be strictly limited in resorting to this method of excavating Town streets irrespective of surface age. The Town Engineer may reject a permit request when such request causes an excavation in a pavement, which is less than 5 years old.
 - b. **Rejection:** If the Town Engineer rejects an application for Street Opening Permit due to the age of the existing base pavement being less than five years as specified herein this section, the applicant may appeal to the Walpole Select Board.
- 6. Grant of Location by Select Board
 - a. New or Replacement Utilities: Filing with the Select Board will be required for the installation of new or replacement utility mains conduits or cables within Town ways before a Street Opening Permit may be approved and issued by the Town Engineer.
 - b. Select Board Approval: Evidence shall be provided to the Town Engineer's office that such approval has been granted by the Select Board. Such evidence shall be attached to, and become part of the application.
- 7. Grant of Location by Select Board for Modification to Existing Public Ways
 - a. The Select Board shall approve curb, alignment or in general any modification or construction to existing public ways (constructed or unconstructed) that is outside of the work required to construct a street opening as required by The Town of Walpole Massachusetts Planning Board Rules and Regulations Governing the Subdivision of Land (latest amendment). Any construction in an unconstructed public way shall require Select Board approval under this section.
 - b. The Select Board shall receive conceptual plans for public way modifications/construction for review and discussion. Upon the outcome of the initial petition, the applicant will refine the design in conjunction with review from the Town Engineer and shall gain approval of the plans and security amount prior to the Town Engineer issuing an Excavation Permit and authorizing construction.
- 8. Appeal Procedure
 - a. Submission: If the Engineering Department denies an application for Street Opening Permit, due to the age of the road surface being less than five years old, or any other reason, the applicant may file a request for such permit with the Select Board. It is the responsibility of the applicant to present any and all such materials as is deemed germane to the case to issue the permit.
 - b. Consideration: Upon receipt of an appeal from an applicant, the Select Board as Road Commissioners may hold a hearing/meeting, at which time the applicant may attend to present his case. The Select Board may contact the Engineering Department or any other department it deems necessary for input as to the suitability of allowing the excavation.
 - c. Decision: The Select Board will deliberate the merits of each case on an individual basis, and after due consideration, may uphold the decision of the Engineering Department, or instruct the

Town Engineer to issue the Street Opening Permit, together with any and all conditions they deem appropriate.

401-003: APPLICATION FEE

At the time of application, a \$100.00 minimum charge must be paid by the applicant. This charge is in addition to any charges assessed by any other Department, Board or Agency.

401-004: PERFORMANCE GUARANTEE

1. General

No Street Opening Permit shall be issued until a proper Bond has been submitted and accepted.

The Town requires an Opening be covered by the Bond for one full year from date of completion of work.

The Town will not accept cancellation notices on bonds submitted by an applicant for a permit for which the One Year Period of Responsibility has not expired. Coverage must remain in full force for the total One Year Period. It is the responsibility of the applicant to ensure coverage is maintained.

2. Form of Bond

- a. Surety Bond A satisfactory bond of a surety company authorized to do business in the Commonwealth of Massachusetts conditioned substantially that the applicant shall guarantee the faithful and satisfactory performance of the work in all respects, and shall replace or restore that portion of any street, highway, way or road in which said applicant, his employees or agents shall make such excavation.
- b. Bank Deposit. In lieu of a bond issued by a surety company, an applicant may post a performance guarantee secured by a bank deposit (See Attachment 3 for sample form of agreement, which should be used.) Should the applicant desire to provide this form of Surety, a request must be made to the Select Board The Town Engineer will be responsible for supplying the applicant with the data that will be needed to complete the chart on page 2 of Attachment 3. Also, as provided for in Attachment 3, the Select Board may, upon request from the applicant, reduce the deposit amount of the bank account for each stage of work completed. The Town Engineer, upon request from the Select Board, will be responsible for inspection of the work and for documentation of the amount of bank deposit reduction applicable.

3. Amount of Bond

Minimum Amount each applicant shall present a bond, in the appropriate form as defined in Section 4-b above, in the minimum sum of ten thousand dollars (\$10,000.00).

Increase in Bond Amount & Time for Release: The Town Engineer in their sole discretion, may require a bond in an amount greater than that stated above, if in his consideration the scope of the work requires a larger amount. On projects with expanded scope the bond shall remain in place until the Town Engineer certifies that the work is complete.

Coverage for Multiple Permits Additionally, the Town Engineer, may accept one bond for multiple excavations if the total value of work does not exceed the amount of the bond posted. In such case, the bond must be increased to cover the value of the work outstanding.

4. Deficiencies in Work Performed

The instrument must be so written so as to allow the Town of Walpole to perform work deemed necessary by the Town Engineer to correct any deficiencies and all costs incurred by the Town may be applied

against the Performance Bond if they are not recovered after billing to the Permittee. Public Utility Companies, State and Federal Agencies are exempt from this section. The Town will give the Permittee eight (8) hours' notice to make the necessary repairs.

401-005: INSURANCE

1. General

The Contractor shall not commence work until all insurance required has been obtained and until copies of policies and certificates thereof are submitted to the Engineering Department. The insuring company or agent shall deliver to the Engineering Department, certificates of all insurance required on a form signed by an authorized representative of the insurance company and stating that all provisions of the specified insurance requirements are satisfied.

Such insurance shall protect the Town of Walpole, its agents, elected and appointed officials, commission members, employees, against liability, loss or expense on the account of damaged property (including loss of use), injury to or death of any person or persons and for care and loss of services arising in any way out of or in connection with or resulting from the work or service performed on behalf of the Town of Walpole.

The Contractor shall provide insurance to cover operating hazards during the period of placing the facility in operation and during testing, and until such times as the facilities are completed and accepted for operation by the Town and written notice of that fact has been issued by the Town.

Approval of the insurance by the Town shall not in any way relieve or decrease the liability of the Contractor hereunder. It is expressly understood that the Town does not in any way represent that the specified limits of liability or coverage or policy forms are sufficient or adequate to protect the interest or liabilities of the Contractor.

All responsibility for payment of any sums resulting from any deductible provisions, corridor, or self-insured retention conditions of the policy or policies shall remain with the Contractor.

Insurance Certificates shall be provided in the name of the permit applicant only.

Any subsequent agreements between said applicant and a subcontractor engaged by them shall be considered a private matter, as the Town considers all issues having to do with obtaining the permit and performance of the work the responsibility of the permit holder.

The Town Engineer may at any time cancel or suspend permits (licenses) for cause. Cancellation of insurance endorsement automatically cancels permit.

Insurance Summary - It is a condition of this ordinance that the insurance policies waive any and all government immunity as a defense in any action brought against the insured or any other party.

2. Term of Insurance

All insurance policies shall contain a provision that the coverage afforded shall not be canceled or non-renewed, nor restrictive modifications added, until at least 30 days prior written notice has been given to the Town, unless otherwise specifically required in contract documents.

It is the responsibility of the applicant to ensure that their insurance coverage remain in full force for the entire One Year Period of Responsibility. If the policy submitted by an applicant expires before the

expiration of the One Year Period, they must present the Town Engineer with a new Certificate of Insurance covering the remainder of the One Year Period.

It shall be the sole responsibility of the Permit Holder to submit and maintain the proper insurance. Failure to do so may result in denial of future permits.

3. Excess Liability Policy

The Contractor may, provide the limit of liability as set out above by a combination of the above described policy forms, including an Umbrella or Excess Liability Policy. The Excess or Umbrella must provide coverage on at least a following form basis. The coverage provided under this type of policy must be approved by the Town Engineer, who may contact the applicant's insurance agency for approval, prior to issuance of the Street Opening permit.

4. Self-Insured Utility Companies

Utility companies that are self-insured must present a certificate or document proving their financial responsibility in at least the minimum limits as are herein described.

5. Worker's Compensation and Employer's Liability Insurance

The Contractor agrees to comply with Workers' Compensation Laws of the State and to maintain a Workers' Compensation and Employer's Liability Policy. This policy shall be endorsed to provide All States Coverage, Voluntary Compensation Coverage; the policy will also include coverage for United States Longshoremen's and Harbor workers' coverage. No Street Opening Permit shall be issued until a proper Certificate of Insurance has been submitted for the applicant, their subcontractors.

Should a Permit applicant believe they are not required to provide Worker's Compensation insurance by statute, they will be required to so certify and stipulate to such status on an approved form of Affidavit. Before any Street opening permit is approved for such an applicant, the Town Engineer shall verify this status with the appropriate State Agency.

6. Commercial General Liability Insurance

The Contractor shall provide Commercial General Liability Insurance, including coverage for Broad Form Property Damage, Blanket Broad Form Contractual Liability, explosion, collapse, underground facilities, and products and completed operations for a minimum of one year after acceptance of the work. Any renewal certificates shall be filed with the Engineering Department.

7. Business Automobile Policy

The contractor shall provide a Business Auto Policy providing liability insurance which shall include coverage for all leased, owned, non-owned and hired vehicles.

8. General Indemnity

The Contractor shall indemnify, defend and save harmless the Town of Walpole, its appointed or elected officials, commission members, employees, agents and each of them for any and all suits, actions, legal or administrative proceeding, claims, demands, damages, liabilities, interest, attorney's fees, costs and expenses of whatsoever kind or nature, whether arising before or after final acceptance and in any manner directly or indirectly caused, occasioned or contributed to in whole or in part by reason of any act, error or omission, fault or negligence whether active or passive by the Contractor, or any one acting under its direction, control of on its behalf in connection with or incident to its performance of the Contract.

9. Property Damage Liability

This shall include damage to property caused by explosives and blasting, or by vehicles or equipment, or on account of trenches or from any other cause. The Town Engineer may, in his sole discretion, require increased limits of insurance for property damage.

10. Coverage for Hazards

Policies submitted to the Town must include coverage for explosion, collapse or underground hazards (XCU) and this must be so stated on the Certificate of Insurance.

11. Additional Insured

The Town must be named as an additional insured and this must be so shown on the Certificate of Insurance.

12. Schedule Of Required Contractor Insurance

Prior to the start of the Contractor's work, the Contractor shall procure for the Contractor's work, and maintain in force with companies licensed to sell insurance in Massachusetts the following:

- a. Worker's compensation and employers liability insurance
- b. Commercial general liability insurance including contractual liability to cover the contractor indemnification obligation. Completed operations coverage to continue in force for 2 years beyond completion of work for the Town.
- c. Automobile liability insurance on all owned, leased, hired and non-owned vehicles.

The Town shall be named as additional insurers on all of these policies except for worker's compensation. The additional insured endorsement shall limit that status to the acts or omissions of the Contractor, or the acts or omissions of any party for whom the contractor is responsible.

All insurance shall be maintained with limits of liability not less than the following:

<u>Coverage</u>	<u>Limits</u>
Worker's Compensation	Statutory
Employer's Liability	\$100,000 each accident \$100,000 each employee – Disease \$500,000 policy limit – Disease
Commercial General Liability	\$2,000,000 general aggregate with a per location endorsement \$1,000,000 per occurrence \$1,000,000 aggregate, completed
Operations	\$1,000,000 personal injury
Automobile Liability	\$1,000,000 per occurrence

The Contractor shall maintain in effect all insurance coverage required under this agreement at the Contractor's sole expense and with insurance companies acceptable to the Town.

Refer to Attachment 2 for sample form.

401-006: START OF WORK AND INSPECTIONS

Work shall start as near to the starting date, as specified in the permit, as possible. A minimum seventy-two hour (72) hour notice to the Town Engineer prior to start of work is required. In areas defined below as “critical areas”, a longer notice may be required.

Critical areas are considered to be street intersections, material routes and streets within the Town shopping areas. Streets considered as arterial routes are:

Washington Street, Common Street, Summer Street, West Street, Route 27, Old Post Road, North Street, Front Street, Kendall Street, Short Street, Union Street, East Street, Stone Street, Coney Street, Pleasant Street, Fisher Street, Main Street, High Plain Street, Winter Street, Water Street, Plimpton Street, Bullard Street and Mylod Street.

All trenches, excavations, and utility installations for which a Street Opening Permit is required and for which one is granted, must be inspected by the Town Engineer or their designate before any part of the work is backfilled. It is the responsibility of the applicant to properly notify the Engineering Department. If the trench is not properly inspected, the Engineering Department reserves the right to require the applicant to re-excavate all or a portion of the work.

Not properly notifying the Engineering Department as is herein described may result in the Contractor being held responsible for the trench for a period longer than one year. Such a failure may also result in further permits being delayed or denied.

If in the judgment of the Town Engineer, traffic conditions, the safety or inconvenience of the traveling public, or the public interest require that the excavation work be performed as emergency work, the Town Engineer shall have full power to order that a crew of men and adequate facilities be employed by the permittee to the end that such excavation work may be completed as soon as possible.

401-007: EMERGENCY ACTION

Nothing in these rules shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or for the location of trouble in conduit, cable, or pipe, or other buried structure or appurtenance,. The entity making such excavation shall apply to the Town Engineer for such a permit on the first working day after such emergency work is commenced.

The person engaged in emergency action shall notify the Town Engineer and/or Police Department, Dig Safe, and the Public Utility companies at the start of the emergency work.

401-008: TRAFFIC SAFETY

The permittee shall take appropriate measures to ensure that during the performance of the excavation so far as is practicable, normal traffic conditions be maintained at all times, causing as little inconvenience as possible to the occupants of abutting property and to the general public.

The permittee, where possible, shall maintain safe crossings for two lanes of vehicular traffic at all public intersections, as well as safe crossings for pedestrians at intervals of not more than three hundred feet. If any excavation is made across a public way, it shall be made in sections to ensure safe crossing for both vehicles and pedestrians.

If the way is not wide enough to hold the excavated material for part-time storage and still allow safe passage of traffic, the material shall be immediately removed from the location.

The Traffic Safety Officer may permit the closing of streets and walks to all traffic for a period of time prescribed by him if, in his opinion, it becomes necessary. If a street is so closed, it is the applicant's responsibility to notify the Police, Fire and School Departments.

Warning signs shall be placed at sufficient distance from the construction operation to alert all traffic coming from both directions. Cones or other approved devices shall be placed to channel traffic, all in accordance with any requirements of the Traffic Safety Officer.

Warning signs, lights, and other precautions as may be necessary for the purpose, unless specified by the Town Engineer, shall conform to the latest requirements and practices of the Massachusetts Department of Public Works. All costs incurred, including those for traffic warning signs, barriers, flagman, police office, etc. shall be fully borne by the permittee.

Each applicant must obtain the signature of the Traffic Safety Officer or his designated alternate on permit application in the space provided. This signature will indicate that the Traffic Safety Officer has reviewed the permit application and has indicated in writing on the application whether or not the location of the proposed excavation requires a Police Officer be on duty for traffic safety. The applicant must understand that it is the Traffic Safety Officer and not the applicant himself that will request the presence of uniformed officer.

401-009: ACCESS TO VITAL STRUCTURES

The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water gates, underground vaults, catch basins, or any other vital public necessity as designated by the Town Engineer or their designee.

401-010: RELOCATION AND PROTECTION OF UTILITIES

The permittee shall not interfere with any existing utility without the written consent of the Town Engineer and the owner of the utility. If it becomes necessary to relocate an existing utility, this shall be done by its owner and the cost of such work borne by the permittee. The permittee shall inform itself as to the existence and location of all underground utilities and protect the same against damage. The permittee shall adequately support and protect by timbers, sheeting, etc., all pipes, conduits, poles, wires, cables or other appurtenance which may be in any way affected by the excavation work, and do everything necessary to support, sustain and protect them under, over, along or across such work area. In the event any of said pipes, conduits, poles, wires, cable or appurtenance be damaged, and for this purpose pipe coatings or outer encasements or similar type protective devices are to be considered as part of a sub-structure, such damage shall be repaired by the agency or persons owning them and the expense of such repairs borne by the permittee. The permittee shall be responsible for any damage done to any public or private property by reason of the breaking of any water pipes, sewer gas pipe, electric conduit or other such similar type appurtenance.

401-011: NOTIFICATION TO PUBLIC UTILITY COMPANIES

The permittee shall in accordance with the General Laws of the Commonwealth of Massachusetts, currently in effect, give notice to public utility companies before making excavation in a public way.

401-012: DIG SAFE

A valid "Dig Safe" number shall be obtained for each application. No application will be accepted without it.

It will be the applicant's responsibility to comply with all Dig Safe rules, regulations and guidelines

401-013: PROTECTION OF ADJOINING PROPERTY

The permittee shall at all times and at his own expense preserve and protect from injury any adjoining property by providing proper foundations, and by taking such other precautions as may be necessary for the purpose. The permittee shall, at his own expense, shore up and protect buildings, trees, walls, fences or other property likely to damage during the process of the excavation work and shall be responsible for all damage to public or private property or highways resulting from its failure to properly protect and carry out said work. The permittee shall not remove, even temporarily, any trees or shrubs which exists in planting strip areas without first obtaining the consent of the Town Engineer or his designee (See Chapter 87, Section 5-Cutting Trees).

The following policy will be adhered to in the case a tree is destroyed by the permittee or a tree is authorized for removal by the Town Engineer. "All tree stumps and debris resulting from the work shall be removed from the location".

"A replacement shall be made by the permittee for each tree removed or destroyed with a minimum caliper of 2-1/2 inches or greater; the species and place of relocation to be designated by the Tree Warden planted in place and it must be balled and burlapped".

"The permittee shall deliver to the Town Engineer a bonafide order, placed with a recognized established nursery before installing the authorized trees. The order shall include in it a statement that the size and species required will be in accordance with "USA Standard for Nursery Stock" and that planting will be done in accordance with the applicable provisions of "Massachusetts Department of Public Works Standard Specifications".

***ALL PROTECTIVE WORK CARRIED OUT OR DEEMED NECESSARY AFFECTING BUILDINGS MUST BE APPROVED BY THE BUILDING INSPECTOR**

For roadside planting the following type trees will be acceptable subject to approval by the Tree Warden as to which specific species is best for the location where the tree is planted: Norway Maple, Sugar Maple, Crimson King Maple, European Linden or approved equal.

In certain areas of the Town, ornamental trees, such as Flowering Crab, European Mountain Ash, Japanese Flowering Cherry, Moraine Ash and Washington Hawthorne are acceptable as replacement trees. These trees are purchased by height and not by caliper and must be balled and burlapped.

They must conform to the following minimum heights: 5'-6' Flowering Crabs and Flowering Cherries, and 6'-8', Moraine Ash, European Mountain Ash and Washington Hawthorne. In areas under utility wires, the tree replacement policy will be governed by the latest Eversource (or other company replacing Eversource in the future, as supplier of electrical power to the Town edition "Trees in Your Community" a copy of which is available in the Town Engineer's Office.

401-014: PROTECTIVE MEASURES

It shall be the duty of every person cutting or making any excavation in a street to place and maintain such barriers and warning devices necessary for the "Public Safety" as may be required by the Town Engineer immediately following said excavation.

Barriers shall meet the requirements of the Town Engineer. Warning lights shall be flares, torches, lanterns, electric markers or flashers and used to indicate the hazard to traffic from sunset of each day to sunrise the next day. Lanterns shall have clear, red or ruby globes. Electric markers or flashers shall emit light at sufficient intense and frequency to be visible at a reasonable distance for safety. Reflectors or reflecting material may be used to supplement, but not replace, light sources. The type of warning lights to be used in any particular location is subject to the approval of the Director. Flares or lanterns should be used on all single or small excavation within pavement lines.

401-015: EXCAVATED MATERIAL

All material excavated shall be removed from the site, except in such cases as the material is deemed suitable for backfill by the Town Engineer. Any material excavated and deemed unsuitable for backfill shall be both removed and replaced with suitable material at the permittee's expense. It is the sole responsibility of the applicant to remove and dispose of all excess material at a legally approved site.

401-016: CONSTRUCTION MATERIALS AND EQUIPMENT

Construction materials and equipment on the site shall be limited in quality and space occupying area so as to not unduly hinder and block the way.

401-017: DUST AND CLEAN UP

As the excavation work progresses, all ways shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris. The permittee shall take necessary precautions to prevent and avoid dust and to keep the ways clean each day. All clean operations shall be accomplished at the expense of the permittee and shall be carried out to the satisfaction of the Town Engineer or his designee.

401-018: PROTECTION OF GUTTERS AND BASINS

The permittee shall maintain all gutters free and unobstructed for the full depth of the adjacent curb and for at least 3' in width from the face of such curb at the gutter line. Catch basins shall be kept clear and serviceable.

The permittee shall make provision to take care of all surface water, mud, silt, residue or other run-off pumped or removed from excavations and shall be responsible for any damages resulting from his failure to so provide. All silt sacks shall be removed prior to snow events.

401-019: HOURS OF OPERATION

Each permittee shall conduct and carry out excavation work in such a manner as to avoid unnecessary inconveniences and annoyance to the general public and occupants of neighboring property. During the hours from 8:00 P.M. to 7:00 A.M., he shall not use, except with the express permission of the chief of Police, or in case of an emergency as herein otherwise provided, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property.

401-020: TRENCHES

The maximum length of open trench permissible at any time shall be in accordance with existing normal municipal standards or as may be specified by the Town Engineer or his designee. No greater length shall be

open for pavement removal, excavation, construction, backfilling, patching and other operations without the written permission of the Town Engineer.

401-021: PROMPT COMPLETION OF WORK

After an excavation is commenced, the permittee shall prosecute with diligence and expedition all excavation work covered by the excavation permit and shall promptly complete such work and restore the way to its original condition or as near as may be, so as not to obstruct the way or travel thereon more than is reasonably necessary.

401-022: BREAKING THROUGH PAVEMENT

The use of hydro-hammers or heavy duty pavement breakers for breaking pavement are limited on all streets unless written permission is granted by the Town Engineer for their use after due consideration of the location, the condition of the street and the depth of saw cutting required ahead of the use of the hammers.

Approved cutting of bituminous pavement surface ahead of excavation is required to confine pavement damage to the limits of the trench. Asphalt surfaces may be cut but pneumatic means (jackhammering) before excavation. However, after backfilling operations are complete, the trench shall be neatly saw cut back a minimum of 12 inches to form a smooth edge.

Sections of bituminous or cement concrete sidewalks shall be removed to the nearest score line or approved saw cut edge.

Unstable pavement shall be removed over cave-outs and over breaks and the subgrade shall be treated as the main trench.

Pavement edges shall be trimmed to a vertical face and neatly aligned with the centerline of the trench.

Cutouts outside of the trench lines must be normal or aligned parallel to the centerline of the trench.

Generally, excavations shall be made in open cut. Tunneling will be allowed by special permission of the Town Engineer. Trenches and excavations shall be braced and sheeted when necessary as required by OSHA specifications.

Before the permittee files an application for Street Opening Permit, he must confer with the Dig Safe, and obtain a Dig safe number to indicate that a request for underground mark outs has been made. In addition, calls should be made to the Engineering Department, and Water and Sewer Division for sewer, water, and drain mark outs, as appropriate to the particular location proposed for excavation. All safeguards such as lanterns, barriers, and signs shall be maintained at all times by the permittee (licensed installer) while the work is in progress.

401-023: BACKFILLING

The trench in the street must be filled the same day it is opened unless the applicant is otherwise directed by the Town Engineer or his designee. The trench shall be backfilled to existing line and grade to accommodate the thickness of asphalt required. Refer to the Typical Street Replacement trench detail on the Town of Walpole Typical Detail Sheets

The permittee shall maintain the surface of the trench and shall promptly replace or fill with similar material any depression, dip, pothole or other defect that appears during the period of responsibility.

Trenches shall be backfilled in 12" lifts from the bottom of the excavation. Each lift shall be thoroughly compacted by means of a vibratory or mechanical compactor before the next lift is laid in place. A compactor must be on site at all times. If the Town Engineer finds, upon inspection of the site, that a compactor is not present, the excavation may immediately be shut down and the permit revoked. Bituminous concrete, cement concrete, sticks, logs, metal, loam, organic materials, etc. shall not be used as backfill. When, in the opinion of the Town Engineer, the excavated material is not suitable as backfill, it shall be removed from the site and the trench shall be backfilled with approved bank run gravel. The compaction requirement shall be strictly enforced.

Puddling of trenches will not be allowed, unless prior authorization is obtained from the Engineering Department.

When the conditions warrant, in the judgement of the Town Engineer or their designee, CDF, or "Flowable Fill" may be required as trench backfill material. Potential conditions include but are not limited to: location of excavation on a heavily traveled street, lateness of the construction season, existing trench material is unsuitable for backfill use. Mix specifications for this material shall be obtained from the Town Engineer, but will generally follow that required by the Massachusetts Highway Department.

401-024: TEMPORARY PAVEMENT RESURFACING

If temporary resurfacing is to be placed due to location of work, time of year, or other applicable reason, the temporary pavement shall be plant mixed hot asphalt as produced in accordance with the Standard Specifications of the Massachusetts Department of Public Works and is to be a minimum of one and one half inches thick. Temporary resurfacing that is to be left over the winter months shall be a minimum of three inches thick.

As soon as is consistent with the final permanency of the work, or as required by the Town Engineer, the temporary pavement shall be excavated to the required grade in order to place the permanent bituminous concrete pavement.

401-025: RESTORATION OF PERMANENT PAVING

All permanent paving shall be done in accordance with the specifications of the Town Engineer of the Town of Walpole by and at the expense of the permittee.

The permittee shall remove and acceptably dispose of all excavated material before proceeding with the remainder of the work and shall thoroughly compact the surface of the sub-base. Any broken or irregular edges of existing pavements shall be cut away in straight lines as directed leaving a sound vertical face at least twelve inches back from the edge of the existing pavement.

The bituminous concrete base and top shall be laid and rolled in two courses. The binder (base course) shall be two inches in depth and the top course shall be one and one half inches in depth. The base course of the permanent pavement shall be placed and carefully raked to a minimum surface and thoroughly rolled to the required thickness. Before placing the base course of the permanent pavement, the edge of the original bituminous surfacing shall receive an application of approved asphalt emulsion so that the new pavement material may be properly bonded to the old. The top course of the permanent paving shall be placed to a grade that will match the existing bituminous surface after rolling.

The permanent paving shall not overlap the existing pavement and will not have to be applied with a mechanical spreader unless otherwise directed.

The permittee shall furnish, place, grade, and compact Bituminous Concrete Pavement of Superpave as shown and specified in the latest Massachusetts State Department of Public Works Standard Specifications for Highways and Bridges.

Under certain circumstances where trenches are considered extensive it may be required, upon completion of patching trenches, to overlay the affected area for the full width of roadway and at least 30 ft. beyond the affected area with one inch of dense graded bituminous concrete.

Curb to curb overlays 15 feet either side of the trench will be required for pavements which are less than five years old and for other pavements which are void of cracks, potholes, patches, and are in good condition, in the opinion of the Town Engineer. The Town Engineer shall, in all cases, have the sole discretion as to the restoration of the pavement.

If, upon excavation of the trench, it is discovered that existing pavements thickness is greater than the replacement thickness herein specified, the Town Engineer reserves the right to require the applicant to match the existing thicknesses when the trench is repaved.

The Town Engineer may, at his discretion, require a roadway surface be given infrared treatment, if he determines it is warranted by the age or condition of the roadway surface.

All sidewalks dug through shall be carefully patched after backfilling. A bituminous concrete sidewalk shall be squared off and patched with the same material and rolled so as to provide a continuous smooth surface. Cement concrete sidewalks shall be repaired by making a new concrete block or blocks through which the trench passes. Preformed expansion joints, when deemed necessary, will be installed against buildings, walls, steps, foundations or existing concrete blocks. The new cement concrete square shall be made of Air Entrained Class "A" (3500 lb.) mix or (4000lb.) fiber mesh or better and be matched in color with the remaining sidewalk as nearly as possible. All concrete must be cured by covering with material in accordance with the best-known concrete curing procedures. All walks shall be laid over a minimum of 12 inches of well compacted gravel cement concrete shall be treated with silicone or linseed oil sealer for salt damage prevention. The permittee shall be responsible for repairing any damage done to public utilities, (water, sewer, gas, electric, telephone, etc.) or to Town trees, shrubs, poles or signs which may be disturbed or damaged while doing the work or account thereof. The permittee shall be responsible for the maintenance of the street opening excavation trench for one year after the data of completing the installation except where such maintenance is made necessary by the act or neglect of another.

401-026: CEMENT CONCRETE PATCH PAVING

All restoration of cement patch paving areas shall be done at the expense of the permittee and must meet the specification of the Town Engineer.

In instances when an open cut is permitted, provisions for patching will require wherever practical, that a six inch reinforced or precast concrete slab be laid over the backfilled trench extending one foot beyond either side of the edge of surface and allowing for a three inch Bituminous Concrete Type I-1 or Superpave surface all as shown on the Town of Walpole Typical Trench Detail.

When approved, the concrete slab may be cast-in-place conforming to Massachusetts Standard Specifications for Class "F" Cement concrete and additionally, shall be High-Early Strength. The slab shall have steel reinforcing for tensile strength placed in accordance with good engineering practices. The permittee must place temporary heavy duty steel plating adequate to carry heavy traffic over the trench area until the concrete is sufficiently cured.

Consideration may under certain limited conditions be given to the elimination of the concrete patch, allowing underground utility installations to be made where the permittee agrees to replace foundation and base material in kind, and to satisfactorily maintain a permanent (plant mixed hot-asphalt) bituminous concrete Type I-1 or Superpave patch for a period of one year except at which time the original permanent patch with approved material. In this case, a specific bond may be required to insure the continued maintenance of the permanent (temporary) patch, and the construction of the permanent patch at the end of the one-year period.

401-027: RESTORATION OF PAVEMENT MARKING

All permanent paving markings (crosswalks, traffic centerlines etc.) that are obliterated or damaged during construction shall be repainted by or under the direction of the Town Engineer of the Town of Walpole at the expense of the permittee.

401-028: RESTORATION OF GRASS PLOTS/LOAM STRIPS/OTHER DISTURBED AREAS

Upon completion of excavation, all grassed areas, loam strips, and any other disturbed areas within the Town way shall be restored with sod or loam and grass seed.

The One Year Period of Responsibility also applies to these surfaces.

401-0029: TO PUBLIC UTILITY COMPANIES

Any Public Utility Companies subject to regulation by D.T.E. (Department of Telecommunications and Energy) shall be subject to all applicable provisions of D.T.E. 98-22, "Standards to be Employed by public utility Operators when Restoring any of the Streets, Lanes and Highways in Municipalities (Standards)", as they pertain to Street Openings in the Town of Walpole

401-0030: ATTACHMENTS

The following attachments are incorporated and made part of these Rules and Specifications.

TOWN OF WALPOLE
PERMIT TO WORK WITHIN A PUBLIC WAY

(DATE) (PERMIT NO.)

(CONTRACTOR'S NAME) (DIG SAFE NO.)

(STREET ADDRESS) (TOWN) (ZIP CODE) (TELEPHONE NO.)

FOR EMERGENCY REPAIRS AFTER HOURS

(NAME) (TELEPHONE NO.)

(LOCATION OF WORK) (NATURE OF WORK)

(PROJECTED START/FINISH DATES) (ACTUAL START/
FINISH DATES)

(POLICE DETAIL REQUIRED) (YES OR NO)

(SIGNATURE OF TRAFFIC SAFETY OFFICER)

(GRANT OF LOCATION ISSUED BY SELECT BOARD) (YES OR N/A)

(PERMIT APPROVED BY THE ENGINEERING DEPARTMENT) (DATE)

(INSPECTED BY) (DATE)

The applicant, whose signature appears above, indicates acceptance of the required compliance with the rules and regulations governing street excavations. A seventy-two (72) hour notice to the Engineering Department before the start of said excavation is required.

**AGREEMENT FOR
PERFORMANCE SECURED BY BANK DEPOSIT**
(Street Opening Permit)

_____, (Date) _____, 20____
Walpole, Massachusetts

AGREEMENT made this date between the Town of Walpole acting by and through its Select Board, _____ (name of Applicant) of _____ (address of Applicant) (“the Applicant”), and _____ (name of Bank), to secure the Applicant’s performance under a Street Excavation Permit issued to Applicant on _____ (date) for work in _____ (name of Street), a public way in the Town of Walpole.

KNOW ALL MEN by these presents that the Applicant hereby binds and obligates himself, his, or its executors, administrators, devisees, heirs, successors and assigns to the Town of Walpole, a Massachusetts municipal corporation, acting through its Select Board, in the sum of _____ dollars, and has secured this obligation by a deposit in an Interest Bearing Account with the Town Treasurer of the above sum of money, represented by _____ (name of Bank) (“Bank”), Account No. _____ issued in the name of the Town of Walpole, said sum to be used to insure the performance by the Applicant of all conditions, agreements, terms and provisions contained in the following:

- (a) The Application for a Street Opening permit, dated _____, 20____
- (b) Town of Walpole Rules and Specifications Regulating Street Excavations; and
- (c) Other document(s) specifying construction to be completed, namely:

This agreement shall remain in full force and effect until the Applicant has fully and satisfactorily performed all obligations specified herein, and for a period up to and including one full year from the date of final, satisfactory completion of the work, as determined by the Select Board.

All monies held pursuant to this agreement are to be set forth in a specific line item and shall be used for the purposed of the work to be completed under this agreement.

Upon satisfactory completion (As determined by the Select Board) by the Applicant of specified stages of work as specified in the following schedule, the Select Board shall release to the applicant the portion of funds which is being held for that stage of work:, said amount to be released at completion of the work will be equal to 80% of the value of the Stage:

Stage of Construction Total Value Amount to be Date When Restoration Or Restoration to be of Stage Released
Upon or Construction is to be Completed. Completion of Stage Completed

- (1)
- (2)

(3)

At the end of one year from the date of final, satisfactory completion by the Applicant of all obligations as specified herein, all remaining funds contained in the bank deposit shall be returned to the Applicant by the Town and this agreement shall become void. In the event the Applicant should fail to satisfactorily complete any stage of the work specified in this agreement within the time period herein specified, or in the event the completed work shall be determined by the Town Engineer to be deficient in workmanship or materials within one year of the completion, the funds on deposit in the account,, including any accrued interest, may be applied in whole, or in part, by the Select Board for the benefit of the Town of Walpole to the extent of the reasonable cost to the Town of completing and/or correcting defects in such work. The Town will provide the interested parties with any Notices of Delay or Defective work.

The Applicant agrees that all costs and expenses, including but not limited to court costs and reasonable attorney's fees, incurred by the Town of Walpole in enforcing any of the Applicant's obligations hereunder or in exercising or enforcing the Town's rights hereunder shall be chargeable to, and secured by, the deposit in the account.

There shall be no amendments to this agreement and/or to the amount of security retained hereunder, unless such amendment is in writing, signed by all parties to this agreement.

IN WITNESS WHEREOF we have hereunto set our hand this ____ day of _____, 20__

(Signature of Applicant)

NOTE: If the Applicant is a corporation, a copy of the certified vote of the Board of Directors granting authorization for the above individual to sign this agreement must be submitted with the form unless the President and Treasurer of the Corporation sign the form.

Signature of Authorized Representative of the

BANK

TITLE OF BANK REPRESENTATIVE

NOTE: A corporate certificate of authority from the bank granting authorization for the above individual to sign this agreement must be submitted with this form.

Signatures of a Majority of the Select Board
Of the Town of Walpole

COMMONWEALTH OF MASSACHUSETTS

Norfolk, County, SS. _____, 20____

Then personally appeared before me the above-name _____ and acknowledged
the foregoing instrument to be their/the (name of Corporation) free act and deed.

(Signature of Notary Public)

My commission expires on _____, 20____

COMMONWEALTH OF MASSACHUSETTS

Norfolk, County, SS. _____, 20____

Then personally appeared before me the above-name _____ and acknowledged
the foregoing instrument to be their/the (name of Corporation) free act and deed.

(Signature of Notary Public)

My commission expires on _____, 20____

SECTION 402: CURB CUT POLICY

402-001: PURPOSE

In order to maintain safety and welfare for all motor vehicle operators, pedestrians and the General public, the Town of Walpole adopts the following ordinance, as revised June 2008, regarding the construction of driveways which enter upon and/or exit from Town accepted public ways, _____ ways being constructed under the subdivision control law, and any other ways where the _____ Town of Walpole may have control.

402-002 DEFINITIONS

ACI: _____ American Concrete Institute

AAB:	Architectural Access Board
ADA:	Americans with Disabilities Act
Curb Cut:	A designated opening at the edge of a roadway used for the purpose of accessing a driveway or wheelchair ramp etc.
Curb Cut Permit:	A permit issued to an applicant for the purpose of accessing an existing public way, a proposed public right of way, or any other way the town has control of, from a driveway. A Curb Cut specifies the location, width, and construction standards of a driveway apron
Curb Cut Width:	The linear amount of curb that is removed to construct a driveway. In the absence of curbing the width is defined as the width of a driveway at the gutter line as determined by personnel from the Town of Walpole Engineering Department.
Driveway:	A vehicular way leading from a street, Right of Way or other thoroughfare to a building, house, garage, parking area, etc.
Driveway Apron:	That portion of a driveway located in a Right of Way.
Grass strip:	A vegetated strip of land between a roadway and sidewalk
Right of Way:	A strip of publicly or privately owned land used for access and transportation. The limits of the Right of Way generally include a roadway, a grass strip if any, and a sidewalk.
Roadway:	The paved or traveled surface located within a Right of Way.
Street:	A publicly or privately owned Right of Way.
Street Opening Permit:	A permit issued by the Town to an applicant for the purpose of performing construction work within the limits of a Town owned Right of Way.

402-003: GENERAL

It shall be understood that a Curb Cut permit grants the property owner permission to construct a private driveway apron within the limits of the street right of way. The private property owner shall be responsible for any snow removal required for access to the driveway apron. The private property owner is responsible for the construction and future maintenance of the driveway apron.

A Curb Cut Permit is required for the construction of a new driveway apron or altering the width of an existing driveway apron.

The location of a proposed Curb Cut may be rejected for insufficient sight distance or issues involving safety considerations, drainage, and proximity to utility structures, trees, and possible obstructions.

If a Curb Cut is required as part of a Building permit application, the Engineering Department will not execute the Building permit application until the Curb Cut permit has been granted.

Any driveway constructed without a Curb Cut Permit shall be removed. The area shall be restored to its original condition at the expense of the property owner.

Applicants for Curb Cuts should be aware that work required within the public right of way necessary for the Curb Cut installation requires a Street Opening Permit in addition to the Curb Cut Permit.

Seal coating an existing bituminous concrete driveway and apron, however, does not require a Street Opening Permit.

402-004: CONSTRUCTION STANDARDS

All driveways shall conform to the following construction standards:

1. Width: The width of the driveways at the property line will be a maximum of 24 feet wide.
2. Transition curbing: If the Curb Cut is made through granite curbing, at each side of the 24 foot Curb Cut, the applicant shall install Town Standard transition stone at each side of the Curb Cut. If the Curb Cut takes place in bituminous berm, the applicant shall slope the berm and bevel the edges to make an appropriately smooth edge surface
3. If curb or berm roundings are proposed at each side of the 24 foot driveway, the applicant shall install curb or berm roundings having a radius of no greater than 3 feet, resulting in a maximum Curb Cut width of 30 feet.
4. Driveways wider than 24' – If there is a need for a driveway wider than 24', i.e. a Commercial Curb Cut, a plan prepared by a Registered Professional Engineer, detailing the need for both the wider driveway as well as appropriate radial roundings, will be required, and shall be submitted to the Engineering Department for review and approval. Documentation showing justification for the proposal must also be submitted.
5. Where a driveway apron is constructed through a sidewalk, that portion of the sidewalk crossing the driveway apron shall conform to AAB/ADA rules and regulations.
6. When no sidewalk exists, the driveway apron shall be constructed to accommodate a future sidewalk. Driveway aprons shall rise from the gutter to the location of the front edge of a future sidewalk, six inches in height.
7. The minimum distance from the point of curvature of a driveway rounding to a hydrant, pole, sign, tree, or any such item, shall be 10 feet.
8. There shall be no more than two driveways/curb cuts per building lot.
9. Any materials removed during the installation of the Curb Cut including but not limited to street signs, stone markers, stonewalls, granite curbs, granite inlet blocks, catch basin frames and grates, hydrants, poles, trees, guardrails, and fences shall be removed and reset at the owners expense. At the direction of the D.P.W Director, items not requiring reinstallation shall be delivered to and stacked at the D.P.W. yard or disposed of at the expense of the owner.
10. All Asphalt driveway aprons must be paved with at least a 3" thickness of bituminous concrete from the gutter line to the sideline of the Town right of way.
11. Driveway aprons adjacent to the cement concrete sidewalks shall be constructed of a 6" thickness of cement concrete placed and finished to The A.C.I., AAB/ADA and Town Standards.
12. All curb stop boxes, manholes, and other utilities encountered shall be set to grade.
13. Brick or stone pavers, stamped concrete finishes, fences, gates, bollards, plantings, privately owned signs, decorations, lighting fixtures, sprinkler systems and other non-standard materials or obstructions are not permitted within the limits of a town owned Right of Way.
14. Stone bounds shall not be permitted within a driveway apron. Driveways must be located on a lot accordingly.

402-005 APPLICATION FEE

The application fee for each Curb Cut shall be \$25, and shall be due at the time of submission of the application to the Town Engineer's office. The application shall not be deemed complete for processing purposes until such time as the fee is submitted.

402-006 DURATION OF PERMIT

Any Curb Cut Permit issued shall be valid for the calendar year in which it is issued. All permits expire at the end of each calendar year if not exercised and must be re-applied for in the New Year.



Town of Walpole
Commonwealth of Massachusetts
Curb Cut Permit

Date: _____

Permit # _____

Approved _____

Check No. _____

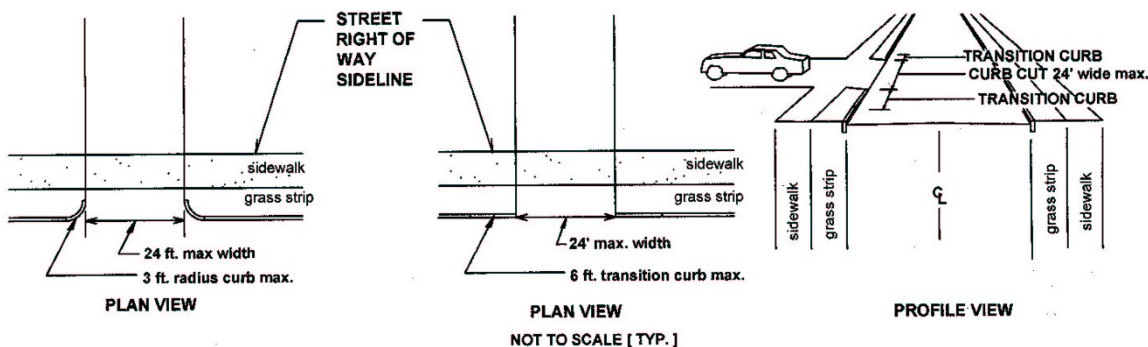
Subject to any terms, conditions, or restrictions listed below or attached hereto, permission is granted to:

_____ to install a Curb Cut at
(Applicant)

_____ as shown on the attached sketch/plan
(Property Address)

Conditions:

All driveways shall meet the finished grade of the back of sidewalk, whether existing or future. The sidewalk shall not be altered in any way, unless directed by the Town of Walpole. Failure to meet the back of sidewalk grade could result in the removal of a portion of the driveway. It shall be the responsibility of the applicant to establish and maintain proper grades.



I hereby acknowledge receipt of a copy of Section 402-Curb Cut Policy and agree that the Curb Cut granted herein will be installed according to said policy, and to any additional restrictions above or attached.

(Applicant Signature)

(Phone number)

(Date)

SECTION 403: STREET LIGHTING POLICY

403-001: PURPOSE

1. Streetlights are to be installed so as to illuminate infrastructure within street layouts, i.e. vehicular travel lanes, sidewalks, and intersections, providing a measure of safety to the motoring and walking public.
2. While particular placement of said street lights may also serve to illuminate private yards, driveways, and walkways, this is an ancillary benefit, and placement of a streetlight may not be made solely for this reason.
3. Even though there may be streetlights currently in place on private ways as of the revision date of this policy, the Town will not place additional municipally funded street lights on private property or private ways. (5/6/08)

403-002: RESPONSIBILITY

1. Additional Street Lights
The Town Engineer or her/his designee ("Town Engineer") is designated as the person who will be responsible for the enforcement of this policy. The Town Engineer will receive all requests for additional streetlights, to place orders for additional lights. All requests for streetlights under Section IV of this policy shall be made through that department. The Town Engineer will be responsible for determination of appropriate light placement pattern in conjunction with Section III of this Policy
2. Removal of Street lights
From time to time, the Town Engineer shall also be responsible for inspection of existing street lighting patterns, and shall, if necessary, make arrangements to have lights moved, or removed in their entirety, in order to bring the street light fixtures on a particular way into conformance with this Policy.

403-003: LOCATION AND PLACEMENT OF STREET LIGHTING FIXTURES

1. Standard Street Light Placement

On relatively long, straight streets, where sight distance is not impeded by a horizontal or vertical change in roadway alignment, or other situation deemed mitigating by the Town Engineer, a street light may be located approximately every three hundred feet.

(In the majority of cases, where utility service is by standard above ground wiring, this would equate to a streetlight on approximately every third utility pole).

2. Situations Affecting Standard Street Light Placements

Streetlights may also be located so as to illuminate intersections, changes in horizontal or vertical roadway alignment, other obstructions that could be deemed hazardous, as well as cul-de-sacs and dead ends of streets that may also be excessively dark. Relatively short cul-de-sacs and dead end streets can also alter the standard placement of lights detailed in Section 403-003 1. Causing longer or shorter gaps between Street Light placement. In certain cases, placement of lights at these locations could alter the standard placement detailed in 403-003 1. Absent an overriding decision by the Town Administrator made under an Appeal according to Section 403-005 of this policy, The Town Engineer shall have the sole responsibility for determination of proper and appropriate placement of streetlights.

403-004: INSTALLATION REQUEST PROCEDURE

1. Requests for addition of a streetlight at a particular location shall be made to the Town Engineer.
2. Investigation of said request so made shall reasonably take place and a response made to the applicant.
3. The Town Engineer shall investigate the proposed street location for conformance to this policy, and shall make a determination as to whether the light should be installed.
 - a. If a favorable decision to install the proposed streetlight is justified, the applicant will be so informed, and the Town Engineer shall place the appropriate order with the Highway Department.
 - b. If a favorable decision cannot be justified, the applicant will be so informed, and will be made aware of the appeal procedure detailed within Section 403-005 of this Policy.

403-005: APPEAL PROCEDURE

If, after a request for installation of a Street Light under Section 403-004 above is denied, the applicant shall have the right to appeal the Town Engineer's decision to the Town Administrator, who shall have the final authority to order said installation. The Town Administrator may solicit the input of the Town Engineer, public safety officials, and any other entity they deem to have information pertinent to the applicant's appeal. If the Town Administrator decides to overrule the Town Engineer's decision, the Town Engineer will be directed to process the appropriate order.

403-006: FINANCIAL CONSIDERATIONS

It is understood as a component of this policy that the placement of new streetlights and/or the continuation of existing streetlights is a function of the Town's overall ability to fund same. In the event of insufficient funding, the Town may, at its discretion, order the removal; of existing street lights and/or suspend the installation of new street lights, under the oversight of the Town Engineer, for the period of time as said insufficient funding shall continue. If upon the restoration of required funding it is determined that lighting may be restored, the number and placement of any restored street light(s) shall be determined by the Town Engineer in accordance with the provisions of this policy. Any appeals to this section shall be so made in accordance with the appeal procedure contained in Section 403-005 of this policy.

SECTION 404: SNOW REMOVAL OPERATIONS

404-001: GENERAL POLICY – INCIDENT MANAGEMENT

All snow removal operations shall be conducted in such a manner as to provide the greatest protection of public safety possible. The Incident Command System shall be observed at all times. Detailed logs of each storm shall be maintained, recoding times of staff call-out, arrival and dismissal, contractor call-out, arrival and dismissal, storm conditions and clean-up progress reports, notifications made, incidents, accidents, etc. These logs shall be maintained by the Director of Public Works.

404-002: VEHICLES IMPEDING PLOWING OPERATIONS

Any vehicle that shall be determined to impede snow removal operations may be removed at the owner's expense. Notification shall be made by the storm Incident Commander to the Police Department, who shall be empowered to cause the removal of the vehicle from the path of snow removal operations.

404-003: DAMAGE TO PRIVATE PROPERTY – WITHIN LAYOUT

It is the policy of the Select Board that the Town shall not be responsible for damage to lawns, fences, shrubs, steps, trees or mailboxes within the town layout.

404-004: DAMAGE TO PRIVATE PROPERTY – OTHER

In the event that private property not located within the layout shall be damaged directly by a Town vehicle during snow removal operations, the Town will make every effort to correct the damage utilizing either Town forces within a reasonable period of time, or through a claim with the Town's insurance carrier. The decision of the Town's insurance carrier shall be final. For the purposes of this and all sections, damage caused by contact with snow that shall have been plowed by a Town vehicle or contractor shall not be the responsibility of the Town under any circumstance.

Residents must complete a damage report and return it with photographs and supporting documentation to Town Administration within 72 hours of the storm.

Additionally, claims will be received and will be acted upon within the timeframe provided by MGL c258, "The Massachusetts Tort Claim Act."

SECTION 405: PLOWING PRIVATE ROADS

It shall be policy of the Select Board that upon any roadway under construction, the contractor must have all utility castings set to binder grade prior to any Town snow removal (plowing) commencing upon said roadway.

SECTION 406: QUARTERLY TRAINING REQUIREMENT

The Director of Public Works shall cause to be scheduled, not less than once per quarter each calendar year, mandatory training programs for all Public Works personnel that shall address but not be limited to such issues as staff safety, proper techniques and methods of job performance, safe use and operation of motor vehicles, and emergency/incident response procedures. A report of each training class, including the topic discussed and personnel attending shall be provided to the Town Administrator not less than five days following conclusion of the training event.

SECTION 407: CONFINED SPACE ENTRY POLICY

407-001: PURPOSE

The following safety policy and procedures shall be utilized by all Department of Public Works employees who are required to enter an access restricted environment as defined by OSHA to be a "confined space". This policy in conjunction with proper training is intended to protect all employees from hazards that may exist in such an environment and must be adhered to without deviation.

407-002: CONFINED SPACE AS DEFINED BY OSHA (29 CFR 1910.146:

1. A space that is large enough and so configured that a worker can enter and perform assigned work or duties
2. A space that by design has limited openings for entry and exit
3. A space not designed for continuous employee occupancy

407-003: IDENTIFICATION AND MARKING OF SITES:

All installations with the exception of sewer and drain manholes and meter pits shall be identified by means of posting prominently displayed signs marked "Danger Confined Space Enter by Permit Only". Sewer and drain manholes and meter pits shall be identified as a confined space with signs containing the same language during the timeframe in which entry is in progress. This shall be done with the equipment provided by the Town.

407-004: PRE ENTRY

The following procedure shall be utilized by any employee that has been designated as or assigned the duty of an entrant, entry supervisor or attendant, prior to entering any confined space.

1. Check all safety equipment, including but not limited to, blowers, monitors, harnesses and retrieval devices prior to arriving at the work site. (Refer to entry permit as a checklist).
2. Review the confined space entry permit that has been issued for the particular entrance/job. This permit will be kept at the job site, available to all authorized entrants.
3. Upon arrival at job site, employ safety controls including the use of a police detail if necessary.
4. Upon removal of the confined space cover, safeguard the opening to prevent accidental fall or unauthorized entry in to the confined space. The tripod shall act a means of such protection.
5. Complete internal atmospheric monitoring of the space prior to entry. Monitor with the calibrated direct read instrument provided. The conditions monitored shall be:
 - a. Oxygen content
 - b. Flammable gasses and vapor
 - c. Potential toxic air contaminants (Carbon Monoxide/Hydrogen Sulfide)

Monitoring shall at a minimum be completed at the top, middle and bottom sections of the structure. In deeper structures (+12') monitoring shall be every 4', if practical.

6. Lock out/tag out all potential energy sources by physically disabling or deactivating equipment. (If Applicable)
7. Set up mechanical forced air ventilation equipment (blower) to eliminate any existing atmospheric hazard:
 - a. Fresh air should be introduced near the immediate area of the entrant.
 - b. Make sure that the fresh air intake is properly positioned away from other contaminants, i.e. vehicle or generator exhaust. Note: Ventilation equipment may be used even if monitoring indicates that no danger was present. Monitoring shall be repeated after fresh air ventilation equipment is operated prior to entrance to the structure.
8. Erect the provided fall protection/retrieval system i.e. tripod and winch. Always follow the manufacturer's directions for use of this equipment.

407-005: ENTRY

1. Only trained personnel authorized by permit shall enter the confined space.
2. Under no circumstances shall a person enter a confined space without an attendant being present.
3. The communication method between the entrant and the attendant shall be established prior to entering a confined space. This may include radio or other forms of direct connect or signals. The attendant must

have radio, telephone or other means of communication available to contact emergency services. I.e. police, fire, EMS

4. All authorized entrants shall wear a body harness attached to a lifeline that is securely attached to the tripod/winch system; a hard hat; protective clothing; eyewear and gloves. Respiratory protection shall also be worn if determined to be necessary.
5. No authorized entrant while working in a confined space shall detach from the tripod/winch system. This and the retrieval system shall be monitored by the attendant during the entire time period during which the confined space is occupied by the entrant/entrants.
6. Atmospheric monitoring close to the work zone shall be performed continuously throughout the occupancy period. If practical, the entrant shall wear a monitoring device clipped to the body harness. In the event that a hazardous atmospheric condition develops during occupancy as indicated by monitor alarms or by visual contact with the entrant the space is to be evacuated immediately.

407-006: ENTRY BY OTHERS

In the event that a contractor is to enter a Town of Walpole owned or contracted confined space, they shall be informed in writing of the following:

1. That the space that they propose to enter has known or potential atmospheric and/or physical hazards present.
2. Entry shall only be allowed through compliance with the requirements of OSHA 29 CFR 1910.146.

407-007: TERMINATION AND CLOSEOUT OF PERMIT

1. Review permit for accuracy to ensure that all applicable information has been provided. Note in the comment section any unusual situations that may have occurred during the entry or other information that may be useful to others.
2. Bring the completed expired permit document to the department superintendent for filing.

407-008: TRAINING

1. Any employee designated as an entrant, attendant or entry supervisor shall have completed confined space basic training program through the MWRA, NEWWA or other recognized agency.
2. Every year thereafter, all employees shall attend a confined space entry refresher program. The cost of training shall be borne by the Town of Walpole.

SECTION 408: MUNICIPAL STORM DRAIN CONNECTION POLICY

408-001 Policy Statement

1. It is recognized that there may arise a public interest or a hardship situation where connections to the Town of Walpole municipal storm drain system may be warranted. This policy is meant to set forth the conditions under which such a connection may be allowed. It is not the intent of this policy to promote connections to the Town storm drainage system. Rather, it is meant to provide relief to those property owners of existing buildings who are threatened with damage to property. It should be noted that it is NOT the purpose of this policy to dewater a lot to make it buildable.
2. It is incumbent upon the applicant to demonstrate that the need to connect is dire, and that no reasonable alternate means of disposal exists.
3. For purposes of this policy, the term "connection" refers to the permanent underground installation and/or physical connection to a Town drainage structure or a drainage conduit or conduits and the entire related

upstream private drainage system. Said system includes, but is not limited to any pumps, conduits, leaching and/or quality structures, back-flow devices, clean-outs, special backfill, and geotextiles installed as a means to convey storm and/or groundwater into the Town storm drain system.

4. This policy does not supersede any applicable federal, state, or local laws, rules, regulations or bylaws. This policy is issued pursuant to Chapter 499 of the Town General Bylaws, §§499-1 through 499-12, “Illicit Discharges” (the “Bylaw”). Any connection or discharge for which a permit is sought under this policy must be of a type that is expressly allowed by the Bylaw.
5. All costs associated with the application process, construction, maintenance, and inspection of the connection shall be the sole responsibility of the applicant as set forth in this policy. It should be noted that other approvals (i.e. environmental, health, etc. Street Opening Permit) may be required before construction can commence. It is the responsibility of the applicant to ensure that all necessary permits are obtained prior to the commencement of work.
6. Any connection approved after the adoption of this policy shall remain subject to the terms and conditions of this policy. If, in the opinion of the Town Engineer or their designee, the connection fails to meet said terms and conditions of this policy, that connection is considered to be an unapproved connection. Modifications made to any portion of the connection shall be subject to this policy.
7. Any discharge to the Municipal Storm Drain System via a connection permitted under this policy shall be consistent with the requirements of the Bylaw; it is the sole responsibility of the property owner to ensure this requirement is followed, to notify the Town if a prohibited discharge is made, accidental or otherwise, to disconnect the connection to the municipal drain system until the problem is rectified, and to be responsible for all costs associated with cleanup.
8. The Town Administrator will designate the Town Engineer’s Office as the permit issuing authority for Municipal Storm Drain Connection Permits

408-002 Application Connection Criteria

A proposed connection project must meet the following criteria:

1. The applicant must demonstrate a need for the connection.
2. Application shall be made to the Town Engineer or their designee.
3. The applicant must demonstrate that no practical alternate means of disposal exists.
4. The applicant must demonstrate that there exists suitable capacity in the drainage system to which the proposed connection will be made. At the discretion of the Town Engineer or their designee, the applicant may be required to provide a written opinion of a Professional Engineer with supporting calculations relative to impact on the downstream.
5. The maximum flow rate of the proposed connection must not exceed 0.5 cubic feet per second or 225 gallons per minute at the point of connection to the Town drainage structure, or as determined by the Town Engineer. In no event shall the connection be part of or outfall for a regional or neighborhood drainage system.

6. In no event shall the proposed connection be the outfall for, or part of the outfall for more than one home or building, unless sufficient study has been presented that a significant reduction in rate and volume can be demonstrated to the satisfaction of the Town Engineer.
7. The drainage structure to which the connection will be made must be part of a closed drainage system that has positive outfall as determined by the Town Engineer or their appointed designee.
8. The drainage structure to which the connection will be made must be located within the frontage of, and on the same side of the public way as the applicant's parcel.
9. All materials and construction must be in accordance with Town of Walpole specifications, those referenced in this policy, as well as standard industry practice.
10. Prior to commencing any work authorized by a permit, the applicant must execute and record a Liability Covenant, in the form provided by the Town (see Attachment 2), at the Registry of Deeds within the chain of title for the property on which the work is to take place, and must present evidence of such recording to the Town Engineer or their designee. This information shall be listed on the Permit application, and no work shall take place until such time as the recording documentation has been presented for inclusion on the permit.
11. The proposed connection must be used solely for the disposal of clean water from outside a building, including rising groundwater (Bylaw § 499-7(B)-2-f), uncontaminated groundwater infiltration or uncontaminated pumped groundwater (Bylaw, § 499-7(B)-2-g) or water from exterior foundation drains and footing drains (not including active groundwater dewatering systems) (Bylaw, § 499-7(B)-2-i). Connections involving interior building sump pump connections shall not be allowed. Any other discharges, including but not limited to disposal of greywater, black water, solvents, paints, petroleum based products or other contaminants are strictly prohibited.
12. The connection may require an oil/water separator, leaching structure, backflow preventer, and shutoff, as determined by the Town Engineer.
13. All components of the connection shall be approved by the Town Engineer or their designee.
14. This work will also require a Street Opening Permit if access to a public way is needed. Further work requirements may be imposed upon the applicant as a result of this permit
15. The property owner shall be responsible for obtaining the services of a contractor who is a Town of Walpole licensed drain layer to perform the work.

408-003 Evaluation of Connection Criteria

Any judgments regarding eligibility of an application under the criteria stated herein shall be made by the Town Engineer or their designee.

408-004 Permit Application

1. General Information
 - a. The Town Engineer, as the designee of the Town Administrator, shall review permit applications and determine whether such applications shall be approved and issued. The applicant shall

- submit a completed Storm Drain Connection Permit application package to the Town Engineer's Office for consideration
- b. The permit application package shall consist of the application form and plans (containing the information listed below), and will not be considered complete until all parts have been submitted. No action will be taken by the Engineering Division until an application is deemed complete.
 - c. The issuance of a Municipal Storm Drain Connection Permit shall constitute approval of a drainage connection.
2. Plans
- a. The applicant shall submit plans clearly indicating the extent and nature of the proposed work.
 - b. The plans should be submitted on 8-1/2 x 11 sheets or larger, at a scale of sufficient detail to adequately describe the work proposed.
 - c. The plans shall be prepared by a Professional Engineer.
 - d. The applicant also may be required to procure the services of a Professional Land Surveyor as is appropriate to the work being proposed.
 - e. The plans shall show the following:
 - i. Approximate property boundaries.
 - ii. Site topography with two foot contours, and with sufficient spot grades to show the complete drainage patterns, complete with arrows indicating flow direction. (This may be required at the discretion of the Town in order to determine if there is a viable alternative to the proposed connection to the Storm Drain System.)
 - iii. Footprint of all buildings/structures located within the site.
 - iv. Rim and invert elevations of all existing and proposed drainage structures and conduits.
 - v. Indication of material types (including product names, numbers, and catalog cuts) and limits proposed for use in conjunction with the connection.
 - vi. Length, size and material of all conduits existing within or proposed for use within the site.
 - vii. Details of any proposed structures/materials.
 - viii. Details of any existing on-site sewage disposal systems, with proposed clearance distances to any proposed Storm Drain connection component parts.
 - ix. Any public utilities in the existing street right of way which may be affected by the proposed work.
3. Application Form
- a. The applicant shall submit a completed permit form, which is provided as Attachment 1 to this policy.
4. Application Fee
- a. Original application fee. The applicant, as part of the original application package, shall submit the requisite application fee of \$100.
 - b. Renewal application fee: The applicant, as part of the yearly renewal process shall submit an application fee of \$25.

408-005 Performance of Work

Performance of all the work under a permit granted under these rules and regulations shall be by a Town of Walpole Licensed Drain layer.

408-006 As-built plans

- 1. The applicant shall be required to provide the Engineering Division with an "as-built" plan of the permitted system. This as built shall be based on actual field measurements.

2. Failure to provide such as-built plans within 30 days of completion of the work, may be cause for disconnection/cutting off said proposed storm drain connection from the Town municipal drain system.

408-007 Duration and Extension of Permit

1. A Municipal Storm Drain Connection Permit granted for the installation of a connection may be terminated by the Town if said connection, in the opinion of the Town Engineer or their designee, fails to meet the applicable terms and conditions set forth in this policy and as set forth in the terms and conditions of the Municipal Storm Drain Connection Permit, or if termination of the Permit is necessary to meet federal or state requirements, or is otherwise deemed to be in the best interests of the Town. In the event that the Permit is terminated for any reason, the connection shall be removed by the property owner/applicant within 30 days.
2. An original permit, once issued, shall remain effective permanently unless the permittee violates the conditions of the permit.
3. All Municipal Storm Drain Connection permits shall be reapplied for annually by April 1 and renewals will be issued on a yearly basis by May 1 of each calendar year. Failure of an applicant to apply for and obtain a renewal permit may result in a termination and removal of said connection, in accordance with Section 408-007-1.

408-008 Inspections

1. The property owner/applicant shall agree to allow representatives of the Town of Walpole to enter onto their property for the purpose of inspecting the complete drainage connection and ensuring compliance with the terms and conditions of the municipal Storm Drain Connection permit and the Liability Covenant before, during and after the connection is installed.
2. The inspection of the system by Town personnel does not relieve the property owner of the responsibility to ensure that the work conforms to the conditions of the Municipal Storm Drain Connection permit.
3. The Town Engineer or her/his designee shall observe and inspect every portion of the connection. No portion of the connection may be backfilled until proper observation and inspections have taken place.
4. Failure to obtain proper inspections shall be grounds for disconnection from the municipal storm drain system

408-009 Enforcement/Administration

The Town Engineer, as the designee of the Town Administrator, shall administer, implement, and enforce this Policy.

408-010 Appeals Procedure

1. Submission If the Town Engineer denies an application for a Municipal Storm Drain Connection permit, the applicant may file an appeal with the Town Administrator. It is the responsibility of the applicant to present any and all such materials as is deemed germane to the case to issue the permit.
2. Consideration Upon receipt of an appeal from an applicant, the Town Administrator may hold a hearing/meeting, at which time the applicant may attend to present his case.
3. Decision After due consideration, the Town Administrator may uphold the decision of the Town Engineer to deny the permit, or may instruct the Town

ATTACHMENT 1

(DATE)

(PERMIT NO.

(Check Number)

Property owner/applicant Information

(PROPERTY OWNER NAME PRINTED)

(SIGNATURE)

(PHONE NUMBER)

(PROPERTY ADDRESS)

I understand that by my signature above, I am certifying that the connection to the municipal storm drain system is in full compliance with the Town Storm Drain Connection Policy and with any additional conditions listed and attached hereto.

Contractor Information

(CONTRACTOR'S NAME PRINTED)

(DIG SAFE NO.)

(STREET ADDRESS)

(TOWN)

(ZIP CODE)

(TELEPHONE NO.)

(PROJECTED START/FINISH DATES)

(ACTUAL START/FINISH DATES)

(PERMIT APPROVED BY THE ENGINEERING DEPARTMENT)

(DATE)

(INSPECTED BY)

(DATE)

(Book/Page/Registry Reference-Liability Covenant)

PROJECT INFORMATION TO BE INCLUDED WITH APPLICATION FORM

APPLICANT SHALL ATTACH A STATEMENT DESCRIBING

- THE PROPOSED WORK,
- THE TYPE OF DISCHARGE INVOLVED
- AN EXPLANATION AS TO THE NECESSITY FOR THE CONNECTION
- EXPLANATION DOCUMENTING THAT NO REASONABLE ALTERNATIVE MEANS OF WATER DISPOSAL EXISTS

ATTACHMENT 2

RENEWAL PERMIT APPLICATION

(DATE)

(PERMIT NO.

(Check Number)

Property owner/applicant Information

(PROPERTY OWNER NAME PRINTED)

(PHONE NUMBER)

(PROPERTY ADDRESS

(PROPERTY OWNER SIGNATURE)

I understand that by my signature above, I am certifying that the connection to the municipal storm drain system is in full compliance with the Town Storm Drain Connection Policy as was originally permitted, and with any additional conditions listed hereto.

LIABILITY COVENANT

This Liability Covenant (the "Covenant") is made this ____ day of _____, _____, by _____ [owner(s)] of _____ [address], Walpole, Norfolk County, Massachusetts (the "Owner").

RECITALS

WHEREAS, the Owner is the owner in fee simple of a certain parcel of land located on _____ [name of street] in Walpole, by deed recorded with the Norfolk County Registry of Deeds ("Registry") in Book _____, Page _____ (the "Property"); and,

WHEREAS, the Owner submitted an application dated _____, to the Town of Walpole (the "Town") for a Municipal Storm Drain Connection Permit (the "Permit") to authorize the connection of a private drainage conduit (the "Connection") from the Property to the Town of Walpole public storm drainage system located within the Right-of-Way of _____ [name of street] (the "Street"), as shown on the sketch plan attached hereto as Exhibit A; and,

WHEREAS, the Town has issued a Permit, dated _____, to the Owner to allow said Connection;

NOW THEREFORE, in consideration of the issuance of the Permit and other good and valuable consideration, the Owner, on behalf of itself, its legal representatives, successors and assigns, covenants and agrees as follows:

1. The Owner agrees to accept and observe the terms and conditions of this Covenant, as well as the terms and conditions of the Permit and the provisions of the Town Municipal Storm Drainage Connection Policy ("Policy"), as is currently in effect.
2. The Owner understands and agrees that the Town of Walpole retains all of its rights, title and interest in and to the right-of-way of the Street. The Permit shall not be construed as creating or vesting in the Owner any estate in the Street, but only a limited right of use.
3. The Owner acknowledges and agrees that he Town has made no representation or warranty regarding the condition of the municipal storm drain system, or its fitness for construction of the Connection and the use of the permit. The Owner shall be solely responsible for any and all costs and expenses associated with the exercise of the permit
4. The Owner agrees that the Permit may be terminated by the Town at any time, if the use of the Connection fails to meet the terms and conditions of the Permit or the requirements of the Policy, or if termination of the Permit is necessary to meet federal or state requirements, or is otherwise deemed to be in the best interests of the Town.
5. The Owner agrees to allow representatives of the Town to enter onto the Property for the purpose of inspecting the Connection and ensuring compliance with the terms and conditions of this Covenant and the Permit before, during and after the Connection is installed.
6. The Owner agrees that the Connection will be used solely for the disposal of uncontaminated storm water and/or groundwater in accordance with the terms of the Permit and the Policy, and at no time will the Connection be used for the disposal of any other material. The Owner agrees that it is solely responsible

to ensure this requirement is followed, to notify the Town if a prohibited discharge is made, to disconnect the Connection until the problem is rectified, and to be responsible for all costs associated with cleanup, including any costs incurred after the termination of this Permit.

7. The Owner agrees that the Town bears no responsibility for maintenance of any portion of the Connection. Any required maintenance of the Connection shall be the sole responsibility of the Owner. Proper Street Opening Permits may be necessary for maintenance work necessary within the Street.
8. The Owner agrees that any modifications made to the Connection shall be subject to this Covenant and that no such modification shall be made without the express written consent of the Town, which may be withheld in the Town's sole discretion..
9. The Owner agrees that the Town may require the permanent removal of the Connection upon the termination of the Permit. The Owner agrees, within thirty (30) days of receipt of written request to do so, to remove that portion of the Connection located within the Street and permanently seal off the Connection to prevent any further discharge into the municipal storm drain system. The removal shall also include the restoration of that portion of the Street disturbed by the removal to the condition of that area prior to the disturbance. The cost for this removal shall be the Owner's sole responsibility.
10. The Owner agrees that the Town may temporarily or permanently disconnect the Connection with or without advance notice if, in the Town's opinion, the use of the Connection poses an immediate threat to public safety, public health, or natural resources.
11. The Owner agrees to keep the Connection in good repair at all times, and to be solely responsible for all costs and expenses associated with its exercise of the Permit.
12. The Owner agrees, for itself and its successors and assigns, to indemnify, defend, and hold harmless the Town, its agents, employees, successors or assigns from and against any and all claims, demands, suits, actions, costs, judgments, whatsoever, including reasonable attorneys' fees, which may be imposed upon, incurred by, or asserted against the Town, its agents, employees, successors or assigns, by reason of, or in consequence of the Town's issuance or revocation of the Permit, or the Owner's exercise of the Permit. The Owner hereby releases the Town, its employees, officers, agents, board members, and attorneys from any claims, actions, rights of action, causes of action, damages, costs, loss of services, expenses, compensation, attorneys' fees or other liability or responsibility for losses or damages related to the construction of the Connection or the Owner's use of the Permit. The Owner agrees and covenants that it will not assert or bring, nor cause any third-party to assert or bring, any claim, demand, lawsuit or cause of action against the Town, including, without limitation, claims for property damages, diminution in property value claims, personal injury or death damages and any other damages relating to, or arising from, the Town's issuance or revocation of the Permit, or the Owner's exercise of the Permit. The provisions of this section shall survive the termination of the Permit.
13. The provisions contained herein shall run with the land and shall bind the Owner and its successors and assigns, and shall inure to the benefit of, and be enforceable by, the Town.
14. The Owner shall incorporate this Covenant by reference in any instrument conveying an interest in the Property. Failure to so reference this Covenant, however, shall not in any manner affect the validity and effectiveness of this Covenant.

WITNESS the execution hereof under seal this ____ day of _____, ____.

[name(s) of Owner]
COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

On this _____ day of _____, _____, before me, the undersigned notary public, personally appeared the above-named _____ and _____, who proved to me through satisfactory evidence of identification, which was _____, to be the person(s) whose names are signed on the foregoing instrument in my presence, and further acknowledged the foregoing instrument to be their/their free act and deed.

Notary Public:
My Commission Expires:

SECTION 409: SPONSOR-AN-ISLAND POLICY

409-001: PURPOSE:

The Select Board recognizes the community benefits arising from well-maintained and appearing traffic islands throughout Town. In addition to being visually pleasing, properly maintained traffic islands can improve motorist & pedestrian safety and foster a sense of pride in town residents, and create an attraction to the Town from an economic development perspective. This policy shall establish appropriate standards for citizen sponsorship, upkeep & beautification of Walpole traffic islands.

409-002: APPLICATION PROCESS:

1. Anyone interested in participating in the program will complete an application and submit same to the Superintendent of Highways/Parks/Cemeteries and Police Safety Officer for review;
2. All designs will be reviewed by the Parks Superintendent with a recommendation made to the Director of Public Works for final approval; and
3. Participation in the program and “sponsorship” of an island shall be for a period of two (2) years.

409-003: SPONSOR PROCEDURES & REQUIREMENTS:

1. All designs will be reviewed by the Superintendent of Highways/Parks/Cemeteries with a recommendation made to the Director of Public Works for final approval
2. Island maintenance shall commence by May 1st and continue through the first frost. Maintenance responsibilities include mowing grass, planting flowers, weeding, raking and general cleanup of designated area;
3. The Town will provide watering as required, however any sponsor wishing to water will be permitted to do so;
4. All plantings are to be of “live” planting material with no “artificial flowers” allowed;
5. Late blooming perennials and/or mums are welcomed as well as they add color into the early fall months;
6. If planted items perish during the course of the season, they must be removed or replaced as needed;
7. Plantings such as shrubs and ornamental grasses may not obstruct visibility in traffic areas and cannot be taller than 30" in height. If at any time the planting is deemed to interfere with traffic or views of traffic, then the Town will take steps to correct the problem;
8. Sponsors will be responsible for removal of leaves and debris at the end of the season
9. If at any point the Town deems that the island is unsightly due to lack of care, then the Town will remove the “Sponsor an Island” sign and the material on the island and the person or business will forfeit their rights to plant the island;

409-004: ISLAND SIGNAGE & COMMUNITY PROMOTION:

1. The Town of Walpole shall provide appropriate signage, measuring not more than 1-foot wide by 1.5-feet high, to be placed on sponsored area. No other signs will be allowed;
2. The Town will establish and maintain, as part of regular operations, a page within the Town web site to promote islands that have been ‘sponsored’, showing the island as beautified and listing the sponsor.

409-005: ISLANDS AVAILABLE FOR “SPONSORSHIP”:

1. The following traffic islands located within the “right-of-way” and/or alongside major roadways shall be available for sponsorship on a first-come, first-served basis:
 - a. Bullard Street @ Wilson Street
 - b. Cedar Street @ West Street
 - c. Common Street @ Old Post Road
 - d. East Street @ High Plain Street
 - e. East Street @ June Street

- f. East Street @ Short Street
 - g. Elm Street @ Old Elm Street
 - h. Hoover Road @ Coolidge Road
 - i. Industrial Road (Center Island)
 - j. Norfolk Street @ West Street
 - k. Pall Mall @ Pilgrim Way
 - l. Peach Street @ High Plain Street
 - m. Pemberton Street @ North Street
 - n. Polley Lane @ Pilgrim Way
 - o. Summer Street @ Shufelt Road
 - p. Washington Street @ Chestnut Street
 - q. West Street @ Kingsbury Street
 - r. West Street @ Lincoln Road
 - s. West Street @ Old West Street
 - t. Wolcott Ave. @ Pleasant Street
 - u. Woodlawn Rd. @ Park Lane
2. The following traffic islands located within subdivisions shall be available for sponsorship on a first-come, first-served basis:
- a. Andrew Way
 - b. Cardinal Lane
 - c. Covey Road
 - d. Daisy Drive
 - e. Jason's Path
 - f. Juniper Circle
 - g. Massasoit Circle
 - h. Mohawk Circle
 - i. Notch Road
 - j. Occident Circle
 - k. Partridge Lane
 - l. Pheasant Hill Lane
 - m. Pocahontas Road
 - n. Pontiac Road
 - o. Regan Road
 - p. Swenson Circle
 - q. Teton Way

SECTION 411; FIELD USE & SCHEDULING POLICY

411-001: PURPOSE:

The Select Board seeks to provide guidelines on the oversight and management, including scheduling and cancellations, for the various athletic fields owned, maintained, and permitted by the Town of Walpole. Said policy is intended to promote safe and efficient playing conditions for the youth of Walpole and to protect the significant investment in and infrastructure of the Town fields.

411-002 PERMITTING:

1. Activities taking place on public playing fields managed by the Town of Walpole require a Field Permit issued by the Walpole Recreation Department.

2. Permit Holders are responsible for ensuring coaches, volunteers, parents/guardians, and participants abide by the following policies and procedures concerning field use. Full-time staff members of the Walpole Recreation Department reserve the right to deny or revoke an activity or event from use of a Recreation-managed property in the Town of Walpole. Additionally, Walpole Recreation Committee members, Police Officers, and/or designated individuals may deny the use of a field and/or require an activity to conclude due to inclement weather, unsafe, poor field conditions and/or failure to comply with permitting policies.
3. Fees generated from this policy will be used for capital improvements and general maintenance of the town fields including, but not limited to, mowing, weeding, fertilization, limited infield care, trash collection, netting, fencing, and resurfacing, as needed.

411-003 USER PRIORITY

1. Field space will be permitted according to the following order of user priority:
 - a. Walpole High School Athletics
 - b. Town of Walpole
 - c. Volunteer-based Walpole Organizations
 - d. Other
 - e. First come, first served
2. South Walpole Community Athletic Complex only:
 - a. Town of Walpole
 - b. Volunteer-based Walpole Organizations
 - c. Walpole High School Athletics
 - d. Other
 - e. First come, first served

411-003 ADDITIONAL PERMITS & LIABILITY

The Walpole Recreation Department requires proof of a valid Commercial General Liability Insurance Certificate for organizations wishing to rent Town of Walpole-managed athletic fields.

- A. Certificate shall name the Town of Walpole as an “Additional Insured”, with the combined limit for Body Injury and Property Damage \$1,000,000 for each occurrence and with a \$2,000,000 annual aggregate.
- B. The Permit Holder is responsible for verifying that all league officers, coaches, and volunteers in the organization that are working with children and older adults have been CORI checked and approved by the organization.

400-004 PROCEDURES & SCHEDULING

Individuals looking to reserve field space (either one-time or seasonally) must complete and return the Recreation Department’s Field Permit Application for consideration of a field permit by the Walpole Recreation Department.

1. Applicant must be 21 years of age or older and shall assume responsibility for the conduct of their organization.
2. One permit per field should include the field, all dates, days and times requested.
3. Application must include a certificate of insurance naming the Town of Walpole as an additionally insured, with limits referenced in Section II.
4. Attach any applicable food or certified camp permits from the Walpole Board of Health, if necessary.
5. The applicant is solely responsible for the permits and fulfillment of the regulation of the following:
6. Board of Health permit to run a camp/clinic/program according to 105 CMR 430 (no reservation will be taken without a signed BOH permit classifying your organization)
7. State and local laws and bylaws
8. Permit Deadlines

- a. Prior to the start of each field season, application deadlines will be posted and distributed to the designated representative for each organization that had reserved a field the previous year. Deadlines will also be posted on the Walpole Recreation website.
- b. Once the application window for a given season has closed, fields will be permitted pursuant to Section 1 of this document, “User Priority”, and on a first come, first served basis.

9. Permit Fee

- a. All permits may require deposit payment prior to issuance unless written approval is obtained from the Recreation Director beforehand. Preliminary deposit amount is in the amount of 50% of the final permit fee. Deposit payment must be received by the specified deadline listed on the Field Permit Application.
- b. Once rosters have been finalized, the organization may be required to submit a copy of the roster and pay remaining balance by the specified deadline listed on the Field Permit Application. Complete payment for field permits is due to the Recreation Department by the specified deadline listed on the Field Permit Application; otherwise, the permit may be revoked. Failure to submit payment for a Field Permit fee is excluded from Section VI. Abuse of Policy and is therefore not considered a “first offense”.

400-005 WEATHER POLICY

In all cases, fields will be permitted with the understanding that fields may be closed due to inclement weather, maintenance, and/or at the discretion of the Recreation Department or the Parks Department.

All field users should adhere to the “Golden Rule” - “If there is steady rain or standing water on the fields or diamonds, the fields are not safe for play.” Fields will automatically be closed during inclement weather and unfavorable conditions, including:

- Standing puddles of water on the field
- Footing is unsure or field surface is unsafe
- Walking on turf/infield produces water or ground is frozen
- Severe or inclement weather
- Lightning (you cannot play a game within ½ hour of the lightning)

During certain parts of the year, the Parks and Recreation Departments will compile a Daily Fields Status report that will be available on the Recreation Department website.

No refund or credit will be issued in the event of inclement weather unless a field has been officially “closed” by the Parks Department. Leagues and coaches shall check the report each day to ensure that fields are open and safe for play. Reports posted on Friday may carry throughout the weekend, and representatives from the organizations are asked to use their best judgement when determining field playability.

Improper usage of field surfaces may affect playability for the duration of the season. The Permit Holder/Organization may be financially responsible for repairs on fields where unsafe conditions existed, play took place, and excessive damage occurred. The Permit Holder/Organization may be financially responsible for repairs on fields where unauthorized alterations occurred. Failure to pay for repairs may result in revocation of all current and future permits.

400-006 FIELD RULES & REGULATIONS

Permit Holder are required to sign-off that they have read and will comply with these rules and conditions. Any breach of these rules and conditions will be grounds for revocation of any permit.

1. Etiquette Participants using Walpole fields under permit are required to behave appropriately at all times. Appropriate behavior includes, but is not limited to, showing respect for surrounding neighbors and staying off their property. If a ball lands on a neighboring property, participants should not retrieve it; they should leave it where it lands. This includes all players, coaches, and spectators. Most Walpole fields are equipped with toilet facilities. For fields without toilet facilities, participants must make other

arrangements to address their bathroom needs. No player, coach or spectator should ever use any part of the field or any adjacent public or private property for his or her bathroom needs. If players, coaches, or spectators have any questions concerning this policy, please contact the Walpole Recreation Department at (508) 660-6353.

2. **Trash** Permit Holders are responsible for ensuring that all trash is collected from the sidelines, dugouts and stands and placed in the proper receptacles. Recycling is strongly encouraged when available. Trash barrels are emptied by the Walpole Parks Department on a scheduled basis. If there are barrels that need to be emptied, please contact the Parks Department at (508) 660-7382. The Permit Holder is responsible for removing all “excessive trash” that is part of the field usage, such as pizza boxes, player uniform supply boxes, etc. Do not stack trash around the receptacles, as this will attract animals.
3. **Parking** All vehicles associated with the Permit Holder’s organization must be parked legally. All illegally parked vehicles will be ticketed and towed as stated on parking regulation signs. Please advise all users and spectators to park in authorized areas only. Permitted organizations that violate the posted parking regulations risk the permit to be rescinded. Vehicles are prohibited from parking on any field.
4. **Field Information** Publicly owned athletic fields in Walpole are maintained by the Walpole Parks Department. The resources used on the athletic fields and baseball/softball diamonds are all industry standard materials. Any usage of materials other than those supplied on-site may severely alter the composition of the fields and are strictly prohibited. If the Permit Holder would like to have some drying product available for spot applications, please contact the Parks Department prior to the scheduled event for acceptable materials. Unauthorized alteration to any field surface is strictly prohibited without prior approval by the Walpole Parks Department or Walpole Recreation Department. Any unauthorized alteration may result in revocation of permit. The Permit Holder/Organization may be financially responsible for repairs on fields where unauthorized alterations occurred. Coaches are encouraged to alternate goal mouth locations during practices times to reduce the wear on those locations. Painting/lining of the athletic fields shall only be performed by the Walpole Parks Department, unless prior approval has been authorized. Please note - natural grass fields are most vulnerable to damage during the early spring (late March-April) and late fall (October-November), when the grass is not actively growing.
5. **Damage to Fields, Public or Private Property** Field conditions or infrastructure damage that may have an impact on play, due to excessive wear or vandalism, must be reported to the Recreation Department immediately. Permit Holder shall report any incident of damage to public or private property that may occur during the time of your event to the Recreation Department or to the Walpole Police Department, if necessary.
6. **Alcohol/Open Flame** Alcohol and open flame is strictly prohibited on any field, park, or playground in Walpole. It is the Permit Holder’s responsibility that any person affiliated with the permitted organization refrain from the use of alcohol and open flame. Such actions may result in immediate revocation of permit.
7. **Dogs** Permit Holders are responsible to ensure that all dogs accompanying their group are always leashed and that the individual(s) responsible for the dog take the appropriate measures to clean up after their animal.
8. **High School Athletics** When a Walpole High School or Norfolk County Agricultural High School athletics team is involved in a competitive match or game with another school please be advised that this match or game must be completed without interruption and supersedes any following permit. Permitted users waiting for a game or match to be completed shall stay clear of the entire field surface, including the sidelines to ensure that their participants do not impede the game that is in progress.

400-007 ABUSE OF POLICY

The following steps will be taken in the event of any violations to these policies and procedures:

- First offense Written warning to the head of the Organization and/or Permit Holder
- Second offense \$250 fine and suspension to the team or organization from practicing on the fields for one week.

- Third offense \$500 fine and forfeiture of a team or organization's privilege to either practice or pay games on Town of Walpole facilities for the remainder of the season. Future permits may be withheld.

SECTION 412: WALPOLE SEWER & WATER DEPARTMENT STANDARD OPERATING PROCEDURES

412-001: INTRODUCTION

The following Standard Operating Procedures are to be followed by all Sewer & Water Department employees that are assigned the duties of a Pump Station Operator or Water System Technician. In the event that a procedure is not outlined, past practice will be followed only so long as it does not conflict with common sense, or jeopardize the health and safety of the employee(s) or the public.

Questions regarding any specific procedure shall be directed to a supervisor. Lack of safety equipment will not be accepted as a valid reason for failure to utilize it. As personal protection items are depleted, it is the responsibility of the employee to notify a supervisor that replacements are needed.

412-002: PUMPING STATIONS

1. Daily Routine:

- a. Well fields (including all areas within respective aquifers) shall be observed as a matter of routine for unusual activity, potential contamination, etc. Employee(s) are responsible for the protection of Sources as well as physical equipment. Any situation beyond the operators' ability to correct shall be brought to the attention of a supervisor, and the Emergency Response Plan shall be followed.
- b. Site security shall be checked on arrival, and secured upon departure. Vehicle access gates, fencing, doors and hatches shall be locked whenever a Water System Technician or Pumping Station Operator is not present. Alarm systems shall be armed.
- c. The station shall be observed for any unusual condition, including noise, vibration, odor, smoke, heat or lack of heat, water pressure, etc.
- d. Routine data shall be logged including electrical consumption, water level, daily production and pressure, and the date & time of inspection.
- e. Pump packing shall be observed and packing gland adjusted or packing replaced as necessary.
- f. Pump oil shall be observed for level and condition, with addition or replacement of oil as needed.
- g. Bearings shall be observed for noise and temperature, with greasing as needed.
- h. Any trash or debris on the grounds shall be picked up immediately.
- i. Stations are to be visited twice per day, the first visit to take place early in the morning at the same time each day to insure a true 24-hour production reading.
- j. All walkways and gates are to be cleared of snow after each snowstorm.

2. Weekly Routine:

- a. Auxiliary power systems are to be run under load, checking oil, coolant, battery and general condition prior to starting any engine.
- b. Observation well levels are to be recorded.
- c. Specific capacities are to be recorded.
- d. Propane storage tanks are to be checked, regardless of season.
- e. Grass and weeds shall be cut seasonally; use of any chemical, including pesticides and herbicides, is strictly prohibited. All work is to be completed manually, i.e. by hand or mechanically.

3. Monthly Routine:

Stations are to be cleaned bi-weekly (twice a month), including but not limited to floor sweeping and floor wash down.

4. Annual Routine:
 - a. Pumps with oil filled bearings are to have the oil changed if it was not done during an annual well cleaning / redevelopment.
 - b. Piping shall have any corrosion or flaking paint scraped, and new paint applied during the winter season.
 - c. Walls and any surface that does not form condensation shall be painted as needed regardless of season.
 - d. Stations with stone landscaping shall be leveled as required.
5. Repairs:
 - a. All repairs are to be performed by qualified personnel using the proper safety equipment.
 - b. Equipment under repair shall be “locked out”.
 - c. All electrical work or troubleshooting requiring physical contact shall be performed by a licensed electrician.
 - d. Any electrical enclosure that is opened by an operator shall have the power disabled prior to opening.
 - e. Stations shall be properly isolated and pumps locked out prior to disassembly of any discharge piping.

412-003 BOOSTER STATIONS

1. Daily Routine:
 - a. Station grounds are to be observed for any unusual condition.
 - b. Site security shall be checked on arrival, and secured upon departure. Vehicle access gates, fencing, doors and hatches shall be locked whenever a Water System Technician or Pumping Station Operator is not present. Alarm systems shall be armed.
 - c. The station shall be observed for any unusual condition, including noise, vibration, odor, smoke, heat or lack of heat, water pressure, flooding, etc.
 - d. Routine data shall be logged including electrical consumption, tank level, runtime hours, system and discharge pressure, and the date & time of inspection.
 - e. Pump packing shall be observed and packing gland adjusted or packing replaced as necessary.
 - f. Pump oil shall be observed for level and condition, with addition or replacement of oil as needed.
 - g. Bearings shall be observed for noise and temperature, with greasing as needed.
 - h. Any trash or debris on the grounds shall be picked up immediately.
 - i. Stations are to be visited twice per day.
 - j. All walkways and gates are to be cleared of snow after each snowstorm.
2. Weekly Routine:
 - a. Auxiliary power systems are to be run under load, checking oil, coolant, battery and general condition prior to starting any engine.
 - b. Grass and weeds shall be cut as season warrants; use of any chemical, including pesticides and herbicides, is strictly prohibited. All work is to be completed manually, i.e. by hand or mechanically.
3. Monthly Routine:
 - a. Stations are to be cleaned bi-weekly (twice a month), including but not limited to floor sweeping and floor wash down.
4. Annual Routine:
 - a. Pumps with oil filled bearings or hydro constant drives shall have the oil changed.
 - b. Piping shall have any corrosion or flaking paint scraped, and new paint applied during the winter season.

- c. Walls and any surface that does not form condensation shall be painted as needed regardless of season.
 - d. Stations with stone landscaping shall be leveled as required.
5. Repairs:
- a. All repairs are to be performed by qualified personnel using the proper safety equipment.
 - b. Equipment under repair shall be “locked out”.
 - c. All electrical work or troubleshooting requiring physical contact shall be performed by a licensed electrician.
 - d. Any electrical enclosure that is opened by an operator shall have the power disabled prior to opening.
 - e. Stations shall be properly isolated and pumps locked out prior to disassembly of any discharge piping.

412-004: TREATMENT FACILITIES

1. Daily Routine:
 - a. Treatment Facility security shall be checked on arrival and secured upon departure. Vehicle access gates, fencing, doors and hatches shall be locked whenever a Water System Technician is not present. Alarm systems shall be armed.
 - b. Facility shall be observed for any unusual condition, including noise, vibration, odor, smoke, heat or lack of heat, water pressure, flooding, etc.
 - c. Routine data shall be logged including electrical consumption, equipment runtime hours, filter differential pressures, filter flow rates, filter runtimes, chemical pump settings, chemical usage, bulk chemical supply, daily influent, daily effluent, supernatant returned, backwash water quantity, sludge discharge quantity, and the date & time of inspection. All other data required for operation, maintenance, performance tracking and Permit compliance of facility equipment shall be collected.
 - d. Raw, filtered and finished water shall be analyzed for routine parameters (color, iron, manganese, pH, free chlorine residual, and fluoride level).
 - e. Samples for outside lab testing shall be collected per DEP, EPA and MWRA schedules.
 - f. EJD sewer grinder station shall be checked.
 - g. All online analyzers are to be checked and calibrated / maintained as required.
 - h. All pumps are to be checked according to their type. This shall include pressure, packing glands, oil reservoirs, greased bearings and motor temperature.
 - i. Aeration tower blowers are to have the screens cleared.
 - j. Any trash or debris on grounds or in facility are to be picked up immediately.
 - k. Plant walkthrough shall be performed twice at a minimum, with the first walkthrough being performed first thing in the morning at the same time each day.
 - l. All walkways, doors, and gates are to be cleared of snow after each snowstorm.
2. Weekly Routine:
 - a. Auxiliary power systems are to be run under load, checking oil, coolant, battery and general condition prior to starting any engine. Intake and exhaust louvers are to be checked for proper opening and closing.
 - b. Discharge of water at the H.E. Willis lagoons shall be monitored at the weirs per EPA Permit requirements.
 - c. Grass and weeds are to be cut as season warrants; use of any chemical, including pesticides and herbicides, is strictly prohibited. All work is to be completed manually, i.e. by hand or mechanically.
3. Monthly Routine:
 - a. Facilities are to be cleaned bi-weekly (twice a month), including but not limited to floor sweeping and floor wash down.

- b. Analyzers with 30-day reagent supplies are to be filled as required.
- 4. Quarterly Routine
All source meters shall be tested for accuracy and calibrated as necessary.
- 5. Annual Routine:
 - a. Pumps with oil filled bearings are to have the oil changed.
 - b. Chemical pumps shall have the oil changed.
 - c. Piping shall have any corrosion or flaking paint scraped, and new paint applied during the winter season.
 - d. Walls and any surface that does not form condensation shall be painted as needed regardless of season.
 - e. Filter media shall be inspected bi-annually (every six months).
- 6. Repairs:
 - a. All repairs are to be performed by qualified personnel using the proper safety equipment.
 - b. Equipment under repair shall be “locked out”.
 - c. All electrical work or troubleshooting requiring physical contact shall be performed by a licensed electrician.
 - d. Any electrical enclosure that is opened by an operator shall have the power disabled prior to opening.
 - e. Facility equipment shall be properly isolated and pumps locked out prior to disassembly of any discharge piping.
 - f. Repairs involving chemical shall be performed by a minimum of two personnel.
 - g. All trac-vac repairs are to be performed by a minimum of two personnel.

412-005: SEWER STATIONS

- 1. Daily Routine:
 - a. Site security shall be checked on arrival, and secured upon departure.
 - b. Station grounds shall be observed for unusual conditions, such as sewer overflow, odor, etc.
 - c. Station shall be observed for any unusual condition, including noise, vibration, odor, smoke, heat or lack of heat, wastewater pressure, etc.
 - d. Routine data shall be logged including TDH, suction and discharge pressure, runtime hours, electrical usage, and the date & time of inspection.
 - e. Pump oil condition and level shall be checked, with addition or replacement as required.
 - f. Any trash or debris on grounds shall be picked up immediately.
 - g. All walkways and gates are to be cleared of snow after each storm.
- 2. Weekly Routine:
 - a. Auxiliary power systems are to be run under load, checking oil, coolant, battery and general condition prior to starting any engine. Intake and exhaust louvers are to be checked for proper opening and closing.
 - b. Propane storage tanks are to be checked, regardless of season.
 - c. Grass and weeds are to be cut as season warrants.
- 3. Monthly Routine:
 - a. Wet wells are to be inspected for grease and debris, with degreasing material applied as needed.
 - b. Facilities are to be swept and floors washed down.
 - c. Cobwebs are to be removed if present.
- 4. Annual Routine:
 - a. Pumps are to have the oil changed.
 - b. Piping shall have any corrosion or flaking paint scraped, and new paint applied.
 - c. Walls and any surface that does not form condensation shall be painted as needed regardless of season.

5. Repairs:
 - a. All repairs are to be performed by qualified personnel using the proper safety equipment, including eye & face protection as well as rubber gloves.
 - b. Equipment under repair shall be “locked out”.
 - c. All electrical work or troubleshooting requiring physical contact shall be performed by a licensed electrician.
 - d. Any electrical enclosure that is opened by an operator shall have the power disabled prior to opening.
 - e. Facility equipment shall be properly isolated and pumps locked out prior to disassembly of any discharge piping.

412-006: STORAGE TANKS

1. Daily Routine:
 - a. Site security shall be checked on arrival and secured upon departure.
 - b. Tank level shall be checked by direct reading of gauge.
 - c. Tanks shall be checked once per day.
 - d. Tank heater shall be checked for proper operation as season warrants. Heater shall be removed and stored at the end of winter as temperatures allow.
 - e. Any trash or debris on the grounds shall be picked up immediately.
2. Weekly Routine:
 - a. Grass and weeds shall be cut as season warrants.
3. Monthly Routine:
 - a. Tank sites and storage tanks shall be inspected and the MassDEP inspection form “PWS Monthly Storage Tank Inspection Log” shall be completed and returned to a supervisor.
4. Annual Routine:
 - a. Tanks shall be pressure washed as required.

412-007: PRESSURE REGULATING VALVES

Quarterly Routine

All PRV's shall be inspected on a quarterly basis. Upstream and downstream pressure gauge readings shall be recorded, the strainers blown off to remove debris, and current valve position noted. The condition of the vault, piping, butterfly valves and PRV shall be observed.

Gauge readings from each location shall be compared to prior readings, and any deviations from normal shall be immediately reported.

412-008 SEPTAGE FACILITY

Daily Routine:

1. Prior to receiving any load, the operator shall check that the hauler has a current license to dispose of waste issued by the Town and by the MWRA. No load shall be received without an accompanying manifest detailing each site where material was collected, and which has been completed fully.
2. As well as checking for pH, the operator shall observe for any unusual conditions of the sample provided by the hauler; the sample shall be drawn from the truck in the operator's presence.
3. No load shall be accepted with a pH of less than 5.5 or greater than 9.5.
4. All deliveries shall be received with the building vehicle door closed. The truck shall discharge only through the bar screen, with the exception that the storage tank may be used in an emergency.
5. Spills during unloading are to be cleaned up by the hauler.

6. The bar screen shall be cleaned after each delivery, and dried material from the rack shall be removed.
7. KMmO4 shall be applied to all deliveries using the injection system. The odor control equipment, air handler, aerator and screw feed system shall all be observed for proper operation. The activated carbon indicator tag and gas analyzer shall be checked for proper operation.
8. All removed grit shall be placed in the provided dumpster, which shall be locked when not in use.

412-009 SAFETY

Proper safety procedures shall be followed at all times; if a procedure does not exist for a particular situation, common sense is to be followed. Safety is not limited to the Water System Technician and their co-workers; it includes all other persons present, as well as the public who may be affected by the actions or lack of action by the Technician.

Proper safety encompasses more than repair of equipment; proper maintenance of equipment is vital to ensuring that it operates properly and does not fail in such a way as to be a danger to personnel or the public. Failure may include mechanical situations such as rotating or moving equipment, high voltage electrical equipment, chemical feed devices and piping, analyzers and monitoring devices that protect the public health.

Equipment that fails due to negligence or improper maintenance may result not only in a chemical application over-dose or under-dose, but reduced capacity to supply potable water at proper pressures, as well as reducing public safety and fire protection resources.

Personal safety measures outlined in previous sections of this document shall be followed. Protective gear appropriate to the work being performed shall be used; work performed goes beyond repairs, and shall encompass daily routine, such as using hearing protection in noisy environments, eye and face protection, rubber gloves where sanitary hazards exist, etc. If the proper safety equipment is not available or requires replacement, it is the responsibility of the employee to notify a supervisor in a timely manner. Misuse or abuse of existing safety devices will not be tolerated.

No employee shall work alone on any project hazardous by nature, i.e. chemical handling equipment, work requiring heavy lifting, confined spaces etc. If the employee is not qualified to perform a particular repair, such as electrical work, the company or individual contracted by the Town of Walpole shall be used.

412-010 SAMPLE COLLECTION / MONITORING

Water System Technicians and Pump Station Operators shall collect all required samples necessary to comply with MassDEP, EPA and MWRA permits or sample schedules, as well as routine departmental samples required to monitor the water distribution and sewer collection systems.

Each sample shall be collected using the appropriate sampling and transportation procedures and techniques, as dictated by the requirements of the parameter(s) being monitored.

412-011 APPENDIX

1. CHEMICAL DELIVERY PROCEDURES H.E. WILLIS WATER TREATMENT PLANT (SWD SOP 05-01)

The following procedure shall be used during the delivery of chemicals at the H.E. Willis Water Treatment Plant.

Prior to a bulk chemical delivery the Technician supervising the delivery shall ensure that the containment valve is in the closed position and remains closed the entire time the delivery vehicle is on the premises. When the delivery vehicle has left the site and it is safe to do so, the containment valve shall be opened and left opened until the next delivery. It remains the responsibility of the Technician handling the transfer operation to insure that the containment valve is in the proper position at all times regardless of whether or not assistance was provided by other staff.

In the event that the Technician handling the delivery is called away, these responsibilities shall be assumed entirely by the Technician who takes over the remainder of the bulk chemical transfer supervision duties.

2. SLUDGE MEASUREMENT AT H.E. WILLIS WATER TREATMENT PLANT (SWD SOP 06-01)

Each day the residual tanks and the recycle tank are to be measured for sludge depth using the Sludge Judge. Record the depth of sludge on the daily log in the space provided.

The residual pumps are to be run as required to prevent sludge carry over into the recycle tank. The daily measurements and the residual tank pump downs shall both be done prior to starting the Water Treatment Plant.

3. CHEMICAL FEED PUMP OPERATIONS (SWD SOP 06-02)

In order to insure the safety of personnel and the water consumers the following procedures shall be followed when it becomes necessary to place a chemical feed pump in the "Hand" position. These shall be performed without deviation and shall be standard operating procedure.

- The Technician controlling the pump will notify another Technician that the pump is being placed in "Hand". If another Technician is not available, a supervisor will be notified instead. The second individual will be equally responsible in ensuring that the pump is placed back to "Automatic" or "Off as the case warrants.
- Prior to placing the pump in Hand the Technician will make sure that it is safe to do so.
- The supply and discharge valves will be in the correct position for the application, and the chemical will be discharged to a safe location at a safe pumping rate.
- When working on the feed equipment, it shall be de-energized using both software control (SCADA) and hardware control i.e. switches or breakers.
- The chemical line valves will be shut off in a manner that prevents chemical from being supplied or back fed towards the disassembled equipment.

4. ALARM LOGGING (SWD SOP 07-01)

All alarms that occur after hours (i.e. overtime calls) shall be recorded in the provided Call-Out Alarm Log by the technician who responds to the alarm. This log is to remain at the Edward J. Delaney Water Treatment Facility in the control room.

5. BULK CHEMICAL DELIVERIES (SWD SOP 07-02)

The following procedures are to be followed during bulk chemical deliveries.

When receiving a delivery, sign only the "correct tank connection" line on the Bill of Lading after the driver hooks up to the fill port. Do not sign the "Received in good condition" line until after the delivery is complete. Show the driver the bulk tank level prior to delivery, and again after the delivery so that they are aware of what was physically delivered.

If the delivery is short, have the driver note it on the Bill of Lading and record the delivered quantity. Once this is done the "received in good condition" line can be signed. Do not sign for product we did not receive.

To convert the pounds of product on the truck to gallons, multiply the S.G. on the certificate of analysis by 8.34, and then divide the pounds of product by this number.

6. CHEMICAL DAY TANKS (SWD SOP 07-03)

All chemical day tanks at the water treatment plants are to be filled completely each morning by the plant operator as part of the daily routine. The day tanks with a capacity of greater than 24 hours shall not be operated in their middle to lower range.

It is a basic function of the plant operators to evaluate the remaining quantity of chemical in the bulk storage tanks, and to request a delivery as required. The operator shall ensure that there is enough chemical to keep the plant running regardless of weekends, holidays, system demand etc. The bulk storage tanks will also maintain a contingency quantity, and will not be allowed to run down to the point of being critically low.

7. OPERATION OF DRINKING WATER FACILITIES (SWD SOP 08-01)

All operational adjustments and/or changes made to the Treatment & Distribution Facilities shall be made utilizing sound judgment, based on the Water Systems Technicians experience and job knowledge, to the best of their abilities. The operation of a water supply is not a static process, but one which requires careful observation, demanding both proactive and reactive responses to change as required.

Any adjustments made must be in the best interests and safety of the public, as well as the safe and efficient operation of the facilities. Every change shall have a valid reason; it may be a correct response, or due to human nature an error, but it shall without exception have a valid reason for taking place.

All changes regardless of degree shall be recorded by the operator that made it, - NO EXCEPTIONS.

SECTION 413: COMPLETE STREETS POLICY

1. Vision and Purpose

Complete Streets are designed and operated to provide for safe, reliable mobility for all the users of our roadways, walkways, trails and transit systems, including but not limited to pedestrians, bicyclists, transit riders, motorists, commercial vehicles, and emergency vehicles, and for people of all ages and abilities both along the roadways and crossing the corridors. The Town of Walpole Complete Streets Policy sets guiding principles and practices that provide for the needs of all current and future users of the Town's roadways by creating a system that encourages walking, cycling, and other non-motorized forms of transportation. The policy will provide a guide for decision making related to the planning, design, construction, reconstruction, paving, and maintenance activities of roadways. The Town's vision is to integrate a Complete Streets approach into its transportation practices, policies and decision-making.

Complete Streets practices and principles contribute to the Town's sustainability, public safety, quality of life, and health by creating a fully comprehensive and accessible transportation network that is designed to allow safe operations throughout the community in a balanced and effective manner. This policy is to be inclusive of all users regardless of age or ability such as children, seniors and those with disabilities, neighborhoods with vulnerable populations and all modes of transportation including: motorists, cyclists,

emergency responders, school buses, freight and commercial vehicles, and pedestrians, including those with disabilities who may rely on mobility devices such as wheelchairs. Those principles promote health and well-being, walkability, environmental sustainability, economic viability, quality of life, neighborhood revitalization and social equity in a community by providing accessible and efficient connections between home, school, work, recreation and retail destinations. The Complete Streets vision is also compatible with the Transit Oriented Development (TOD) concept, which seeks to build a compact mixed-use community, where connected transportation networks help build a vibrant community in which to live, work and play.

The goal is to formalize the planning, design, operation, and maintenance of our roads to create a connected network of infrastructure which will accommodate every mode of travel that is consistent with and supportive of the community, recognizing that all roads are different and that some will offer greater or lesser degrees of accommodation for each type of user, while ensuring basic accommodations are met for all users.

2. Core Commitment

A Complete Street is a street layout designed to be shared by numerous modes of transportation including, but not limited to, pedestrians, cyclists, emergency responders, trash haulers, delivery trucks, freight haulers, school buses, and motorists. Complete Streets are intended to provide safe travel networks for all users of all ages and abilities.

The Town recognizes that Complete Streets design principles may be achieved through single components incorporated into a particular roadway project, or through smaller improvements or maintenance activities over time. Improvements that may contribute to Complete Streets elements include street and sidewalk lighting, sidewalk improvements, accessibility improvements, including compliance with the latest standards of the Americans with Disabilities Act (ADA), landscaping, and roadway improvements. The Town will, to the maximum extent feasible, design, construct, maintain, and operate all roads to provide for an inclusive and integrated network of facilities for people of all ages and abilities.

The Town, where practicable, will work to integrate Complete Streets principles and design elements into all publicly and privately funded roadway projects, including new road construction, reconstruction, resurfacing, and rehabilitation or maintenance projects. This includes road design projects and transportation infrastructure requiring funding or approval by the Town of Walpole, as well as projects funded by the state and federal government, such as the Chapter 90 program, Town improvement grants, the Transportation Improvement Program (TIP), the MassWorks Infrastructure Program, Community Development Block Grants (CDBG), Capital Improvement funding, and other state and federal funds for road and infrastructure design.

All private developments and related road design elements or corresponding road-related elements, including but not limited to connections to the town's transportation network, shall also comply with Complete Street principles. In addition, to the extent practical, state-owned roadways will comply with the Complete Streets Policy, including the design, construction, and maintenance of such roadways within Town boundaries. Additionally, efforts shall be made to integrate and connect the Town's roadway system to its extensive trail network throughout the community, extending the trail network wherever useful and feasible.

If a representative of the Town participates in a meeting involving the design and planning of programs, transportation projects, or private development projects not under the Town's jurisdiction, the representative shall advocate that the project be carried out in accordance with the principles of this Complete Streets Policy.

3. Exceptions

The Town's goal is to apply Complete Streets practices and policies, as appropriate, to all transportation projects and private development projects that affect the Town's roadways' rights-of-way. It is recognized, however, that incorporation of Complete Streets elements into a project may not always be feasible or practical and consequently, exceptions may be necessary. Exceptions may be required under the following circumstances:

- a. The project involves a roadway where specific users, i.e. cyclists and/or pedestrians, are prohibited by law. For these cases, an effort will be made for accommodations elsewhere.
- b. Where such facilities or actions would constitute a threat to public safety.
- c. Excessive and disproportionate cost or effect on private property to establishing accommodations is excessively disproportionate to the need or number of users.
- d. Where Complete Streets practices contradict other Town policies and regulations.

A project that involves emergency repairs or ordinary maintenance activities designed to keep streets in serviceable condition, such as roadway mowing, street sweeping, minor roadway repairs and normal repaving, pothole filling, public infrastructure, and utilities repair, and takes place within the public street right-of way will be exempt from this policy. Repair and maintenance projects as defined by Massachusetts Department of Transportation (MassDOT) Engineering Directive E-14-006 "Design Criteria for MassDOT Highway Division Projects" may be used by the Town to determine those project types to be exempt from this policy.

If the responsible agency or department believes a project is exempt from this policy and an exemption vs. attaining the maximum intent practicable is warranted, a request will be submitted to the approving Board as part of the local approving process with supporting documentation and justification as deemed appropriate. The Board may ask the designated Complete Streets Committee (as defined below in Section 6) for an advisory opinion and/or recommendation. After considering the proposed exemption and supporting documentation including the Complete Streets Committee's opinion, the Board would formalize a decision on the exemption.

4. Best Practices

The Town of Walpole Complete Streets Policy is focused on developing a connected, integrated network that safely accommodates all users (pedestrians, cyclists, and motorists) that also fits with the character of the community. Complete Streets will be integrated into policies, planning, and design of all types of public and private projects, including new construction, reconstruction, rehabilitation, repair, and maintenance of all road and redevelopment projects.

Implementation of the Town of Walpole Complete Streets Policy will be carried out cooperatively within all departments in the Town, with multi-jurisdictional cooperation, to the greatest extent possible, among private developers, and state, regional, and federal agencies.

Complete Streets principles include the development and implementation of projects in a context-sensitive manner in which project implementation is sensitive to the needs of the users; is compatible with the community's physical, economic, and social settings; and integrates the community's goals, objectives, and values. The context-sensitive approach to process and design includes a range of goals by considering stakeholder and community values on a level plane with the project need. The success of the Complete Streets Policy lies with the project development process which includes:

- a. Consideration of the land use and transportation context.
- b. Any gaps or deficiencies in the network for various users.
- c. An evaluation of the tradeoffs to balance the needs of all users of all abilities.

The overall goal of this approach is to enhance scenic, historical, and environmental resources while improving or maintaining safety, mobility, and infrastructure conditions to the extent that is economically feasible and practical.

The Town of Walpole recognizes that Complete Streets objectives may be achieved through single elements incorporated into a particular project or incrementally through a series of smaller improvements or maintenance activities over time.

The latest design guidance, standards, practices, and recommendations available will be used in the implementation of Complete Streets including, but not limited to:

- The Massachusetts Department of Transportation, Project Development and Design Guidebook and current Engineering Directives, 2006
- Massachusetts Department of Transportation Engineering Directive E-14-006, Design Criteria for MassDOT Highway Division Projects, 2014
- Massachusetts Department of Transportation, Separated Bike Path Guidelines, 2015
- American Association of State Highway Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2011
- American Association of State Highway Transportation Officials (AASHTO), Guide for the Development of Bicycle Facilities, 4th Edition, 2012
- Institute of Transportation Engineers (ITE), Designing Walkable Urban Thoroughfares: A Context Sensitive Approach, An ITE Recommended Practice, 2010
- Institute of Transportation Engineers (ITE), Neighborhood Street Design Guidelines, A Recommended Practice, 2011
- National Association of City Transportation Officials (NACTO), Urban Street Design Guide, 2013
- National Association of City Transportation Officials (NACTO), Urban Street Transit Design Guide, 2015
- American Association of Retired Persons (AARP) Public Policy Institute, Planning Complete Streets for an Aging America, 2012
- Active Transportation Alliance, Complete Streets, Complete Networks: A Manual for the Design of Active Transportation, 2012
- United States Department of Transportation, Federal Highway Administration, Manual on Uniform Traffic Control Devices (MUTCD), 2009
- The Architectural Access Board (AAB) 521 CMR Rules and Regulations,
- Town of Walpole design standards, guidelines and practices pertaining to streets and roads, driveway access, signage and other related items, and Documents and plans created by or for the Town of Walpole, such items, if available, as bicycle and pedestrian network plans, transportation master plan, land use plans, open space and recreation plans, capital improvement plans

Other sources of information and resources available to provide guidance in implementing the Complete Streets Policy include, but are not limited to, the following organizations:

- Institute of Transportation Engineers (ITE)
- American Planning Association (APA)
- American Society of Civil Engineers (ASCE)
- National Complete Streets Coalition (NCSC)
- Smart Growth America (SGA)
- National Safe Routes to School (SRTS)
- Pedestrian and Bicycle Information Center (PBIC)
- American Public Health Association (APHA)

- Center of Disease Control (CDC)

When accomplishing this Complete Streets Policy, the Town will use the above manuals, guidelines, and standards, as appropriate, but should not be prevented from considering new or non-traditional design possibilities that will increase the level of safety of all users of any age or ability.

5. Performance Measures

The Town shall utilize performance measures to track the progress, effectiveness, and success of this Complete Streets Policy. Performance shall be measured on an annual basis by the Complete Streets Committee that will work with appropriate Town departments and other resources to gather and summarize this information. Such measures may include, but are not limited to:

Improvements in safety for all roadway users, as measured by traffic accident reports

- Amount of increased capacity and connectivity for all modes of transportation
- Number of existing sidewalk, crosswalk, and intersection improvements
- Increase in linear feet of new pedestrian accommodations (sidewalks, trails, etc.) and the number of cyclist improvements (shared lane markings, bike lanes, etc.)
- Number of Americans with Disabilities Act (ADA) accommodations installed or built
- Number of specific enhancements made at the suggestion of ongoing public outreach efforts
- Reduction in the number of gaps in the sidewalk network
- Number of protected or enhanced pedestrian crossings
- Secure bicycle parking spaces added
- Number of public complaints or compliments pertaining to Complete Streets program
- Number of pedestrian/cyclist related crashes
- Miles of bike lanes and trails built or marked
- Number of segments of roadways improved which connect to existing trails

The final set of performance measures will be determined by the CS Committee within six (6) months of adoption of this policy.

6. Implementation

To oversee implementation of the Complete Streets Policy and Plan, the Select Board shall appoint a Complete Streets (CS) Committee. The CS Committee may be comprised of the following: the Town Planner, the Department of Public Works Director (or designee), the Town Engineer, the Police Chief (or designee), the Fire Chief (or designee), Building Commissioner (or designee), representative of the Council on Aging, Recreational Department Director (or designee), Health Department Director (or designee), the School Superintendent (or designee) or any other representative determined necessary by the Select Board.

The CS Committee would provide oversight to ensure compliance with this Complete Streets Policy and monitoring the implementation of the Prioritization Plan.

The Town shall make Complete Streets practices a routine part of everyday operations, shall approach every transportation project and program as an opportunity to improve roads and the transportation network for all users, and shall work in coordination with other departments, agencies and jurisdictions to achieve Complete Streets.

The responsible Town boards and department will as appropriate review and either revise or develop proposed revisions to all appropriate planning documents (master plans, open space and recreation plans,

etc.), zoning and subdivision codes, laws, procedures, rules, regulations, guidelines, programs, and templates to integrate the Complete Streets Policy and its principles in all project review processes.

As new land development projects are proposed and undergo review by the appropriate permitting boards, the project proponent should be made aware of the Complete Streets Policy and Prioritization Plan and the proposal can be checked for compatibility with the Policy and Plan. If mitigation is required of the project proponent, the actions should also be consistent and possibly build off the Policy and Plan.

The Town intends to develop and maintain a comprehensive inventory of pedestrian and bicycle facility infrastructure that will prioritize projects to eliminate gaps in the sidewalk and bikeway network, and provide opportunities for expansion.

As part of the budgeting process for projects in the Capital Improvement Plan, the Town may periodically reevaluate the decision making process and ranking system related to Complete Streets to include prioritization criteria that will give extra weight to projects that enhance access or mobility for those on foot or riding bicycles.

As new Town transportation related projects are proposed, the CS Committee may be asked by the project proponent (or responsible department) to review proposal in relation to the being consistent with the Complete Streets Policy and provide confirmation or input.

Periodically, the Complete Streets committee will meet to review the Plan implementation progress as well as updating the Plan with new projects or new priorities. As part of the monitoring process, the CS Committee may also inquire as to the progress various departments are making relative to updating or modifying the various town documents including zoning and subdivision codes, laws, procedures, rules, regulations, guidelines, programs, templates, and design manuals in order to integrate, accommodate, and balance all transportation needs in Walpole and be consistent with the Policy.

If changes, updates, or additions to the Tier 2 Complete Streets Prioritization Plan are proposed, the Complete Streets Committee will discuss the potential inclusion into the Plan and potential changes in priorities of current or new projects. The key factors in relation to setting priorities may include but not be limited to:

- Ownership (local vs. state owned facility),
- Location (near schools or public recreation areas),
- Potential high pedestrian & bicycle demand areas
- Project readiness (engineering/permits)
- Impacts & complexity of action
- Costs
- Consistency with Local Plans
- Livability
- Safety and Security
- ADA accessibility/compliance
- Mobility
- Public health outcomes

To the extent practical, the Town will encourage appropriate staff and decision makers to attend workshops and other training opportunities so that everyone working on the implementation of the policy understands the importance of the concepts of Complete Streets principles.

The Town will utilize inter-department coordination to promote the most responsible and efficient use of resources for activities within the public way.

The Town will seek out appropriate sources of funding and grants for implementation of Complete Streets policies.

SECTION 501: HIPAA POLICY

The Town of Walpole by vote of its Select Board will comply with the Privacy Regulations of the Health Information Portability and Accountability Act of 1996.

SECTION 502: CONTRIBUTORY GROUP INSURANCE BENEFITS R&R

POLICY: The Town of Walpole, acting by and through its duly elected Select Board and in accordance with Section 14 of Chapter 32B of the General Laws of the Commonwealth of Massachusetts, does hereby formally adopt and establish the following rules and regulations governing certain eligibility and administrative guidelines for the Town's contributory insurance benefit offerings. The Select Board reserves the right to alter, modify, amend and/or eliminate any and all benefits, benefit levels and plans offered by the Town pursuant to Chapter 32B of the General Laws. The Select Board also specifically reserves the right to add to, modify and/or delete any and all provisions of these rules and regulations at any time. Divergence from the following shall only be permitted through collective bargaining agreement and/or employment agreement executed by the Select Board or the School Committee. Any divergence from these rules and regulations must be approved by the Select Board as the appropriate public authority in the Town. These rules and regulations are relevant to M.G.L. c.32B. The Select Board shall be further guided by additional administrative policies and procedures to comply with federal, state or local regulations or requirements as they relate to group medical, dental and life insurance programs (i.e. COBRA, HIPAA, collective bargaining, etc.)

503-001: Employee Eligibility

Employees in a permanent or probationary status that work an average of twenty (20) hours or more per week over a consecutive fifty-two (52) weeks are eligible to participate in the Town of Walpole health, dental and life insurance programs

503-002: Part-time Employee Eligibility

Permanent part-time employees who are regularly scheduled to work, and who do in fact regularly work twenty or more hours per week shall be considered eligible to participate in the Town's group insurance benefits program for so long as they continue to regularly work a minimum of twenty (20) hours per week. For the purposes of this regulation "regularly" working twenty (20) hours per week shall mean working the minimum of an average of twenty (20) hours per week over a consecutive fifty-two (52) weeks or one thousand forty (1040) hours in the plan year (July 1 - June 30).

Part-time teachers classified as .5 FTE or greater shall be determined to be working twenty (20) hours or more per week for the Town, and shall therefore be considered employees in accordance with M.G.L. c.32B,s2(d).

503-003: Temporary and Seasonal Employee Eligibility

Temporary employees working twenty (20) hours per week or more, whose service to the Town is expected to last six month or longer, shall be eligible for benefits in accordance with M.G. L. c. 32B. Seasonal employees whose service to the Town is expected to last less than six (6) months, regardless of the number of hours worked per week, shall be ineligible for benefits in accordance with M.G.L. c. 32B.

503-004: Divorced or Separated Spouses

In the event that a court of competent jurisdiction grants a judgment absolute of divorce or of separate support, the divorced employee, if otherwise enrolled and eligible to receive M.G.L. 32B benefits from the Town, and their spouse may remain eligible for benefits under the Town's group insurance benefit program, in accordance with Section 9H of M.G.L. c. 32B, provided that each of the following conditions are met:

1. In the event that the employee/subscriber is not remarried:
 - a. The Town must be provided with a court certified version of the judgment of divorce or of separate support, which mandates that the spouse of the Town employee/retiree remain on the Town-offered group insurance plan.
 - b. The employee/retiree must maintain a family plan covering him/herself and their divorced or separated spouse and any qualified dependents, if applicable.
 - c. The former spouse of the employee/retiree shall, notwithstanding any contrary provision of these rules and regulations, lose any eligibility rights upon remarriage of such former spouse
2. In the event that the employee/subscriber remarries and wishes to enroll their new spouse as a dependent under the Town's group insurance benefit program:
 - a. The Town must be provided with a court certified version of the judgment of divorce or of separate support, which mandates that the spouse of the Town employee/retiree remain on the Town-offered group insurance plan.
 - b. The Town of Walpole employee/retiree shall be responsible to pay the full monthly premium (one hundred percent (100%) of the monthly rate) for the plan in which the divorced/separated spouse is enrolled, or 100% of any additional cost for a rider to the employee's/retiree's family plan if applicable. The decision as to whether or not a rider or an individual plan shall be purchased shall be left to the sole discretion of the Select Board or the Town Administrator as its designee.
 - c. Such payments for the premium in which the divorced/separated spouse is enrolled shall be made by direct payment to the Town of Walpole through the Town Administrator's designee(s) (Finance Director, Human Resource Administrator, etc.) Reimbursement of said funds from the divorced/separated spouse must be pursued by the employee/retiree on their own accord. Any payment not received by the Town within thirty days of due date may result in the cancellation of enrollment in the benefit plan.

503-005: Surviving Spouse:

Upon the death of retiree, the surviving spouse can maintain their health insurance coverage at 50% of the monthly premium. If the surviving spouse remarries, they will no longer be eligible to continue on the Town of Walpole's health insurance program.

Upon the death of an employee, depending upon their status in the retirement system at the time of death, the surviving spouse may be entitled to survivor health benefits if employee is fully vested in the retirement system; employee has selected Option "D" during their membership-in-service with the retirement board; or if the employee dies as a result of an injury sustained or hazard undergone in the performance of their duty. If one of these three conditions exist, the surviving spouse can maintain their health insurance coverage at 50% of the monthly premium.

Payment for coverage will be deducted from their monthly pension check, or if none, a direct payment in advance of the coverage month will be required.

503-006: Retiree Eligibility

Upon retirement, eligible individuals may participate in the Town's contributory group health and life insurance programs, to the extent allowed by the various insurance providers and in accordance with all relevant provisions of M.G.L. c. 32B, provided that they otherwise qualify under M.G.L. c. 32B, and further provided that each of the following criteria applies and is met by the retiree:

The individual must have directly retired from service to the Town of Walpole and be receiving a retirement allowance in accordance with M.G.L. c. 32, i.e. retiree must currently be receiving pension from Town of Walpole service immediately preceding retirement (except as specifically provided in M.G. L. 32B, s. 9).

Employees who resign from the Town of Walpole and are eligible to receive a retirement allowance, but who elect to defer their retirement allowance may be eligible to continue on the Town's contributory life and health insurance programs provided that the individual pays one hundred percent (100%) of the monthly premium.

Employees who are eligible to receive a retirement allowance as of the date the employee resigns from employment with the Town of Walpole but who do not actually commence receipt of their M.G.L. c. 32 retirement allowance until a later date, may enroll on a Town offered health benefit plan during the next open enrollment period after the individual commences receipt of their retirement allowance. If the former employee enrolls after five (5) years of resignation date, the town/retiree contribution rate for such individuals shall be the percentage rate of the HMO Plan coverage of current new hires on the date that their retirement is approved by the retirement board.

The individual must have been qualified and eligible to participate in the Town's group insurance program as an active employee of the Town of Walpole, including, though not limited to, being eligible for group insurance benefits immediately preceding the date of retirement.

If an individual is eligible to participate in the Town's group insurance benefit program but has declined to do so prior to retirement, then an otherwise eligible retiree may enroll during an open enrollment period in a group benefit insurance program offered to retirees if the retiree both submits all necessary documentation to the Town and/or the Plan at the time of open enrollment and if the retiree is able to furnish evidence of insurability at the time of enrollment.

In compliance with M.G.L. c. 32B, s. 18, all retirees eligible for Medicare shall enroll in Medicare B at age sixty-five (65). Eligible retirees in Medicare B are only eligible for Senior Supplement plans offered by the Town's group insurance benefit program. Failure or refusal of eligible retirees to enroll in the Medicare program shall mean cancellation of enrollment in the group benefit plan.

503-007: Election to Forego Coverage

The signature of the eligible employee on the Town of Walpole and Walpole Public Schools New Hire Information Employment Package, Health, Life and Dental Insurance Information section shall serve as election to forgo participation in the group insurance benefit program, i.e. affirmative declining of participation (M.G.L. c. 32B, s. 4) if required enrollment forms are not returned within thirty (30) days of the date of hire.

That is, failure to submit the appropriate signed benefit enrollment form(s) to the Personnel Office shall be considered a declination of coverage. Should an employee elect not to participate within thirty (30) days of the date of hire, the employee must wait until the next open enrollment period in order to enroll in the group insurance benefit program, unless the employee experiences a qualifying event which will allow enrollment outside the open enrollment period.

503-008: Retention of Insurance While on Unpaid Leave

Employees on designated, approved family medical leave in accordance with the Family Medical Leave Act of 1993 or maternity leave shall be entitled to continue to receive the Town's contribution to a Town offered group benefit plan during the term of the leave. It is the employee's responsibility to provide the required documentation to the Town Administrator's designee(s) (Assistant Town Administrator, Human Resource Administrator) or Superintendent of Schools (school personnel) to verify designated, approved FMLA leave. Failure to do so shall mean ineligibility for the group benefit plan during the term of the leave and cancellation of enrollment.

Employees who are on unpaid medical leave, which is not designated as family medical or maternity leave, shall be entitled to continue to receive the Town's contribution towards a Town offered group benefit plan during the period that the unpaid leave is determined to be medical leave by the Office of the Town Administrator or the Superintendent of Schools (for school personnel). It is the employee's responsibility to provide any and all documentation required by the Office of the Town Administrator to verify medical leave. Failure to do so shall mean ineligibility for the group insurance benefit plan during any or all of the medical leave and cancellation of enrollment. It is the employee's responsibility to remit timely payment of their portion of the rate as directed by the Town Administrator's designee(s). Failure to do so shall mean ineligibility for the group benefit plan during the term of the leave and cancellation of enrollment of the individual.

Employees on approved, unpaid leave which has not been designated as FMLA, maternity or medical leave and are not receiving wages, i.e. are not on the payroll, shall be eligible for the group insurance program if they contribute one hundred percent (100%) of the premium for continuation of enrollment. Employees are responsible to provide any and all documentation required by the Office of the Town Administrator or the Superintendent of Schools (for school personnel) to verify the approved, unpaid leave and are responsible for payment of the premium on the date of the month established by the Office of the Town Administrator. Failure to provide said documentation and/or remit timely premium payment shall mean ineligibility for the group insurance benefit plan during any or all of the leave and cancellation of enrollment.

Employees shall be eligible to continue their group insurance benefit plan while on leave of absence for no longer than two (2) consecutive calendar years from the time of the initiation of the leave. At the conclusion of the two (2) years on leave, the individual shall cease to be considered employees for group insurance purposes.

503-009: Employee Termination

Coverage will terminate on August 31st for school employees who terminate their employment at the end of the school year.

When an employee's employment ends within the first 15 days of the month, the insurance will terminate on the 15th of that month, if employment ends within the last 15 days of the month, insurance will terminate on the last day of that month. Payroll deductions taken for insurance beyond the termination date will be reimbursed to the employee.

SECTION 504: HEALTH INSURANCE UNDER THE FEDERAL AFFORDABLE CARE ACT POLICY

The Town of Walpole and the Walpole School Committee (Walpole) are implementing this Policy and the following procedures in order to meet their obligations under the Patient Protection and Affordable Care Act (ACA). Walpole is committed to being in full compliance with the ACA. Walpole is

categorized as a large employer under the ACA and may be subject to an Employer Shared Responsibility Payment (ESRP) if one of its full-time employees purchases health insurance through Massachusetts Health Connector and receives a tax credit for that purchase. The following procedures are designed to ensure that the Town will be in compliance with the ACA and, therefore, will avoid, or at least minimize, any liability for ESRPs.

504-001: Look-Back Measurement Method: Measurement Administrative, and Stability Periods.

Pursuant to the ACA, ongoing (current) Walpole employees who are employed for at least 130 hours of service per month must be offered Town-sponsored health insurance for themselves, their spouses, and dependents up to age 26. Walpole shall employ a 6-month look-back measurement method to determine eligibility for all employees. This standard measurement period shall begin on January 1, 2015. After six months, Walpole shall have up to 3 months (the administrative period) to determine if any full-time employees (total hours divided by 6 must equal at least 130 hours) have not been offered Town-sponsored health insurance and to enroll (or disenrollment) them if necessary. If there are any such employees, Walpole shall offer them Town-sponsored health insurance for the 6 months following the measurement period. This 6-month coverage is called the stability period. How many hours an employee works during the stability period is relevant only in determining whether they will be eligible for Town-sponsored health insurance coverage in the next stability period. The measurement, administrative, and stability periods shall then repeat themselves on an ongoing basis.

The administrative period will be the same length for all employees and it will not serve to reduce or lengthen either the measurement or stability periods. To prevent gaps in health insurance coverage, the administrative period will overlap with the prior stability period during which time an employee's classification (full-time or part-time) will remain unchanged.

When Walpole hires a new employee who is expected to work on a full-time basis, Walpole shall offer Town-sponsored health insurance upon initial employment. Once the employee has been employed by Walpole for a full standard measurement period (the same period that applies to ongoing employees), they shall become an ongoing employee and be included in the normal look-back measurement cycle for determining eligibility.

For new employees expected to be variable hour, seasonal, and part-time employees, Walpole shall track their hours of service using an initial measurement period of 6 months. The initial measurement period shall begin on the first day of the first calendar month following the employee's start date (or on the first day of the first payroll period starting on or after the employee's start date, if later). As with ongoing employees, an administrative period of up to 3 months shall be employed, along with a 6-month stability period. Once a new variable hour, seasonal, or part-time employee has been employed by Walpole for a full standard measurement period (the same period that applies to ongoing employees), they shall become an ongoing employee and be included in the normal look-back measurement cycle for determining eligibility.

504-002: Hours of Service and Periods of Time Not Included in 6-Month Calculation.

As mentioned previously, a Walpole employee must average at least 130 hours of service over a 6-month period to be entitled to Town-sponsored health insurance. The following categories of service count toward the 130 hour average: each hour worked for which an employee is paid; unpaid short scheduled breaks (not including unpaid lunch breaks of at least 30 minutes), paid time off due to vacation, holiday, illness, incapacity (including disability), layoff, jury duty, military duty or leave of absence. Generally, unpaid time off will not count toward the 130 hours of service.

Certain periods of unpaid time off will not be included when calculating the 6-month standard measurement period. These include: summer months for teachers and other school employees, FMLA leave, military leave, jury duty. For these special periods of unpaid time off, Walpole will determine the average hours during the measurement period, excluding the special unpaid leave period, and will use that average as the average for the entire measurement period.

504-003: Guidance.

Should Walpole employees have any questions regarding this policy, please contact the Human Resource Office.

SECTION 505: TOWN OF WALPOLE NON-DISCRIMINATION POLICY
(AFFIRMATIVE ACTION)

1. PURPOSE AND SCOPE:

The purpose of this document is to outline the Town's policy of non-discrimination in all areas of employment for present and prospective employees, and to ensure compliance with applicable federal laws, state statutes, and Town by-laws. The duty to provide equal employment opportunity and to pursue affirmative action arises from Title VI and VII of the U.S. Civil Rights Act of 1964, M.G.L. c. 151 (B), Executive Order #11246 (as amended), and Executive Order #227.

2. APPLICABILITY:

This policy applies to all employees of the Town of Walpole excluding those employees under the supervision and control of the School Committee.

3. DEFINITIONS:

- a. Affirmative Action -- the commitment to the recognition, development, and utilization of the abilities of members of protected groups. Affirmative action is a process used to achieve the purpose and spirit of anti-discrimination laws.
- b. Equal Employment Opportunity -- a course of action that ensures that hiring and other employment decisions are made solely on an individual's merit and qualifications, without regard to race, color, ancestry, national origin, gender, gender identity, age, religion, disability, sexual orientation, pregnancy or pregnancy-related condition, genetic information, marital status, veteran status, or other bases prohibited under state or federal anti-discrimination statutes.
- c. Americans with Disabilities Act -- the federal law enacted in 1990 to ensure non-discrimination in employment against qualified individuals with disabilities.
- d. Discrimination -- unequal treatment or categorization of individuals on a basis other than individual merit such as race, color, ancestry, national origin, gender, gender identity, age, religion, disability, sexual orientation, pregnancy or pregnancy-related condition, genetic information, marital status, veteran status, or other bases prohibited under state or federal anti-discrimination statutes.

- e. Individual with a Disability -- an individual who has a physical or mental impairment that substantially limits one or more of their major life activities or who has a record of such impairment, or who is regarded as having such impairment. An individual who currently uses drugs illegally is not considered to be an individual with a disability.
 - f. Major Life Activities -- activities that are important and/or significant to a person's day-to-day life, such as walking, speaking, breathing, performing manual tasks, seeing, hearing, learning, caring for oneself, or working.
 - g. Protected Class -- legally identified groups that are specifically protected by state or federal statute from employment discrimination.
 - h. Qualified Individual with a Disability -- an individual with a disability who meets the skill, experience, education, and other job-related requirements of a position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of the particular job.
 - i. Reasonable Accommodation -- a modification or adjustment to a job, employment practices, or work environment that makes it possible for a qualified individual with a disability to enjoy an equal employment opportunity.
 - j. Undue Hardship -- an action that is excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the department.
4. POLICY:
- a. General - The Town of Walpole recognizes the right of individuals to work and advance on the basis of merit, ability and potential without regard to race, color, ancestry, national origin, gender, gender identity, age, religion, disability, sexual orientation, pregnancy or pregnancy-related condition, genetic information, marital status, veteran status, or other bases prohibited under state or federal anti-discrimination statutes. Non-discrimination and equal opportunity will be the policy of the Town of Walpole in all of its employment programs and activities. Toward this end, the Town of Walpole commits itself to take affirmative measures to ensure equal opportunity in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rate of compensation, in-service or apprenticeship training programs, and all terms and conditions of employment. The Town of Walpole is committed to fostering and encouraging a workplace comprised of individuals of diverse backgrounds, races, genders, abilities, religious beliefs, sexual orientation, and ages. This Policy shall apply, but not be limited to, the areas of:
 - i. Recruitment
 - ii. Selection
 - iii. Compensation and benefits
 - iv. Professional development and training
 - v. Reasonable accommodation for disabilities or religious practices
 - vi. Promotion
 - vii. Transfer
 - viii. Termination
 - ix. Layoff, and
 - x. Other terms and conditions of employment

All Town employees are encouraged to take diligent, affirmative steps to ensure equal opportunity and respect for diversity, not only in the internal affairs of Town departments and agencies, but also in their relations with the public, including those persons and organizations doing business with the Town. The policy of the Town of Walpole is to:

- xi. Recruit, hire and promote in all job classifications without regard to race, color, ancestry, national origin, gender, gender identity, age, religion, disability, sexual orientation, pregnancy or pregnancy-related condition, genetic information, marital status, veteran status, or other bases prohibited under state or federal anti-discrimination statutes.

- xii. Make decisions about employment so as to encourage the development of a diverse workforce.
- xiii. Ensure that employment and promotion decisions are made in accordance with the principles of equal employment opportunity, by imposing only valid, job-related requirements for employment and promotional opportunities.
- xiv. Ensure that all other personnel actions such as compensation, benefits, transfers, layoff, recall, training, tuition assistance, and social and recreational programs will be administered without regard to race, color, ancestry, national origin, gender, gender identity, age, religion, disability, sexual orientation, pregnancy or pregnancy-related condition, genetic information, marital status, veteran status, or other bases prohibited under state or federal anti-discrimination statutes.
- xv. Prohibit any kind of harassment based on race, color, ancestry, national origin, gender, gender identity, age, religion, disability, sexual orientation, pregnancy or pregnancy-related condition, genetic information, marital status, veteran s status, or other bases prohibited under state or federal anti-discrimination statutes.
- b. Sexual Harassment: The Town of Walpole will not tolerate sexual harassment in the workplace. The duty to prevent such harassment arises from M.G.L. c. 151B and from Title VII of the U.S. Civil Rights Act of 1964, which includes sexual harassment as a form of unlawful discrimination. More information on sexual harassment is contained in Section 201-004 of these Policies and Procedures.
- c. Reasonable Accommodation: The Town of Walpole will not discriminate against people with disabilities in any employment practices or in terms or conditions of employment, including, but not limited to application, testing, hiring, assignment, evaluation, disciplinary action, training, promotion, medical examination, layoff, recall, termination, compensation, leaves or benefits. The Town will make reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee with a disability, unless such action would cause an undue hardship to the operations of the Town.

In addition, the Town complies with the provisions of Massachusetts General Laws Chapter 151B, Section 4(1E), requiring certain reasonable accommodations for an employee's pregnancy or pregnancy-related condition, including but not limited to lactation or the need to express breast milk for a nursing child, unless such accommodation will cause an undue hardship on the operations of the Town.

Employees seeking reasonable accommodations may submit their request in writing to the Assistant Town Administrator.

5. COMPLAINT PROCEDURE:

- a. The purpose of this procedure is to encourage local resolution of grievances concerning employment. It is important to note that grievants are not required to exhaust the Town's procedures prior to filing a state or federal complaint or taking court action.
- b. Anyone who feels that they have been discriminated against by the Town of Walpole on the basis of race, color, ancestry, national origin, gender, gender identity, age, religion, disability, sexual orientation, pregnancy or pregnancy-related condition, genetic information, marital status, veteran status, or other bases prohibited under state or federal anti-discrimination statutes in employment practices may file a grievance.
- c. The grievance must be in writing and contain information about the alleged discrimination such as name, address, phone number of grievant and location, date and description of the problem. Reasonable accommodation, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities who are unable to submit a written complaint.

- d. The grievant should first attempt to resolve the grievance at the level of the department manager. The department manager will notify the Assistant Town Administrator if such a grievance is submitted.
- e. If the grievance is not resolved to the satisfaction of the grievant, or if the department manager lacks authority or jurisdiction to correct the problem, the grievance should be submitted by the grievant or their designee as soon as possible to:

Assistant Town Administrator
 Town Hall
 Walpole, MA 02081
 508-660-7288

- f. Within 15 calendar days after receipt of the grievance, the Assistant Town Administrator will meet with the grievant to discuss the grievance and possible resolutions. Following said meeting, provided no resolution has been reached, the Town will promptly investigate the allegations in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The Town's investigation will include a private interview with the person filing the complaint and with any witnesses. When the investigation has concluded, the Town will, to the extent appropriate, inform the grievant and the person against whom the allegations were made the results of the investigation.
 - g. If the response by the Assistant Town Administrator does not satisfactorily resolve the issue, the grievant or their designee may appeal the decision of the Assistant Town Administrator to the Town Administrator by filing a written appeal within five (5) days of receipt of the decision of the Assistant Town Administrator.
 - h. Within twenty (20) days of receipt of the appeal, the Town Administrator will meet with the grievant to discuss the grievance, the results of the Town's investigation, and possible resolutions. Within fifteen days after the meeting with the Town Administrator, the Town Administrator will respond in writing, or, where appropriate, in a format accessible to the grievant, with a final resolution of the grievance.
 - i. All grievances received by the Assistant Town Administrator, appeals to the Town Administrator, and responses from same, will be kept by the Town of Walpole for at least three (3) years. Such documents will remain strictly confidential.
6. RETALIATORY ACTION: No retaliatory action will be taken against those persons who file complaints of sexual harassment or discrimination on the basis of race, gender, color, disability, religion, national origin, sexual orientation or age, or against individuals who cooperate in such investigations.
7. SANCTIONS: Violation of this policy will lead to appropriate disciplinary action up to and including termination from Town service.

Attachment A
 Affirmative Action Officer
 James Johnson
 Town Administrator
 Town Hall
 135 School Street
 Walpole, MA 02081
 508-660-7304

Affirmative Action Officer Designee
 Patrick Shield
 Assistant Town Administrator
 Town Hall
 135 School Street
 Walpole, MA 02081

508-660-7288

Massachusetts Commission against Discrimination
MCAD
One Ashburton Place
Room 601
Boston, MA 02108
617-994-6000

Equal Employment Opportunity Commission
John F. Kennedy Federal Building

15 New Sudbury Street, Room 475
Boston, MA 02203
800-669-4000

MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION

SECTION 506: PREGNANT WORKERS FAIRNESS ACT

The Pregnant Workers Fairness Act (“the Act”), enacted in 2018, amended Massachusetts’ antidiscrimination statute, General Laws chapter 151B, section 4, to expressly prohibit employment discrimination on the basis of pregnancy and pregnancy-related conditions, such as lactation or the need to express breast milk for a nursing child. The Town shall not treat employees or job applicants less favorably than other employees based on pregnancy or pregnancy-related conditions, and shall accommodate pregnant workers or workers with pregnancy-related conditions, as follows:.

Upon request for an accommodation, the Town shall communicate with the employee in order to determine a reasonable accommodation for the pregnancy or pregnancy-related condition. This is called an “Interactive process,” and it must be done in good faith. A reasonable accommodation is a modification or adjustment that allows the employee or job applicant to perform the essential functions of the job while pregnant or experiencing a pregnancy-related condition, without undue hardship to the employer.

The Town shall accommodate conditions related to pregnancy, including post-pregnancy conditions such as the need to express breast milk for a nursing child, unless doing so would pose an undue hardship on the employer. “Undue hardship” means that providing the accommodation would cause the employer significant difficulty or expense.

The Town shall not require a pregnant employee to accept a particular accommodation, or to begin disability or parental leave if another reasonable accommodation would enable the employee to perform the essential functions of the job without undue hardship to the employer.

The Town shall not refuse to hire a pregnant job applicant or applicant with a pregnancy-related condition, because of the pregnancy or the pregnancy-related condition, if an applicant is capable of performing the essential functions of the position with a reasonable accommodation.

The Town shall not deny an employment opportunity or take adverse action against an employee because of the employee's request for or use of a reasonable accommodation for a pregnancy or pregnancy-related condition.

The Town shall not require medical documentation about the need for an accommodation if the accommodation requested is for: (i) more frequent restroom, food or water breaks; (ii) seating; (iii) limits on lifting no more than 20 pounds; and (iv) private, non-bathroom space for expressing breast milk. An employer, may, however, request medical documentation for other accommodations.

This Policy also constitutes written notice to existing and incoming employees of the right to be free from discrimination due to pregnancy or a condition related to pregnancy, including the right to reasonable accommodations for conditions related to pregnancy, as required by the Pregnant Workers Fairness Act. In addition to this Policy, the Town shall provide additional notice of these rights to an employee who notifies the employer of a pregnancy or a pregnancy-related condition, no more than 10 days after such notification.

The foregoing is a synopsis of the requirements under the Act, and both employees and employers are encouraged to read the full text of the law available on the general Court's website here:

<https://malegislature.gov/Laws/SessionLaws/Acts/2017/Chapter54>

Employees believing to have been discriminated against on the basis of pregnancy or a pregnancy-related condition may file a formal complaint with the MCAD and/or the Equal Employment Opportunity Commission if the conduct violates the Pregnancy Discrimination Act, which amended Title VII of the Civil Rights Act of 1964. Both agencies require the formal complaint to be filed within 300 days of the discriminatory act.

Boston Headquarters:	One Ashburton Place, Room 601, Boston, MA 02108 / (617) 994-6000
Springfield:	436 Dwight Street, Room 220, Springfield, MA 01103 / (413) 739-2145
Worcester:	484 Main Street, Room 320, Worcester, MA 01608 / (508) 453-9630
New Bedford:	128 Union Street, Suite 206, New Bedford, MA 02740 / (774) 510-5801

www.mass.gov/mcad/

SECTION 701: PREFACE

The Town of Walpole is committed to safeguarding public funds, protecting local assets, and complying with financial standards and regulations. Financial Policies are intended to provide continued financial strength and stability to its residents, taxpayers and utility payers while abiding by Massachusetts General Law, Town By-Laws or other rules and regulations. To that end, the Financial Policies provides guidance for local planning and decision-making. The policies as a whole are intended to outline objectives, provide direction, and define authority to help ensure sound fiscal stewardship and management practices. Each should be periodically reviewed and updated as necessary.

With these policies, the Town of Walpole, through its Select Board, Town Administrator, Finance Committee, and employees, commits to the following objectives:

- Maintain strong financial controls to ensure compliance with Town Meeting appropriations
- Fully and accurately, account for public funds safeguarding the financial integrity and minimizing risk through a system of internal control.
- Manage municipal funds wisely, and maintain the ability to respond to changes in the economy or other factors that may affect our financial well-being.
- Plan and provide for the funding of services as desired by the public.
- Provide for continued planning and improvement in capital assets.
- Develop and maintain the Town's multi-year financial plan.
- Achieve and maintain the highest credit rating possible.
- Pay heed to the Division of Local Services Best Practice, publications, etc.

An independent accounting firm, producing financial reports in accordance with Generally Accepted Accounting Principles (GAAP) as outlined by the Government Accounting Standards Board (GASB), will perform an annual financial audit.

The Policies that follow will assist us in achieving these goals.

SECTION 702: ANNUAL BUDGET**1. PURPOSE**

To promote transparency, procedural consistency, and fiscal sustainability, this policy establishes guidelines for developing, documenting, and adopting the annual budget. As the Town's central policy document, the budget prioritizes annual objectives and is the means for turning strategic plans into fiscal reality. It constitutes a contract between the Town and its residents, explaining how funds are to be raised and allocated for the delivery of services.

2. APPLICABILITY

This policy pertains to the Town's annual budget development, documentation, and adoption processes, and encompasses the general fund, enterprise fund, and capital budgets. It applies to the Select Board and Finance Committee, as well as to specific related job duties of the Town Administrator and Finance Director. Additionally, it applies to the budget planning duties of all department heads and the boards and committees that have spending authority (all referred to here as "department heads").

3. POLICY

Town officials will work together to prepare a balanced budget for the approval of Representative Town Meeting (RTM) at the spring town meeting. The creation of the budget will be in accordance with the Town Charter and guided by all the other financial planning policies adopted by the Town.

The Town Administrator and the Finance Director are responsible for developing the annual budget and will do so according to the vision, goals, and strategic plans laid out by the Select Board. The Finance Committee will make recommendations on all warrant articles, including the annual budget article. It is the goal of these parties, to work in a collaborative manner to present Town Meeting with a consensus and budget. Furthermore, the Town Administrator and Finance Director will cultivate strong, communicative relationships with the Walpole Public Schools Superintendent and School Committee.

All parties applicable under this policy are expected to comply with the annual budget calendar's milestone deadlines when they are set each year. As part of this, department heads will timely provide the Administrator with all information needed for the creation of an informative budget document.

- a. Budget Goals - At a minimum each year, the Town's budget goals will include the following:
 - i. General fund – The goals for the general fund budget include preserving core services, fulfilling required mandates, and maintaining or enhancing the local quality of life, while also ensuring reserve levels that will allow flexibility to respond to changes in the economy and other unanticipated issues that could potentially affect the Town's fiscal health.
 - ii. Capital investment — to pay for items in the capital plan, the Town will strive to achieve and maintain the annual capital funding levels spelled out in the Capital Planning and Debt Management policies.
 - iii. Water & Sewer Enterprise fund— The Town Administrator, Finance Director, Water & Sewer Superintendent and Commissioners will seek to ensure that the enterprise fund budget remains self-supporting. In other words, the goal is to avoid or minimize any subsidy from the general fund by raising the revenue necessary to support all the direct, indirect, and capital-related costs. In addition, retained earnings should not subsidize the budget and should be used for capital purchases and reserves for emergency needs. It is recommended that retained earnings be equal to or greater than 20% of the operating budget.

b. Principles for Balanced, Sustainable Budgets

To ensure maximum efficiencies, the Town Administrator will review and report to the Select Board and Finance Committee on the Town's methods of operation, program service delivery, resource expenditures, and work force allocations. The Finance Director will assist the Town Administrator to prepare an annual budget proposal. To assure a budget that is both balanced and sustainable for future years, the following principles will apply:

- i. All departmental budgets will be prepared in detail and reflect the costs of providing services.
- ii. Current revenues will be sufficient to support current expenditures.
- iii. Because free cash is not a current or recurring revenue source, it should not be relied on to balance the operating budget.
- iv. The Town will avoid using any one-time revenue source to fund ongoing services unless necessitated by exceptional circumstances. Any such usage will require the Town Administrator to document a plan for replacing this revenue source in future years.
- v. As part of the annual budget and tax rate process, the Board of Assessors must analyze the balance in the overlay account and determine whether it is adequate to fund anticipated property tax abatements, exemptions and receivables during the upcoming fiscal year in addition to existing abatement, exemption and receivable exposure for all previous fiscal years. The Board of Assessors will vote to authorize a contribution to the overlay account to offset the Town's liability. This amount shall be based on:

1. Current balance in the overlay account
2. Three-year average of granted abatements and exemptions
3. Cases pending before, or on appeal from, the Appellate Tax Board
4. Timing of the next five-year certification review by the Division of Local Services

To finance the most expensive capital projects, the Town Administrator may propose a debt exclusion, which is a temporary increase in the levy limit that lasts as many years as is necessary to pay off the given project's debt service. To do this, however, the proposed capital project must meet the following criteria: (1) useful life of 20 years or more; and (2) the expenditure is for either town-owned land, buildings, or infrastructure.

- c. Budget Calendar - The annual budget process begins in November with the release of the Town Administrator's guidelines and ends with the spring town meeting held the first Monday in May. The Town Administrator delivers the budget message and balanced budget on the first Monday in February. Shortly thereafter, Finance Committee meetings are scheduled and the Budget Books are distributed to the Select Board, Finance Committee and School Committee. The Water & Sewer Commissioners receive a copy of the Enterprise fund budgets.
- d. REFERENCES
 - i. Town Charter Section VI: Financial and Fiscal Procedures
 - ii. Governmental Finance Officers Association: GFOA Best Practice: Achieving a Structurally Balanced Budget
 - iii. Division of Local Services: DLS Best Practice: Annual Budget Process in Towns
 - iv. Information Guideline Release: IGR 22-16 Enterprise Funds

SECTION 703: CAPITAL PLANNING

1. PURPOSE

To effectively maintain the Town's infrastructure and protect the value of its capital assets, this policy outlines guidance for planning, reviewing, and coordinating capital improvements. Adherence to this policy will help the Town meet its capital needs despite limited resources.

2. APPLICABILITY

In accordance with the Town Charter, this policy applies to all current and proposed capital projects in the Town. It establishes a framework for long-term capital improvements, sets guidelines and expectations for all Town departments in planning for and requesting capital projects, and outlines consensus budgetary goals for the Select Board, Water & Sewer Commissioners, Capital Budget Committee and Finance Committee. It also applies to related job duties of the Town Administrator and Finance Director.

3. POLICY

The Town will maintain its physical assets by providing funding to protect its capital investments and minimize future maintenance and replacement costs. To provide and preserve the infrastructure needed for achieving the highest levels of public services and quality of life possible within available financial resources, the Town will maintain an annually updated, five-year plan for capital assets and improvements. The Town will emphasize preventive maintenance as a cost-effective approach to capital reinvestment and replace exhausted goods as necessary.

The Town Administrator oversees the capital improvement program. This involves identifying and prioritizing projects, analyzing funding, and creating a long-term financial plan achievable within the Town's budget limitations. Throughout the year, the Finance Director and Department Heads will monitor active capital projects to ensure they remain properly funded and report any issues to the Town Administrator.

Recommendations of the Town Administrator will be reviewed and voted by the Capital Budget Committee and pass through another review process with the Finance Committee, ultimately ending with recommendations at Town Meeting.

- A. Definition of a Capital Improvement - A capital improvement is a tangible asset or project estimated to cost over \$10,000 and to have or to extend five or more years of useful life. A capital project and or improvement shall generally be considered:
 - i. A physical betterment or item of equipment having a substantial useful life (in excess of 5 years) in which the total cost exceeds \$10,000 or such other amount as may be specified from time to time in the Town By-laws.
 - ii. A non-recurring expenditure financed in whole or in part by town funds or other sources of revenue available to the town for the construction, reconstruction, replacement, major repair, or other improvement of a public building, highway, sidewalk, storm drain, sewer, installation, vehicle, equipment, bridge, playground, land, park or cemetery or pond, and public works or other facility, structure or utility appurtenant.
 - iii. Planning, feasibility studies, and designs for potential capital projects
 - iv. Items obtained under long-term capital leases
 - i. Bulk purchases of similar items, like software or furniture, with expected useful lifespans of five or more years that, when aggregated, have total costs exceed \$10,000
- B. Fixed Asset Report - The Finance Director, with the assistance of the Department Heads, will annually update and maintain a detailed inventory of all capital purchases, including dates built, acquired or last improved, original costs, remaining useful life and depreciated values.
- C. Evaluation of Capital Projects - As part of the Fall Town Meeting process, the Town Administrator will solicit capital project requests from department, boards and Committees for evaluation and prioritization using the criteria below:
 - i. Eliminates a hazard to public health and safety
 - ii. Required by state or federal laws or regulations
 - iii. Uses outside financing sources, such as grants
 - iv. Supports adopted plans, goals, objectives, and policies
 - v. Stabilizes or reduces operating costs
 - vi. Makes better use of a facility or replaces a clearly obsolete one
 - vii. Maintains or improves productivity or standards of service
 - viii. Benefits the Town's economic base by increasing property values
 - ix. Provides new programs having social, cultural, historic, or aesthetic value
- D. Multiyear Capital Improvement Plan - The Town Administrator, with the Department Heads and Finance Director's assistance, will annually update and propose to the Capital Budget Committee a multi-year capital improvement plan (CIP), including the upcoming fiscal year's capital budget and a four-year projection of needs and expenditures that details their estimated costs, descriptions, and anticipated funding sources.
- E. Capital Financing - Each year, the Town will strive to appropriate two to three percent of the annual general fund budget, net of debt, to capital investment allocations, through funding derived from a combination of property taxes, free cash, stabilization funds, debt, or other available funds. This cash capital funding target is a complement to the debt service maintenance goal defined in the Debt Management policy. The CIP shall be prepared and financed in accordance with the following principles:
 - i. Available funds (e.g., free cash, specialized stabilization funds, retained earnings) will provide funding sources for capital projects as much as practical.
 - ii. Special revenue sources (e.g., grants, revolving funds) shall be evaluated as funding options whenever practical.
 - iii. Before any long-term, bonded capital project is recommended, the project's annual operating costs and debt service costs shall be identified.

- iv. Short-term debt may be used to fully finance purchases with useful lifespans of less than 10 years.
 - v. Major capital projects, such as new construction or major renovations to existing facilities, may be accomplished through debt exclusions compliant with the Annual Budget policy.
- F. Betterment Assessment - When a capital project provides a measurable financial benefit to property owners in a limited, determinable area, as opposed to the community as a whole, the Town will assess betterments that do not exceed the value of the private benefit. The betterment payments will then be reserved for appropriation to pay the project's debt service. For any public improvement being proposed for betterment funding, the Town Administrator or Requestor will present the following to town meeting:
- i. List of impacted property owners
 - ii. Factors used to calculate the betterments
 - iii. Estimated betterment assessments and revenue to be derived
4. REFERENCES
- A. Town Charter Article II Section 2-9(H) Capital Budget Committee
 - B. DLS Presenting and Funding Major Capital Projects
 - C. GFOA Planning Policies
 - D. IGR 2021-01 Betterment & Special Assessments
 - E. DLS Capital Improvement Planning Guide

SECTION 704: DEBT MANAGEMENT

1. PURPOSE

To provide for the appropriate issuance and responsible use of debt, this policy defines the parameters and provisions governing debt management. Policy adherence will help the Town to responsibly address capital needs, provide flexibility in current and future operating budgets, control borrowing, sustain capital investment capacity, and strive to achieve a AAA bond rating so as to ensure long-term interest savings.

2. APPLICABILITY

This policy applies to the budget decision-making duties of the Select Board, Town Administrator, and Finance Committee. Further, it applies to the Treasurer's debt management responsibilities as well as the Finance Director's budget analysis and reporting duties. It pertains to all long-term debt obligations permitted to be issued under Massachusetts law, such as general obligation bonds, revenue bonds, bond anticipation notes, and lease/purchase agreements.

3. POLICY

Under the requirements of federal and state laws, the Town may periodically issue debt obligations to finance the construction, reconstruction, or acquisition of infrastructure, buildings, and other assets and may refinance existing debt. The Town will issue and manage debt obligations in such a manner as to obtain the best long-term financial advantage and will limit the amount of debt to minimize the impact on taxpayers. The Town will issue debt obligations to construct, reconstruct, or purchase capital assets when other funding sources are not reasonable. The Town will require the assistance of the following specialists:

Financial Advisor - The intricacies and nuances of borrowing options available to cities and towns can give rise to many questions and decisions for municipal officials. For this reason, communities should use the services of Massachusetts-based financial advisors. While helpful at any phase of the borrowing process, the expertise of an advisor is most useful in considering the various options available for

structuring debt and navigating the procedures associated with the sale. A financial advisor can assist a community to:

- Choose between the various debt instruments available
- Decide between a competitive versus a negotiated sale
- Communicate information to bond rating agencies
- Analyze the debt service impacts of various repayment schedules
- Determine the short- and long-term costs of purchasing bond insurance in addition to the numerous specialized firms that provide financial advisory services to large and midsized municipalities, for smaller communities, the DLS Public Finance Section can provide guidance on the debt issuance process.

Credit Rating Agencies

In Massachusetts, nearly all communities that carry bond ratings are evaluated by either of two rating agencies, Moody's Investors Service or Standard & Poor's, whose function is to render a third-party opinion on the municipality's likelihood of default. In conducting an assessment, a rating agency will perform analyses of financial statements, management capability, fiscal stability, economic condition, and other data. The process will often include in-person or telephone interviews with municipal finance officials. Purchasers of municipal bonds and notes use this rating when considering their bids. Typically, the better-rated communities garner lower interest rate charges.

Bond Counsel

Another participant in the issuance phase is the community's bond counsel. Bond counsel is an attorney or law firm engaged to submit an opinion on whether a borrowing has met all legal prerequisites based on examining the required documents (e.g., signed and sealed copies of city council or town meeting votes) before the community puts it to bid on the open market. If bond counsel determines a debt issue does not meet legal sufficiency, corrective action must be taken. This may include going back to town meeting or city council for a debt authorization or some other requirement. Therefore, it is helpful to consult bond counsel throughout the authorization phase and up to the point of issuance.

4. Debt Financing - In financing with debt, the Town will:
 - a. Issue long-term debt only for purposes that are authorized by state law and qualify for tax-exempt bonds and only when the financing sources have been clearly identified.
 - b. Use available funds to the greatest extent possible to reduce the amount of borrowing on all debt-financed projects.
 - c. Confine long-term borrowing to capital projects that cost at least one hundred thousand dollars and have at least ten years of useful life or whose useful lifespans will be prolonged by at least ten years.
 - d. Refrain from using debt to fund any recurring purpose, such as current operating and maintenance expenditures.
5. Debt Limits
 - a. The Town will adhere to these debt parameters:
 - b. As a control for maintaining consistent capital investment, the Town will seek to replace maturing debt obligations with new issuances so that year-to-year debt service is maintained at a target level representing five to seven percent of general fund revenues.
 - c. As dictated by state statute, the Town's debt limit shall be five percent of its most recent equalized valuation.
6. Structure and Term of Debt
 - a. The following shall be the Town's guidelines on debt terms and structure:

- b. The Town will attempt to maintain a long-term debt schedule such that at least fifty percent of outstanding principal will be paid within ten years.
- c. The term of any debt shall not exceed the expected useful life of the capital asset being financed and in no case shall it exceed the maximum allowed by law.
- d. The Town will strive to limit bond maturities to no more than 10 years, except for major buildings, land acquisitions, and other purposes in accordance with the useful life borrowing limit guidelines published by the Division of Local Services (DLS).
- e. Any vote to authorize borrowing will include authorization to reduce the amount of the borrowing by the amount of the net premium and accrued interest.
- f. The Town will work closely with its financial advisor to follow state and federal regulations and set periods for spending borrowed funds to avoid committing arbitrage, paying rebates, fines and penalties to the state and federal government, and jeopardizing any debt issuance's tax-exempt status.

7. Bond Refunding

- a. To achieve potential savings on long-term, tax-exempt debt service the Town will:
- b. Analyze potential refunding opportunities on outstanding debt as interest rates change.
- c. Use any net premium and accrued interest to reduce the amount of the refunding.
- d. Work with the Town's financial advisor to determine the optimal time and structure for bond refunding.

8. Protection of Bond Rating

- a. To obtain and maintain a favorable bond rating, the Town will maintain good communications with bond rating agencies, bond counsel, banks, financial advisors, and others involved in debt issuance and management.

9. Reporting

- a. The Treasurer will report to the Select Board and Town Administrator on the Town's debt status at least annually.
- b. The Treasurer will include an indebtedness summary as part of the Annual Town Report.
- c. The Finance Director, with the Town's financial advisor, will file the annual audit and official disclosure statement no later than March 31st of each year as statutorily required.

10. REFERENCES

- a. Town Charter Article VI Section 6-8 Financial Statements
- b. DLS Best Practice: DLS Understanding and Managing Municipal Debt
- c. Internal Revenue Service Guidance: Arbitrage Guidance for Tax-Exempt Bonds
- d. GFOA Best Practice: Refunding Municipal Bonds
- e. IGR 22-02 Borrowing
- f. IGR 22-01 Premiums & Surplus Proceeds for Prop 21/2 Excluded Debt

SECTION 705: FINANCIAL RESERVES

1. PURPOSE

This policy establishes prudent practices to provide financial flexibility and security to sustain service levels despite possible adverse financial impacts of economic downturns and unforeseen and extraordinary expenses. In addition, Walpole can use its reserves to fund specific future needs.

Strong reserves are recognized by the bond rating agencies, underwriting community and other financial stakeholders, which can positively impact the Town's credit rating and consequently its long-term cost to fund major projects.

2. APPLICABILITY

This policy applies to the short and long-range budget decision-making duties of the Select Board, Town Administrator and Finance Committee. It also applies to the related job duties of the Finance Director and Board of Assessors. It pertains to free cash, stabilization funds, enterprise fund retained earnings, and overlay surplus.

3. POLICY

The Town is committed to building and maintaining its reserves to have budgetary flexibility for unexpected events and significant disruptions in revenue-expenditure patterns and to provide a source of available funds for future capital expenditures. Adherence to this policy will help the Town withstand periods of decreased revenues and control spending during periods of increased revenues. The Town will strive to maintain overall general fund reserves in the level of ten to fifteen percent of the annual general fund operating budget. This target refers to free cash/undesignated fund balance and stabilization funds combined.

4. Free Cash

The Division of Local Services (DLS) defines free cash as "the remaining, unrestricted funds from operations of the previous fiscal year, including unexpended free cash from the previous year." DLS must certify free cash before the Town can appropriate it.

The Town will strive to realize year-to-year free cash certifications equal to at least three percent of the annual general fund budget. To achieve this, the Town Administrator will propose budgets with conservative revenue projections, and department heads will carefully manage their appropriations to produce excess income and budget turn backs.

As much as practicable, the Town will limit its use of free cash to building reserves, funding nonrecurring costs (i.e., one-time expenditures, such as capital projects, snow and ice deficits, and emergencies), and offsetting the Town's unfunded liabilities. It is not recommended that free cash be used to fund the operating since this is the same as using it to fund recurring costs.

The Town is committed to an annual appropriation of at least the sum of 2.5% of the first \$2,000,000 of certified Free Cash, and up to 7.5% of the remaining amount of Free Cash to fund OPEB.

C. Stabilization Funds

A stabilization fund is a reserve account allowed by state law to set aside monies to be available for future spending purposes, including emergencies or capital expenditures, although it may be appropriated for any lawful purpose. The Town has established two stabilization funds.

- a. General Stabilization: Withdrawals from the fund should only be used to mitigate emergencies or other unanticipated events that cannot be supported by current general fund appropriations.
- b. Capital Investment Stabilization: By sustaining funding in this reserve, the Town can balance debt with pay-as-you-go practices, funding for capital needs and protect against unforeseen costs.

The Town will endeavor to achieve and maintain a combined minimum balance of seven percent of the General Fund budget. When possible, withdrawals of the stabilization funds should be limited to the amount available above five percent. If any necessary withdrawal drives the balance below this minimum, the withdrawal should be limited to one-third of the fund's balance.

5. Retained Earnings

Sewer and Water finances are managed under an enterprise fund, separately from the general fund, which allows the Town to effectively identify the utility's true delivery costs—direct, indirect, and capital—and set user fees at a level sufficient to recover them. The Town will maintain a minimum reserve amount of twenty percent of the operation's total budget. Any excess amount will be used to fund major capital projects.

6. Overlay Surplus

The purpose of overlay is to fund abatements and exemptions of committed real and personal property taxes for any fiscal year. The Board of Assessors, taking into consideration the following, determines the overlay amount, which may be raised in the tax rate without appropriation:

- a. Current balance in the overlay account
- b. Five-year average of granted abatements and exemptions
- c. Potential abatement liability of cases pending before, or on appeal from, the Appellate Tax Board
- d. Timing of the next five-year certification review by the Division of Local Services

Overlay surplus is determined, certified and transferred by vote of the Board of Assessors to a Fund Balance Reserved for Overlay. The legislative body may then appropriate overlay surplus for any lawful purpose until the end of the fiscal year. Overlay surplus not appropriated by year-end is closed to the general funds Undesignated Fund Balance.

7. At the conclusion of each fiscal year, the Board of Assessors will submit to the Town Administrator and Finance Director an update of the overlay reserve with data that includes, but is not limited to, the gross balance, potential abatement liabilities, and any transfers to surplus. If the balance exceeds the amount of potential liabilities, the Select Board may request that the Board of Assessors vote to declare those balances surplus and available for use in the Town's capital improvement plan or for any other one-time expense.

8. REFERENCES

- a. DLS Best Practices: Free Cash, Reserve Policies, and Special Purpose Stabilization Funds
- b. IGR 17-20 Stabilization Funds
- c. IGR 17-23 Overlay and Overlay Surplus
- d. IGR 21-11 Enterprise Funds

SECTION 706: FORECASTING

1. PURPOSE

To assess the range of choices available to budget decision makers when determining how to allocate resources, this policy establishes guidelines for creating projections of revenues and expenditures as part of the annual budget process and multiyear fiscal planning. By presenting the future implications of current budget scenarios, forecasting helps local officials to make strategic plans for lasting fiscal sustainability and future investment.

2. APPLICABILITY

This policy applies to the Select Board, Town Administrator, and Finance Committee in their budget analysis and decision-making responsibilities. It also applies to the Finance Director and Principal Assessor's job duties. It pertains to the revenue and expenditure assumptions that form the basis for projections within a multiyear forecast.

3. POLICY

To determine the Town's operating capacity for future fiscal years, the Finance Director, under the Town Administrator's direction, will annually create a detailed forecast with multi-year projections of revenues and expenditures. The Town Administrator, Select Board, and Finance Committee will use the forecast to support their decision-making for the upcoming year's operating and capital budgets and for the Town's multiyear capital improvement plan.

The Finance Director will create conservative forecasts. In basic terms, this entails reviewing historical revenue and expenditure trends, anticipating factors that may influence those trends going forward, analytically developing assumptions, and then formulating projections that, within a reasonable percentage range, underestimate revenues and overestimate expenditures.

Early in the annual budget process, the Town Administrator will present the initial forecast to a joint meeting of Select Board, Water & Sewer Commissioners, School and Finance Committees. Throughout the budget process, these Boards will use the forecast to inform their decision-making. In addition, the Finance Director will promptly revise the forecast projections whenever circumstances change and provide updates to the Town Administrator, who will subsequently share them with the Select Board, School and Finance Committee.

Before creating the initial forecast for a new fiscal year budget process, the Town Administrator and Finance Director will review the performance accuracy of prior-year forecasts and any evolving factors in the underlying assumptions to consider how the new forecast's projections may need adjusting. Factors to consider include changes in laws, regulations, inflation rate, interest rate, Town goals, and policy decisions.

4. Guidelines for Revenue Assumptions - The following principles shall guide the formulation of revenue assumptions:

- a. Projections of the property tax levy will be confined by the limits of Proposition 2½ (absent any overrides) and take into consideration consensus decisions regarding the Town's level of excess levy capacity.
- b. New growth projections will take into account the Town's three-, five- and 10-year averages by property class and advice from the Director of Assessing and Building Commissioner.
- c. The Director of Assessing will provide to the Town Administrator an annual review of the levy limit's relationship to the levy ceiling (which is 2.5 percent of the Town's real and personal property total value) to identify potential override capacity and to guard against the levy limit approaching or hitting the ceiling, which would impact future levy growth.
- d. Local aid projections will correspond with historical trends, while Chapter 70 educational aid will reflect trends in school choice, enrollments, tuition, and charter assessments.
- e. Estimates for local receipts (e.g., motor vehicle excise, inspection fees, etc.) will be conservative, and not exceed 90 percent of the prior year's actual collections without firm evidence that higher revenues are achievable.
- f. The Town will build and maintain reserves in compliance with its Financial Reserves policy.

5. Guidelines for Expenditure Assumptions

Annually, the Town Administrator will direct the Finance Director to apply a particular approach for forecasting expenditures, either maintenance (level service), level funded, or one that adjusts expenditures by specified increase or decrease percentages (either across the board or by department). A maintenance budget projects the costs needed to maintain the current staffing level and mix of services into the future. A level-funded budget appropriates the same amount of money to each municipal department as in the prior year and is tantamount to a budget cut because inflation in mandated costs and other fixed expenses still must be covered.

In addition, the following principles shall guide the formulation of expenditure assumptions:

- a. The Town's current level of services will provide the baseline for projections.
- b. Historical trends in the growth of operating expenses and employee benefits will prevail.
- c. Trends in regional school enrollments, school choice, tuition, and charter assessments will be included.
- d. The projections of wages, salaries and the Town's health insurance contributions will be based on current or already approved collective bargaining agreements for union personnel and based on compensations authorized by the Town Administrator for non-union personnel.
- e. The Town will pay its annual pension contributions and make appropriations to amortize its Other Post-Employment Benefits (OPEB) liability.
- f. The Town will pay all existing debt service obligations and adhere to its Capital Planning and Debt Management policies.

6. REFERENCES

- a. Division of Local Services Best Practice: Revenue and Expenditure Forecasting

SECTION 707: INVESTMENT POLICY

1. PURPOSE

The primary purpose of this Investment Policy Statement (IPS) is to provide a clear understanding regarding the Town of Walpole (the "Town") Long Term Funds and General Fund objectives, goals, risk tolerance, and investment guidelines established for the investment of town funds.

2. APPLICABILITY

This policy applies to the Treasurer whose statutory duty is to invest Town funds. The Investment of General Funds, Special Revenue Funds, Enterprise Funds, and Capital Projects Funds

3. POLICY

- A. Short Term Operating Funds - This section of the IPS applies only to short term operating funds such as general funds, special revenue funds, enterprise funds, bond proceeds and capital project funds. A separate Contributory Retirement Board, either local or county, is responsible for the investment of the pension funds.

- i. Investment Instruments - Note: Public investments in Massachusetts are not protected through provisions in State law. The Treasurer may invest in the following instruments:

1. Massachusetts State pooled fund: Unlimited amounts (Pool is liquid) The Massachusetts Municipal Depository Trust (MMDT), an investment pool for state, local, county and other independent governmental authorities, is under the auspices of the State Treasurer. It invests in Bankers Acceptances, Commercial Paper of high quality, Bank Certificates of Deposit, Repurchase agreements (Repos), and U. S. Treasury Obligations. It has Federal Deposit Insurance Corporation (F.D.I.C.) pass-through insurance on the CD's up to the standard limits and takes delivery on the Repos and Treasuries. Under Government Accounting Standards Board Regulation (GASB III), it is not considered an uncollateralized product.
2. U. S. Treasuries that will be held to maturity: Unlimited amounts (Up to one-year maturity from date of purchase)

3. U.S. Agency obligations that will be held to maturity. Unlimited amounts (Up to one-year maturity from date of purchase)
 4. Bank accounts or Certificates of Deposit (“CDs”) (Up to three years’ maturities from the date of purchase) which are fully collateralized through a third-party agreement: Unlimited Amounts
 5. Bank accounts and CDs (Up to three years’ maturities from the date of purchase) insured by F.D.I.C. up to the coverage limit. All bank accounts and CDs in one institution are considered in the aggregate for the insurance coverage limit. In some cases, Banking Institutions carry additional insurance, Depository Insurance Fund (D.I.F.): Contact banking representative for amounts of coverage.
 6. Unsecured bank deposits of any kind such as other checking, savings, money market, or Certificates of Deposit accounts at Banks that do not fit the above categories. These investments are subject to the following limitations: No more than 5% of an institution's assets and no more than 25% of a municipality's cash may be comprised of unsecured bank deposits. This percentage may be increased for not more than 30 days during times of heavy collection or in anticipation of large payments that will be made by the town in the near future. For example, these payments may be for such items as debt service payment or regional school assessments. Their credit worthiness will be tracked by Veribanc, or other bank credit worthiness reporting systems. They will be diversified as much as possible. CDs will be purchased for no more than one year and will be reviewed frequently.
 7. Money Market Mutual Funds that are registered with the Securities and Exchange Commission that have received the highest possible rating from at least one nationally recognized statistical rating organization and as otherwise referenced in the Massachusetts General Law Chapter 44 Section 55.
- B. Diversification - Diversification should be interpreted in two ways: in terms of maturity as well as instrument type and issuer. The diversification concept should include prohibition against over concentration of maturities, as well as concentration in a specific institution. Except for U.S. Treasury obligations or investments fully collateralized by U.S. Treasuries or agencies, and State pools (MMDT), no more than 25% of the Town’s investments shall be invested in a single financial institution.
- C. Authorization - The Treasurer has authority to invest town funds, subject to the statutes of the Commonwealth Massachusetts General Law Chapter 44 Section 55,55A, & 55B.
- D. Restrictions - Chapter 44, Section 55 set forth several restrictions that the Treasurer must be aware of when making investment selections.
- i. A Treasurer shall not at any one time have on deposit in a bank or trust company an amount exceeding 60% of the capital and surplus of such bank or trust company, or banking company, unless satisfactory security is given to it by such bank or trust company, or banking company for such excess.
 - ii. The treasurer shall not make a deposit in any bank, trust company or banking company with which he or she is, or for any time during the three years immediately preceding the date of any such deposit, associated as an officer or employee.
 - iii. All securities shall have a maturity from date of purchase of one year or less, with the exception of bank certificates of deposits that have a three-year limit from the date of purchase.
 - iv. Purchases under an agreement with a trust company, national bank or Banking Company to repurchase at not less than original purchase price of said securities on a fixed date shall not exceed ninety days.

E. REFERENCES

1. Massachusetts General Law Chapter 44, Section 55
 2. Massachusetts General Law Chapter 44, Section 55A
 3. Massachusetts General Law Chapter 44; Section 55B
4. The Investment of Long Term Funds - This section of the IPS applies only to funds that are designated as long term, i.e. trust funds, stabilization funds, cemetery perpetual care, Town preservation act and other funds the town may have set aside for long term use.

All accounts will be maintained separately receiving their proportionate interest and any realized and unrealized gains or losses. The account may be established as a pooled investment portfolio unless otherwise stated. Any additional accounts will be maintained in this same manner.

- A. Authority - Massachusetts General Law Chapter 44, section 54 pertains to the investment of Trust Funds, Chapter 40 Section 5B pertains to the investment of Stabilization Funds and, Chapter 44B section 7 pertains to the investments of Town Preservation Funds. All trust funds shall fall under the control of the town's Treasurer unless otherwise provided or directed by the donor.

If the trust fund results from a gift, grant or bequest from a private donor, and the private donor specifies how the trust shall be invested; the trust fund shall be invested in accordance with the terms of the gift, grant or bequest. If there is a conflict between such donor terms and this Section II, the donor terms shall govern, subject to the general principles of prudence set forth in the Policy.

- B. Investment Instruments - M.G.L. Chapter 44 section 54 states that money should be deposited into savings bank, trust companies incorporated under the laws of the Commonwealth, banking companies incorporated under the laws of the Commonwealth which are members of the Federal Deposit Insurance Corporation, or national banks, or invested in participation units in a combined investment fund under section thirty-eight A of chapter twenty-nine, or in a paid-up shares and accounts of and in co-operative banks, or in shares of savings and loan associations or in share or savings deposits of federal savings and loan associations doing business in the commonwealth.

Additionally, the Town may invest such funds in securities, other than mortgages or collateral loans, which are legal for the investment of funds of savings banks under the laws of the commonwealth; provided, that not more than fifteen percent (15%) of any such trust funds shall be invested in bank stocks and insurance company stocks, nor shall more than one and one-half percent (1 ½%) of such funds be invested in the stock of any one bank or insurance company.

The Treasurer may invest in the following instruments:

- i. U. S. Treasuries that maybe sold prior to maturity: Unlimited amounts (With no limit to the length of maturity from date of purchase)
- ii. U.S. Agency obligations that maybe sold prior to maturity. Unlimited amounts (With no limit to the length of maturity from date of purchase)
- iii. Bank accounts or Certificates of Deposit ("CDs") Unlimited amounts (With no limit to the length of maturity from date of purchase), which is fully collateralized through a third-party agreement:
- iv. Bank accounts and CDs (With no limit to the length of maturity from date of purchase) fully insured by F.D.I.C. and in some cases also Depository Insurance Fund of Massachusetts (D.I.F.): All bank accounts and CDs in one institution are considered in the aggregate to receive the insurance coverage limit.
- v. Unsecured bank deposits of any kind such as other checking, savings, money market, or Certificates of Deposit accounts at Banks that do not fit the above categories. These

investments are subject to the following limitations: These investments will be limited to no more than 5% of an institution's assets and no more than 25% of a municipality's cash. This percentage may be increase for not more than 30 days during times of heavy collection or in anticipation of large payments that will be made by the Town in the near future. These payments maybe for such items as debt service payment or regional school assessments. Their credit worthiness will be tracked by Veribanc, or other bank credit worthiness reporting systems. They will be diversified as much as possible. CDs will be purchased with no limit to the length of maturity from the date of purchase and will be reviewed frequently.

- vi. Common and preferred stock that are listed in the List of Legal Investments.
- vii. Investment Funds that are listed in the List of Legal Investments.
- viii. All other items not separately identified here that are listed in the List of Legal Investments.

- C. Standards of Care - The standard of prudence to be used by the Treasurer shall be the “Prudent Person” standard and shall be applied in the context of managing an overall portfolio. The Treasurer acting in accordance with written procedures and this IPS, and exercising reasonable due diligence, shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided the purchases and sale of securities is carried out in accordance with the terms of this IPS and the associated Massachusetts General Laws.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs; not for speculation, but for investment considering the probable safety of their capital as well as the probable income to be derived.

In addition, this section would also apply to M.G.L. Chapter 44 Section 55A which refers to the liability of the Treasurer for losses due to bankruptcy.

- D. Diversification - Diversification should be interpreted in two ways: in terms of maturity as well as instrument type and issuer. The diversification concept should include prohibition against over concentration of maturities, as well as concentration in a specific institution, except for U.S. Treasury obligations or investments fully collateralized by U.S. Treasuries or agencies.

Trust Funds may be co-mingled and invested in any instruments allowed by the Commonwealth of Massachusetts list of Legal Investments Legal issued by the Banking Commissioner each July. Each trust fund must be accounted for separately. Chapter 44 Section 54 sets forth that Treasurers may invest in instruments that are legal for savings banks. This list of investments is included in the Commonwealth of Massachusetts List of Legal Investments, Chapter 167 Section 15A.

E. REFERENCES

- i. Massachusetts General Law Chapter 40, Section 5B
- ii. Massachusetts General Law Chapter 44, Section 54
- iii. Massachusetts General Law Chapter 44, Section 55A
- iv. Massachusetts General Law Chapter 44, Section 55B
- v. Massachusetts General Law Chapter 44B, Section 7

5. General Provisions
- a. Objective

- i. Massachusetts General Laws, Chapter 44, section 55B requires the Town's Treasurer to invest all public funds except those required to be kept uninvested for purposes of immediate distribution.
- ii. This section also requires that invested funds are to be placed at the highest possible rate of interest reasonably available, considering the acceptable levels of safety, liquidity and yield. Therefore, these guidelines are intended to further the objective of securing the highest reasonable return available that is consistent with safety of principal while meeting the daily cash requirements for the operation of the town's business.
- iii. Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to preserve capital through the mitigation of credit risk and interest rate risk. These risks shall be mitigated by the diversification and prudent selection of investment instruments, and choice of depository. Credit risk is the risk of loss due to the failure of the security issuer or backer. Interest rate risk is the risk that the market value of the security will fall due to changes in general interest rates.
- iv. Liquidity is the next most important objective. The overall investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. Since all possible cash demands cannot be anticipated, the treasurer shall attempt to carry out investment activities in a manner that provides for meeting unusual or unexpected cash demands without requiring the liquidation of investments that could result in forfeiture of accrued interest earnings, and loss of principal in some cases.
- v. Yield is the third, and last, objective. Investments shall be undertaken to achieve a fair market average rate of return, taking into account safety and liquidity constraints as well as all legal requirements.

b. Risk Tolerance

- i. Credit Risk "Credit risk" is the risk that an issuer or other counterparty to an investment will not fulfill its obligations. The Town will manage credit risk several ways. There will be no limit to the amount of United States Treasury and United States Government Agency obligations. In regard to other investments, the Town will only purchase investment grade securities with a high concentration in securities rated A or better. The Town may invest in the Massachusetts Municipal Depository Trust (MMDT) with no limit to the amount of funds placed in the fund. The Town may place funds in banking institutions as stated in Section C of this IPS.
- ii. Custodial Risk The "custodial credit risk" for deposits is the risk that, in the event of the failure of a depository financial institution, a municipality will not be able to recover deposits or will not be able to recover collateral securities that are in the possession of an outside party. The custodial credit risk for investments is the risk that, in the event of the failure of the counterparty to a transaction, a municipality will not be able to recover the value of investment or collateral securities that are in the possession of an outside party.
- iii. The Town will review the financial institution's financial statements and the background of the Advisor. The intent of this qualification is to limit the Town's exposure to only those institutions with a proven financial strength, Capital adequacy of the firm, and overall affirmative reputation in the municipal industry. Further, all securities not held directly by the Town, will be held in the Town's name and tax identification number by a third-party custodian approved by the Treasurer and evidenced by safekeeping receipts showing individual CUSIP numbers for each security.
- iv. Concentration of Credit Risk "Concentration of credit risk" is the risk of loss attributed to the magnitude of a government's investment in a single issuer.
- v. The Town will minimize concentration of credit risk by diversifying the investment portfolio so that the impact of potential losses from any one type of security or issuer will be minimized.

- vi. Interest Rate Risk “Interest rate risk” is the risk that changes in interest rates will adversely affect the fair value of an investment. The Town will manage interest rate risk by managing duration in the account.
 - vii. Foreign Currency Risk “Foreign currency risk” is the risk that changes in foreign monetary exchange rates will adversely affect the fair value of an investment or a deposit. The Town will limit investment in any instrument exposed to foreign currency risk.
- c. Ethics - The Treasurer (and Assistant Treasurer) shall refrain from any personal activity that may conflict with the proper execution of the investment program or which could impair or appear to impair ability to make impartial investment decisions. Said individuals shall disclose to the Finance Director any material financial interest in financial institutions that do business with the Town. They shall also disclose any large personal financial investment positions or loans that could be related to the performance of the Town’s investments.
- d. Relationship with Financial Institutions
Financial institutions should be selected first and foremost about their financial soundness and stability. The Town may subscribe to the Veribanc Rating Service to evaluate the banking institutions with which it chooses to establish relationships. Brokers should be recognized, reputable dealers and members of the Financial Industry Regulatory Authority (FINRA).

In instances where the Town does not purchase the Veribanc Rating Service, the Treasurer should request the banking institution’s Veribanc rating from all the banking institutions that are working with the Town on a quarterly basis.

When using the Veribanc Rating Service the Treasurer may invest in such banks that show a green rating in a quarter. If a rating is yellow the Treasurer should contact the appropriate banking institution and request in writing an explanation of the change in rating and the expected time table for it to be changed to green. If for a second quarter such rating is not green, the Treasurer should consider removing all funds that are not collateralized, or carries some form of depositor’s insurance. If a rating moves to red, all money should be immediately collateralized or covered by some form of depositor’s insurance or be removed from the banking institution.

- e. The Treasurer shall require any brokerage houses and broker/dealers wishing to do business with the municipality to supply the following information to the Treasurer on an annual basis:
- i. Annual Financial statements
 - ii. If acting as a Registered Investment Advisor, copy of their most recent Form ADV Part II report
 - iii. Errors & Omissions insurance amounting to, at a minimum, the total fair market value of the Trust Fund Portfolio
 - iv. A statement that the Advisor has read the municipality's IPS and will comply with it on an annual basis
 - v. Annual review all advisors through www.finra.org: Broker Check
- f. Reporting Requirements
- i. On a semi-annual basis, a report containing the following information will be prepared by the Treasurer and distributed to the Finance Director, as appropriate. The semi-annual report will include the following information, as a minimum requirement:
 - ii. A listing of the individual accounts and individual securities held at the end of the reporting period.

- iii. A listing of the short-term investment portfolio by security type and maturity to ensure compliance with the diversification and maturity guidelines established in the "Diversification" section of this IPS.
- iv. A summary of the income earned monthly and year-to-date basis shall be reported. The Treasurer shall include in the report a brief statement of general market and economic conditions and other factors that may affect the town's cash position.
- v. The report should demonstrate the degree of compliance with the tenets set forth in the IPS.

I _____, Treasurer of the Town of Walpole have reviewed this IPS and will manage the Town's funds under my control in accordance with this IPS.

Treasurer's Signature

Treasurer's Printed Name

Date

SECTION 708: OTHER POST-EMPLOYMENT BENEFITS LIABILITY

6. PURPOSE

To ensure fiscal sustainability, this policy sets guidelines for a responsible plan to meet the Town's obligation to provide Other Post-Employment Benefits (OPEB) for eligible current and future retirees. The plan is designed to achieve generational equity among those called upon to fund this liability and thereby avoid transferring costs into the future.

7. APPLICABILITY

This policy encompasses OPEB-related budget decisions, accounting, financial reporting, and investment. It applies to the Select Board, Town Administrator, School Committee, Water and Sewer Commissioners, and Finance Committee in their budget decision-making duties, and it applies to the OPEB-related job duties of the Treasurer and Finance Director.

8. BACKGROUND

In addition to salaries, the Town compensates employees in a variety of other forms. Many earn benefits over their years of service that they will not receive until after retirement. A pension is one such earned benefit. Another is a set of retirement insurance plans for health, dental, and life. These are collectively referred to as other post-employment benefits, or OPEBs. OPEBs represent a significant liability for the Town that must be properly measured, reported, and planned for financially.

9. POLICY

The Town is committed to funding the long-term cost of the benefits promised its employees. To do so, the Town will accumulate resources for future benefit payments in a disciplined, methodical manner during the active service life of employees. The Town will also periodically assess strategies to mitigate its OPEB liability. This involves evaluating the structure of offered benefits and their cost drivers while at

the same time avoiding benefit reductions that would place undue burdens on employees or risk making the Town an uncompetitive employer.

- a. Accounting for and Reporting the OPEB Liability
- b. The Finance Director will obtain actuarial analyses of the Town's OPEB liability every two years and will annually report the Town's OPEB obligations to the Select Board, Finance Committee and the Town Administrator, as well as in the financial statements that comply with the current guidelines of the Governmental Accounting Standards Board (GASB). The Finance Director will ensure the Town's independent audit firm reviews compliance with this policy section as part of its annual audits and reports the results to the Select Board.
- c. Mitigation
- d. On an ongoing basis, the Town will assess healthcare cost containment measures and evaluate strategies to mitigate its OPEB liability. The Finance Director and Treasurer will monitor proposed laws affecting OPEBs. The Human Resources Director will regularly audit the group insurance and retiree rolls and terminate any participants found to be ineligible based on work hours, active Medicare status, or other factors.
- e. Trust Management and Investment
The Town has established an OPEB Trust Fund and designated the Treasurer as its trustee. As fund custodian, the Treasurer will manage the OPEB Trust Fund in conformance with the Town's Investments policy and the state's prudent investor laws.
- f. OPEB Funding
To address the OPEB liability, decision makers will analyze a variety of funding strategies and subsequently implement them as appropriate with the intention of fully funding the obligation. The Town will derive funding for the OPEB Trust Fund from taxation, free cash, and any other legal form.

Although there is currently no obligation to do so, the Town continues to fund the OPEB liability. The Town will derive funding from taxation, free cash, and any other legal form.

The Town will:

- i. Budget annually at least one hundred thousand dollars to fund OPEB.
- ii. Fund at least the sum of 2.5% of the first \$2,000,000 of certified Free Cash, as well as up to 7.5% of the remaining amount of Free Cash.
- iii. Once the Norfolk County Pension System's accrued liability is fully funded, the Town will redirect all pension savings to the Town's OPEB Liability.
- iv. The Town may also, as available funds permit, opt to set aside more than the amount designated under the established policy.
- v. The Town will evaluate, adopt, and implement as legislatively allowed and appropriate, policies and strategies to limit future liabilities.
- vi. The Town adheres to its OPEB Liability Trust Investment Policy, which is on file in the Finance Department.
- vii. In extreme circumstances, while maintaining compliance with GASB, the Town may withdraw from the OPEB trust to fund unexpected increase in costs of retiree benefits if such increase will destabilize the annual budget. This action will require a favorable recommendation and vote from both the Select Board and Finance Committee.

10. REFERENCES

- a. IGR 19-10 OPEB Trust Fund

- b. GASB 74 Financial Reporting for OPEB - Summary
- c. GASB 75 Financial Reporting for OPEB - Summary

SECTION 709: UNFUNDED LIABILITIES – PENSION

11. PURPOSE

To ensure fiscal sustainability, this policy sets guidelines for a responsible plan to meet the Town's obligation to provide Pensions for eligible current and future retirees. It is designed to achieve generational equity among those called upon to fund this liability and thereby avoid transferring costs into the future.

12. APPLICABILITY

This policy encompasses Norfolk County Retirement System (NCRS) costs of Walpole employees who are part of the System.

13. POLICY

Walpole will fund the Pension liability annually through its budget, taking advantage of the early payment reduced rate.

Once the Norfolk County Pension System's accrued liability is fully funded, the Town will redirect all pension savings to the Town's OPEB Liability.

14. REFERENCES

- a. Norfolk County Retirement System

SECTION 708: TAX INCREMENTAL FINANCING (TIF)

708-001 GOALS AND OBJECTIVES

1. Attract new Businesses
 - a. Manufacturing/Office Park
 - b. Commercial - Downtown
 - c. Commercial - Route 1
 - d. Research facilities
 - e. Service - Professional
 - f. Hotel
 - g. All other
2. Encourage existing businesses to expand
3. Reconstruction/Renovation of vacant commercial or real estate properties that have received a property tax abatement, because of the vacancy for a 5-year period
4. Demolition of and then the erection of new construction on the site of vacant commercial or real estate properties that have received a property tax abatement, because of the vacancy for a 5-year period
5. Stimulate Job Creation of jobs paying above the average per-capita income for Walpole

6. Infrastructure Improvements, including, but not limited to:
 - a. Repair of existing roads that are on the need list of the DPW
 - b. New water mains where current assets need repair
 - c. New sewer mains where current assets need repair
 - d. Providing sewer to exiting residential districts that have failing septic systems
 - e. New storm water drain systems where current assets are not adequate or functioning properly

708-02 PROCESS

1. Each inquiry for a TIF will be assessed by the Board on its individual merit.
2. As a general philosophy: The Board is particularly interested in considering economic development projects which project substantive increases in employment.
3. As a general philosophy: The Board believes that the applicant should provide evidence to the Town that the establishment of a TIF agreement is vital to the applicant's decision to move/expand their operation in Walpole.
4. As a general philosophy: The Board is particularly interested in considering economic development projects which will enhance the Town's downtown area, or address dormant sites.
5. Each applicant will submit an inquiry to the Town and provide the required fiscal information necessary to allow the Board to assess the request for a TIF agreement.
6. Upon receipt of an inquiry, the interested party shall submit a letter of interest and appropriate supporting data to the Town Administrator, who shall review the information and seek input from one or more of the following: Finance Director, Community Development Director, Town Appraiser, Building Commissioner, Water and Sewer Superintendent, local citizens and such other town officials and members of the public and consultants, as deemed appropriate by the Town Administrator.
7. Within four weeks of the letter of interest, the Town Administrator shall review the submitted information to determine if it conforms to the goals of Walpole's TIF Program and shall consider, but not necessarily be limited to the following factors:
 - a. Applicant's current and/or previous presence in Walpole.
 - b. Number of current and projected future employees - with documentation how the projected new jobs will compare to the area and/or community's per capita income.
 - c. Appropriateness of the business for the Town of Walpole, as well as the appropriateness of the business at the proposed site of the investment
 - d. Proposed investment - sources of funding - proposed type and nature of the development
 - e. Size of the TIF being requested and what other state funding/programs and amounts will award of the TIF leverage for the company.
 - f. Location of the proposed development
 - g. Timetable for implementation
 - h. Importance of the TIF agreement to the proposed project
 - i. Benefit of the project to the community and commitment of the applicant to support community activities in the Town of Walpole, both generally and fiscally
 - j. Company's previous involvement in state or Town economic development programs or commitments
 - k. Statement as to how the awarding of Tax Incremental Financing will be in the best interest of the Town of Walpole
 - l. The Town Administrator shall prepare a formal report for the Select Board to review and consider.
8. Action by the Select Board
 - a. Upon receipt of the written report by the Town Administrator the Board will:
 - i. Discuss the issue within a regular Select Board's meeting
 - ii. Review the recommendation of the Town Administrator
 - iii. Consider the community's best interests

9. If the Select Board determines that it will offer a TIF agreement, then the Board will instruct the Town Administrator to negotiate with the applicant, as a requisite for agreeing to place and support an article on the next Town Meeting warrant.
10. Institution of a TIF agreement cannot be instituted until and unless approval, in order, is granted by:
 - a. Select Board
 - b. Town Meeting
11. The Board reserves the right to seek to revoke all agreements if the applicant fails to fulfill the stated obligations relative to employment and/or investment.

SECTION 801: ALCOHOL/LIQUOR LICENSE REGULATIONS

801-001: POLICY STATEMENT

The Select Board of the Town of Walpole, as the Licensing Authority has sole responsibility in the first instance, for the issuance of all alcoholic beverage licenses within the Town. No license can be issued, surrendered, transferred, sold, or amended without the specific prior approval of the Authority.

801-002: ONE DAY LIQUOR LICENSE

All requests for one-day liquor licenses must be received a minimum of one week before a regular scheduled Select Board meeting to have adequate time to obtain comments and recommendations from Police Department. Holders of One Day Liquor Licenses are governed by the same Rules and Regulations that pertain to holders of liquor licenses.

801-003: COMMON VICTUALLER'S ALCOHOL, HOURS OF OPERATION

1. Last Call shall be at 12:30 AM and patrons shall be limited to ordering one drink at last call. NO ONE shall be allowed entrance to the establishment after 12:30 AM and the doors shall be locked and all outside lights turned off.

There will be NO SERVICE of any alcoholic beverages or CONSUMPTION of alcoholic beverages after 1:00 AM and all tables, booths and the bar area shall be cleared of all alcoholic beverages, bottles, and glasses, etc.

All patrons must have vacated the premises by 1:30 AM.

Bona fide employees of the licensed establishment may remain upon or enter upon the licensed premises outside of the regular hours of operation while actually engaged in cleaning, opening, closing or preparing for the next day's business, but they may not dispense or consume any alcoholic beverage during such non-public hours, nor may they remain upon the premises any longer than necessary to complete their work.

2. Extension of Hours:
Requests for Extension of Hours must be received in the Select Board's office two weeks prior to the date. There will be NO EXCEPTIONS.

If the Extension is to 2:00 AM, last call will be at 1:30 AM and all patrons will be limited to one drink at last call.

No one shall be allowed entrance after 1:30 AM and all doors shall be locked and all outside lights shall be turned off.

There will be no service of any alcoholic beverages nor consumption of alcoholic beverages after 2:00 AM and all tables, booths and the bar area shall be cleared of all alcoholic beverages.

All patrons must have vacated the premises by 2:30 AM.

801-004 MANAGEMENT AND CONTROL

1. Each applicant seeking approval to become a Licensee, shall have a Manager appointed and authorized by certified vote of its Board of Directors, or permission of the owner, and must be acceptable to the Licensing Authority, who shall have power of approval over same. Any individual appointed manager of an establishment by the owner/corporation and approved by the Licensing Authority must be a United States citizen and must take an active role in the management of the subject establishment. The Local Licensing Authority must be notified immediately of any manager vacancy.
2. No licensee shall permit any disorder, disturbance, lewdness, or illegality of any kind to take place in, upon, or around the licensed premise (including the parking lot). The licensee shall be responsible for such conduct, whether present or not.
3. No licensee shall allow the sale of alcoholic beverages to an intoxicated person.
4. No Manager or employee of the licensee shall consume any alcoholic beverages while on duty.
5. No licensee shall make any distinction, discrimination, or restriction or service, access, or treatment on account or race, color, religious creed, national origin, sex or ancestry.
6. Any licensee shall, upon request of the Licensing Authority, provide a current list of the names and residential address of all employees working upon the licensed premises.

801-005 PREMISES

1. No physical alteration, the effect of which would be to constitute a change in the description of the licensed premise as shown on the license, shall be made without the prior written approval of the Authority and ABCC. Outside dining requires approval of the Local Licensing Authority and the ABCC.
2. The licensed premises shall be subject to inspection at any time by the Police Department of the Town of Walpole, by the Licensing Authority, or by the Alcoholic Beverages Control Commission, or by the duly authorized agent(s) of any of them.
3. The kitchen and premises of any licensed establishment must be kept clean, neat, and sanitary, to the satisfaction of the Licensing Authority and the Board of Health of the Town of Walpole, or to the duly authorized agent(s) of either of them. The kitchen and premises shall also comply with 527 CMR 1.00.
4. The Licensing Authority shall have the right and authority to order any licensee to engage as any private detail police officers from the Walpole Police Department as shall, in the Authority's judgment, be necessary to maintain law and order upon the premises to the licensee (including the parking lot.)

801-006 GENERAL OPERATING REQUIREMENTS

1. No person shall store or sell any alcoholic beverage at any location or in any part of the premises at a given location, not specified in the description of premises stated on the license.

2. With the exception of establishments licensed as package stores, no licensee shall sell any alcoholic beverage intended for off-premises consumption; with the exception of establishments licensed as package stores.
3. The licensee shall, in all cases, be responsible for acquiring all permits, licenses, or certifications necessary to the conduct of their business; the licensee, moreover, shall be responsible for prompt notification to the Licensing Authority of any projected change or amendment needed or contemplated for licenses and permits previously issued.
4. The licensee shall be responsible for the enforcement of all Rules and Regulations of the Alcoholic Beverages Control Commission, and all Massachusetts General Laws pertaining to the operation of an establishment possessing an alcoholic beverage.

801-007: TIPS POLICY

Effective April 1, 2005 all managers and persons involved in serving of alcohol are required to attend a server-training program within thirty calendar days of that person's first day of work. A copy of the server training certificate of each employee or volunteer involved in the service of alcohol shall be kept on the premises

801-008: INACTIVE LIQUOR LICENSE POLICY

An alcoholic beverage license which is inactive for a period of ninety (90) days shall be subject to a hearing by the Select Board unless the licensee has requested an extension. The licensee shall be asked to discuss and demonstrate their operating plans for the establishment and the manner in which said licensee is serving the best interest of the community.

In the event a licensed establishment closes for reasons other than an ABCC or Town enforcement, the licensee shall be required, within fourteen 14 calendar days of closure to notify the Select Board by certified mail of said closure.

If the licensee fails to notify the Board that the establishment has ceased to conduct business, the Select Board, may institute proceedings, to cancel the license under G.L. c.138, s. 77, thirty (30) days after having learned of said closure.

801-009 ADMINISTRATIVE PENALTIES FOR VIOLATION OF ALCOHOLIC BEVERAGE SALES TO MINORS POLICY

The Select Board is the Licensing Authority under State law for the award of licenses for the sale of alcoholic beverages in the Town of Walpole Such licenses are issued to protect the public interest through the controlled and supervised sale of alcohol to responsible adults at acceptable locations.

The Select Board shall impose administrative penalties for violations of its policies. Offenders may expect one or more of the following consequences as deemed appropriate in the sole judgment of the Board. In determining penalties for selling alcohol to minors the Board shall use the following guidelines:

1st Offense	Warning up to a 2 day suspension
2nd Offense	Warning up to a 3 day suspension
3rd Offense	Warning up to a (7) day suspension
4th Offense	Warning up to a 2 Week suspension Or Revocation

1. In addition to the administrative action taken by the Select Board those found in violation are subject to criminal prosecution under Massachusetts General Laws Chapter 138.
2. Depending on the circumstances of the offense the Select Board may deviate from and adjust the above guidelines.
3. If there are no violations for a five-year period measured from the date of the last offense, all prior administrative offenses may be voided.
4. The Board may administer a suspension that consists of consecutive days or not.
5. These are guidelines and the Select Board reserves the right to modify them at any time. Each offense will be considered individually.

SECTION 802: BLOCK PARTY REGULATIONS

1. A permit is required from the Select Board. Requests should be submitted in writing listing the name of the event, the date and time and if there will be music or blocking of roadway. The name address and telephone number of a contact person should be noted. Approval is subject to review by the Police Department.
2. Any outside music must stop by 11:00 p.m. and should not be heard at a distance of more than 100 yards.
3. Adequate parking of vehicles must be provided so not to block the roadway or impede the flow of traffic for emergency vehicles.
4. Consumption of alcoholic beverages must be monitored to ensure that liquor is to be served only to those of legal age, in some circumstances a One Day Special License may be required.
5. If the Police Department receives a complaint of loud music, the officer responding shall advise the permit holder to reduce the level of music immediately, while the officer is present. Should the Police Department receive a second complaint of loud music and the responding officer agrees that it is loud, the music must stop and no further outside music will be allowed. If the music continues after being told to stop, regardless of level, the Police Department will seek complaints in Wrentham District Court for disturbing the Peace.
6. Any blockades or barricades must be easily removed for emergency vehicle access.

SECTION 803: BANNER REGULATIONS

1. Banners publicizing local events may be hung for a maximum of 14 days before the announced event.
2. A permit is required from the Select Board. Requests should be submitted online listing the name of the event, the sponsoring organization, and the date on which the event is to be held. The name, address, and telephone number of a contact person should be noted. Approval is subject to space limitations and is granted on a first-come/first served basis. Priority will be given to in-town organizations.
3. No commercial advertising will be allowed to appear on the banner. The Select Board reserve the right to refuse permission to hang a banner if it is in questionable taste or condition.

4. The banner is to be hung on the banner poles on the common. The Town of Walpole takes no responsibility for storage of signs.
5. The banner's maximum length is 8' and the maximum width is 2'.

SECTION 804: USE OF ADAMS FARM POLICY AND PROCEDURES

The purpose of the policy is to create a guideline for interested groups/parties for the use of the town owned property, "Adams Farm".

Any group/party interested in using the property at Adams Farm must first request approval from the Adams Farm Committee through the Select Board's office using the attached application. A copy of this application shall be forwarded by the Select Board to the appropriate Town officials. The applicant shall obtain approval from the Police and Fire Departments for comment. This request, accompanied by the recommendation of the Adams Farm Committee will be forwarded to the Select Board who shall have the final approval for any use. It shall be the responsibility of the Adams Farm Committee to keep a schedule and advise the Select Board on a quarterly basis of upcoming events.

Should the group/party desire approval for a series of uses or an annual or recurring use of the Adams Farm Property this must be stipulated within the application and upon receipt of the recommendation of the Adams Farm Committee the Select Board may grant series, and/or reoccurring use through onetime approval. The Select Board must approve all events/uses regardless of whether or not the applicant has received prior approval from the Select Board for an event/use. Please note: the Adams Farm Committee must make a recommendation to the Select Board whether to give approval for each event. It will be the responsibility of the Adams Farm Committee to inform the Select Board of the Committee's approval of prior use and to work with applicants to create a workable schedule.

It shall be the responsibility of any party seeking to use the property to adhere to the regulations for use of Adams Farm. The following uses are strictly prohibited:

1. Hunting & Animal traps
2. Unauthorized motorized vehicles, including but not limited to cars, trucks, tractors, 4 wheel drive vehicles, any type of All-terrain vehicle, motorcycles, trail bikes, or snowmobiles.
3. Alcoholic beverages & illegal substances of any type. However, a one day Wine and Malt license may be issued by the Select Board through the process outlined in Select Board's Policies and Procedures Section 204, Town Owned Parcels & Property Regulations.
4. Open fires; Including Grills and Fire Pits (unless granted permission by the Walpole Fire Department and if applicable the Board of Health)
5. use of firearms, other weapons, explosives, or projectiles. (Unless approved by the Walpole Police Department)
6. Dumping & littering. All trash must be removed from the site you are using.
7. Disturbing, removing cutting, or otherwise causing damage to a natural feature, sign, trail, markers, poster, barrier, building or other property.
8. Damage to crops and/or fields used for agricultural purposes
9. Camping (Unless granted permission by appropriate Town officials)
10. Conduct which disturbs the tranquility of Adams Farm, our neighbors privacy or enjoyment of this property by others and any illegal action under the law of the Commonwealth of Massachusetts or Walpole By Laws.

Signage: All signs posted for an event shall be completely removed after the event, including any stakes or posts used to support the sign. Signs shall be placed on the edge of any trail and not in normal walking path.

The following uses are permitted:

1. Dogs must be leashed at all times. Ensure that your pet does not interfere with others enjoyment of the property. Owners must pick up any waste left by their animals.
2. Mountain bikes are permitted on designated trails, except during March, April and/or in wet conditions when extensive deterioration of the trails can result. Group rides of 6 or more requires written permission from the Walpole Select Board via the Adams Farm Committee.
3. Horseback riding is permitted. Group rides of 6 or more requires written permission from the Walpole Select Board.
4. Any other organized group activities require written permission from the Walpole Select Board via the Adams farm Committee.
5. Cross country skiing.

User groups interested in using the Adams Farm Barn/Pavilion must review and sign the User Group Sign off Sheet. Upon approval the Barn/Pavilion may be reserved.

While in the woods, please adhere to posted instructions regarding private property.

Visitors are welcome, but on the understanding that they use the area at their own risk and that they will comply with all of the above regulations. Whosoever disregards or violates any of these regulations is hereby forbidden to remain upon these premises

and is subject to arrest, a fine not to exceed \$100.00, as well as, civil liability for damages to property and imprisonment as provided by law. The Town of Walpole cannot assume responsibility for injuries or loss of personal property.

Thank you for your cooperation.

TOWN OF WALPOLE APPLICATION FOR USE OF ADAMS FARM
PROPERTY

Name: _____ Date: ____ ____
Address: _____
Telephone Home: _____ Cell: _____ Work: _____
E-Mail: _____
Purpose: _____

Is the Event a Fundraiser _____ yes _____ No. If this is not a Fundraiser, then please see the fee schedule and provide the appropriate amount when filing.

which is to be used by _____
(Name of Organization)

(Address of Organization)

on the _____ day(s) of _____
_____ month (s) between the hours of _____

at the following described place: _____

(Please provide a brief description of the location at Adams Farm to be utilized.)

What is the maximum number of people to attend? _____ Approximate # of Vehicles: _____

What is the age group of the people? _____

Fire Burning Permit needed: (please check) Yes _____ No _____

Approval by Fire Department: Granted _____ Not Granted _____

Fire Department Name/Rank/Date: _____

Will a police detail or other type of security be provided? _____

A Police Detail is required when Beer and/or Wine is being served during an event.

(Final determination of detail requirement is the decision of the Walpole Police Department)

Is this request for an annual, reoccurring or series of uses? If so please explain: _____

If cooking will be taking place during an event at Adams Farm Board of Health Approval is required:

Applicable _____ Not Applicable _____

If applicable: BOH approved _____ BOH denied _____ Signed & Dated _____

Please Note: Trash: All trash must be removed from the site you are using.

Signage: All signs and Trail Markers posted for an event shall be completely removed after the event, including any stakes or posts used to support the sign. Signs shall be placed on the edge of any trail and not in the normal walking path.

*****The Select Board may require a one day Insurance policy to cover the Town
for specific events.

Fees: **Commercial** \$500 per day _____
 Taught Classes (for profit) \$50 for up to 3 separate times or dates _____
 Personal Use for Social Functions: Non-resident \$200 per day _____
 Personal Use for Social Functions: Resident \$100 per day _____
 Photographer Annual Fee (Jan 1 through Dec 31) \$100 _____
 Photographer Semi-annual Fee (July 1 through Dec 31) \$60 _____

The signature below verifies the knowledge of and agreement to the rules and regulations for use of the Adams Farm property in the Town of Walpole.

Signature Date _____

***** **Official Use Only Below Line*******

Recommendation of the Adams Farm Committee: Approved: _____ Denied:

Comments: _

Signature (Adams Farm Committee Chair or Designee) Printed Name of Signatory

Adams Farm Barn/Pavilion

User Group Sign-off Sheet

By reviewing and signing this agreement the organizer of an event at the Adams Farm Barn/Pavilion agrees to provide the following:

1. A Certificate of Insurance must be provided to the Town of Walpole prior to use. Smaller Groups must sign the attached waiver form that indemnifies the Town of Walpole.
2. Approximate number of vehicles expected to be parked for the event: _____
3. The event organizer agrees that additional Toilet Facilities must be provided by the organizers for attendees as required.
4. The event organizer agrees that he/she will be responsible for cleaning up and removal and disposing of trash that is left over from the event.
5. Approximate number of guests expected for event: _____
6. No grills or open fire pits are allowed during any events at the Adams Farm/Pavilion unless granted by the Fire Department.

Event Organizer Signature: _____

Telephone: _____

Please submit completed forms to the Select Board's Executive Assistant.

**RELEASE FROM LIABILITY, INDEMNITY AND
HOLD HARMLESS AGREEMENT**

I, _____, in consideration of my being
allowed to _____
_____ do forever

RELEASE, acquit, discharge and covenant to hold harmless the Town of Walpole, a municipal corporation of the Commonwealth of Massachusetts, and its successors, departments, officers, employees, servants, attorneys and agents, of and from any and all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation on account of in any way arising out of, directly or indirectly, all known and unknown personal injuries or property damage which I may now or hereafter have or may acquire, resulting or to result from said participation in the aforementioned activities. Furthermore, I hereby agree to protect the Town of Walpole and its successors, departments, officers, employees, servants, attorneys and agents against any claim for damages, compensation or otherwise arising out of or resulting from any injury to any party in connection with said participation in the aforementioned activities and to INDEMNIFY, reimburse or make good to the Town of Walpole or its successors, departments, officers, employees, servants and agents any loss or damage or costs, including attorneys' fees, which the Town of Walpole or its representatives may have to pay if any litigation arises from said participation in the aforementioned activities.

I hereby further covenant for myself, my successors and assigns not to sue the said Town of Walpole, its departments, officers, employees, servants, attorneys, and agents on account of any such claim, demand or liability.

Signed this _____ day of _____, 20____.

Applicant User: _____

Please print

Name: _____

Telephone: _____

Applicant User :

Please print name:

Telephone:

SECTION 805: FUEL STORAGE LICENSE

The Town of Walpole shall conform to MGL c. 148, § 38A, Board of Fire Prevention Regulations 527 CMR 1.00, Chapter 492 of the General Bylaws, and Chapter 804 of the Board of Health Regulations, as it relates to the licensing of underground fuel and chemical storage tanks.

805-003: ANNUAL CERTIFICATES OF REGISTRATION

It shall be the responsibility of the license holder to ensure that the annual Certificate is submitted to the Town Clerk by April 30th each year with a \$100 fee paid. A second copy of the filed Certificate shall be forwarded by the Town Clerk to the Fire Chief in order to update the Fire Chief's records.

805-004: TANK INSTALLATION PERMIT

An applicant who applies to install a tank requiring a permit from the Fire Chief shall pay a fee to the Fire Department as defined in the Fire Department's fee schedule. The permit holder shall return to the Fire Department by April 30th, the renewal permit application and pay the applicable fee.

Underground storage tanks are regulated by 310 CMR: Department of Environmental Protection..

805-005: PENALTIES

In accordance with Town By-Laws-Article IX, the penalty for any violation shall be a fine of not more than \$200. Each day that such violation continues shall constitute a separate offense.

SECTION 807: HAWKERS & PEDDLERS

807-001: AUTHORITY-MGL

Authority to establish the following regulations is via MGL Chapter 101, Section 17. For the purpose of this regulation the definition of hawkers, peddlers, and transient vendors shall be the same definitions as those contained in said Chapter 101 of MGL.

807-002: NEW LICENSES

1. No person shall hawk, peddle, or barter any goods or merchandise within the limits of the Town of Walpole except as authorized by law, without first obtaining a license to do so from the Select Board, upon payment of a license fee, said fee to be in conformity with Chapter 101 of MGL. This requirement shall not apply to any hawking or peddling of newspapers, religious publications, ice, flowering plants and flowers, and wild fruits, nuts and berries.
2. Persons interested in obtaining a Hawkers & Peddlers license shall make application in writing to the Select Board in a format established and as needed from time to time modified by said Board. As part of the application process, all applicants shall furnish to the Select Board written proof of valid and current Workers Compensation Insurance (if applicable), valid and current liability & casualty insurance naming the Town of Walpole as an additional insured party, a tax affidavit statement, copy of state license(s), and a completed Town of Walpole indemnification form. In addition, any proposed hawking & peddling upon private property shall require written permission of the property owner submitted at time of application.

3. All applications shall be reviewed by and shall not be acted upon by the Select Board without prior approval of the Walpole Police Department. Applicants shall complete and be subject to a Criminal Offender Record Information (CORI) background check.

807-003: RULES & REGULATIONS

1. The sale by hawkers and peddlers of jewelry, furs, wines, or spirituous liquors, small artificial flowers or miniature flags is prohibited.
2. Any person licensed under this regulation shall keep said license in their possession which shall be readily available for display. The license shall indicate the license number, and shall include the Licensee's signature and date of the license expiration. The Licensee shall display such license when requested to do so by any officer of the Police Department, Town Official, or the Health Director or designee.
3. No person licensed under this by-law shall conduct business in such a manner as would impede foot or vehicular traffic along or to a public way or public street or public sidewalk or access road or driveway.
4. All hawkers and peddlers shall have adequate trash control.
5. Vehicles utilized for the selling of frozen desserts or confections must have installed on said vehicle one or more amber flashing lights visible from the front and rear and sides of the vehicle and such lights must be flashing when the vehicle is in operation or stopped for the purpose of transacting business.

807-004: DURATION OF LICENSE

1. Each license shall be for a one-year period commencing on January 1 and ending on December 31 of any given year. Licenses issued after January 1 during any year will expire on December 31 of the same year of issue.
2. Renewal requests for licenses shall be submitted to the Select Board not later than November 15 of each year.

807-005: VIOLATIONS & PENALTIES

Failure to comply with this regulation may result in suspension or revocation of licenses and/or permits granted hereunder. In addition, a penalty of twenty dollars for each offense may be assessed.

SECTION 808: MOTEL OPERATION PERMIT REGULATIONS

808-001: DEFINITIONS

1. Board – The Select Board of the Town of Walpole or its designee.
2. Motel- Any building or portion thereof, other than a hotel or lodging house, in which persons are lodged for hire with or without meals and which is licensed or required to be licensed under the provisions of section thirty-two B of chapter one hundred and forty, but excluding private clubs.

808-002: MOTEL OPERATION PERMIT

1. Permit Required: Prior to operating a motel in the Town of Walpole, an operator or owner of such motel must secure a motel operation permit from the Select Board in addition to any other permit or license as required by applicable state or local law or regulation. All operating motels in the Town of Walpole as of July 1, 2008 shall be required to apply for a Motel Operation Permit on or before August 1, 2008.

2. Application: Applications for a motel operation permit shall be made in writing, on Town approved forms, to the Select Board, and shall provide, under oath, such information as the Select Board may require, including, but not limited to, the following:
 - a. The name and address of the applicant, if an individual; or if a corporation, the name, date of incorporation, address of its principal place of business and the name and address of its officers; or if a partnership, association, or unincorporated company, the name and addresses of the partners or associates and the address of its principal place of business; and, if a foreign corporation, partnership or unincorporated company, the name and address of an agent for service of process;
 - b. The intended place of business within the Town of Walpole
 - c. The name and residential address of the manager; and
 - d. A telephone number where the manager or the manager's designee may be contacted 24 hours per day.
3. Action Of The Select Board - Grant or Denial: The Board, in determining whether to issue a permit, may consider: public demand for the motel; the suitability of the applicant; and any and all other relevant facts and circumstances, including the prior operation of a motel or other business in the Town and any complaints made to any department, officer or employee of the Town with regard thereto. The Select Board shall, within 21 days from the date of receipt of application: (1) grant the permit; (2) grant the permit under such terms and conditions as it deems appropriate in the public interest; or (3) deny the permit.
4. Change of Address: Whenever the applicant, as set forth in Section 808-002 2. (a), or the manager, as set forth in Section 808-002 2.(c) changes their residential address or principal place of business, as appropriate, the Board shall be notified within three (3) days of such change.
5. Permit To Be Displayed: A permit granted under this section must be displayed in clear view of the public.
6. Permit Period & Fee: Such permit shall be valid from the date of issuance until December 31, unless sooner revoked or suspended. The annual fee for a motel operation permit or renewal of same shall be Fifty Dollars (\$ 50.00). Such permit shall be automatically renewed for the next annual permit period upon application by the holder during the month of November provided that said permit covers the same licensed premises unless cause is shown. If the application is not timely filed, it shall be treated as an application for a new permit.
7. Transfer Or Sale Of Permit Prohibited: No motel operation permit shall be sold, assigned or transferred, and such sale, assignment or transfer shall automatically terminate said permit.
8. Physical Premises:
 - a. All premises covered by the license shall be kept in a clean and sanitary condition.
 - b. No outside area shall be used as a gathering place for patrons unless approved by the Board.
 - c. The premises shall be lighted in all public areas in a manner sufficient for the safety of the patrons and visitors.
 - d. The interior of the premises shall be sufficiently lighted at all times and all exits shall be properly designated by lighted signs, "Exit" as same may be mandated by the Building Inspector of the Town of Walpole or by the Fire Department of the Town of Walpole.
9. Hotel & Motel Management:
 - a. Each corporate permit holder must appoint a manager by a properly authorized and executed delegation.
 - b. The responsibilities of every license holder and manager shall be as follows:
 - i. To obey these regulations and all state and local laws and regulations;
 - ii. To promptly notify the police of any disturbances or illegal activity on the licenses premises of which the manager becomes aware;
 - iii. To cooperate fully with authorized agents of the Board, including but not necessarily limited to, any police officer of the Town of Walpole, the Town Administrator or the

Administrator's agent, in the event of an investigation or inspection of the licenses premises.

- c. Any such notice sent to the manager as named in the records of the Board or the owner at the address of the licensed premises shall constitute valid legal notice to the permit holder.

10. Environs Of Licensed Premises:

- a. It shall be the obligation of the permit holder to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times. Each permit holder shall be accountable for all violations that are related to the licensed premises to determine whether or not the permit holder acted properly in the given circumstances.
- b. A permit holder shall act reasonably and diligently to disperse loiterers or patrons who attempt to congregate in front of or at the licensed premises in an unauthorized manner. Failure of the permit holder to keep such persons from congregating at the licensed premises may lead to disciplinary action against the permit holder for allowing a public nuisance. Action to be taken by the permit holder shall include: (1) maintaining the front door in a closed position; (2) asking loiterers to disperse; (3) promptly notifying the police if loiterers refuse to disperse; (4) hiring a security guard or stationing a security employee as needed to disperse loiterers if there is a persistent problem.
- c. When any noise, disturbance, misconduct, disorder, act or activity occurs in the licensed premises, or in the area in front of or adjacent to the licensed premises, or in any parking lot provided by the permit holder for the use of its patrons, which in the judgment of the Board adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the licensed premises are located, or results in the licensed premises becoming the focal point for police attention, the permit holder shall be held in violation of the license and subject to proceedings for suspension, revocation or modification of the license.

11. Illegal Activity On Licensed Premises:

- a. A permit holder shall make all reasonable and diligent efforts to ensure that illegal activities do not occur at the licensed premises. Such efforts shall include:
 - i. Frequent monitoring of restrooms and other nonpublic areas of the premises for signs of drug activity or other illegalities;
 - ii. Paying attention to activities on the premises of known drug users or drug dealers or prostitutes or others who are known to have been convicted of crimes which may be conducted at the permitted premises;
 - iii. Calling promptly for police assistance as necessary to protect patrons against injury or to evict unruly patrons or to uncover unlawful conduct or to give medical assistance and providing police with requested information;
 - iv. Hiring security personnel to deal with chronic unlawful activity at the premises, such as prostitution or gambling or larceny from patrons or assaults and batteries or other problems associated with the premises.
 - v. There shall be no disorder, prostitution, illegal gambling, illegal drug use or sales or possession, or other illegal activity on the licensed premises or any premises connected therewith.

12. Other Causes For Revocation, Suspension, And/or Modification:

- a. Any permit issued pursuant to these Regulations may be modified, suspended, or revoked for any of the following causes: Violation by the permit holder of any provision of these Regulations, or any other relevant state or local law or regulation, or if the public health and safety so requires;
- b. Fraud, misrepresentation, false material statement, concealment or suppression of facts by the permit holder in connection with an application for a permit or for renewal thereof;
- c. Operation of the premises covered by the permit without prior approval of the Board;
- d. Failure to comply with any condition, stipulation or agreement upon which any permit was issued or renewed by the Board or upon which any application or petition relating to the premises was granted by the Board. It shall be the duty of the permit holder to ensure that all appropriate

personnel at the licensed premises are familiar with these Regulations and with any conditions on the permit.

- e. Refusal by any permit holder and, if a corporation, by a manager, officer, or director thereof to appear at an inquiry or hearing held by the Board with respect to any application or matter bearing upon the conduct of the licensed business or bearing upon the character and fitness of such person to continue to hold a license.

13. Enforcement:

- a. Suspensions or Revocations: permit holders in violation of these Regulations or any other relevant federal, state or local law or regulation may be subject to the following enforcement actions:
 - i. First offense; warning to seven day suspension.
 - ii. Second offense; warning to thirty day suspension.
 - iii. Third offense; warning to revocation.

Only offenses which have occurred within the two years preceding the date of violation shall be used in calculating the number of offenses for purposes of this section. The Board may use its discretion in determining whether the facts surrounding a violation warrant a penalty which is more lenient or severe than that suggested in this subsection, and the provisions of this subsection shall not be construed so as to limit the Board's authority to consider alternative dispositions, or further conditions on a license, or alternate penalties.

- b. Non-Criminal Disposition: The provisions of these Regulations may also be enforced through any other lawful means in law or in equity by the Select Board, the Town Administrator, or their duly authorized agents, or any police officer of the Town of Walpole, and by any available means in law or equity, including but not limited to enforcement by non-criminal disposition pursuant to G.L. c. 40, §21D. Each day a violation exists shall constitute separate violation. When enforced through non-criminal disposition, the penalties shall be as follows:
 - i. First violation: \$100.00
 - ii. Second violation: \$200.00
 - iii. Third and subsequent violations: \$300.00

14. Service Of Suspension Order: When the Board suspends the license or licenses of any permit holder, it shall provide the permit holder with written notice thereof, which shall include an order of suspension for public display that must contain the words, "No Service - Operation Permit suspended per order of the Select Board of the Town of Walpole." Such order shall be publicly displayed by the permit holder in the following manner. If there is a door opening from the street into the licensed premises and a window facing the street upon which such door opens, such order shall be displayed in such window so that it may readily be seen from the street.. If the licensed premises are otherwise located, such order shall be affixed to the door of the entrance to the premises and displayed in such a way that it may be readily seen from the street.

Suspension orders of the Board, as above, shall remain affixed throughout the entire period of suspension. The removal, covering, defacement, or obliteration of the order of suspension or the failure to maintain the order of suspension in the manner and place required prior to the expiration of the suspension period shall be deemed the act of the permit holder and shall be cause for further suspension, modification or revocation of the license.

15. Permit Holder's Right of Appeal: A permit holder may appeal a decision of the Board pursuant to MGL c.294, §4.

SECTION 809: TAXI LICENSES - APPLICATION & LICENSING REGULATIONS

809-001 LICENSE REQUIRED

Prior to the operation of any vehicle, the licensee must secure a taxi license for each vehicle. The Select Board may only issue a taxi license if the vehicle has passed an inspection administered by a qualified garage authorized by the Registry of Motor Vehicles. The results of the inspection shall be submitted to the Chief of Police. This inspection shall include the regular items (mechanical, safety & emissions) as well as other safety items (passenger area safety, climate control, meter operation, etc.). In addition, as provided in Section 810-001, an Inspection by a Police Department designee shall be performed prior to the submission of an application hereunder.

All proposed operators of taxis shall be listed within the application, and shall be not less than 25 years of Age. All operators of taxis shall be subject to a full CORI and driver history background check, and shall require the approval of the Chief of Police prior to presentation before the Town of Walpole Select Board. The licensee shall provide within the application to the Board a copy of all drivers' names, addresses and current valid driver's licenses.

A taxi license shall set forth the applicant's name and address, name and place of Taxicab business and a description of the vehicle with its identification number or numbers and the number of seats exclusive of the operator. A valid Commonwealth of Massachusetts vehicle registration and proof of insurance shall be submitted with the application, as specified herein.

Any issued license shall be valid for a period of one year from May 1 unless sooner revoked or suspended. New licenses issued after May 1 shall expire on April 30 of the succeeding year, unless otherwise renewed by the Select Board. All licenses shall be valid for a period of one year and license renewals shall be subject to an annual background check, in accordance with the Town's civil fingerprinting bylaw.

809-002 APPLICATION

Applications for a taxi license shall be made in writing, on Town approved forms, to the Select Board, and shall provide, under oath, such information as the Select Board may require, including the following:

1. The name and address of the applicant, if an individual; or if a corporation, the name, date of incorporation, address of its principal place of business and the name and address of its officers; or if a partnership, association, or unincorporated company, the name and addresses of the partners or associates and the address of its principal place of business; and, if a foreign corporation, partnership or unincorporated company, the name and address of an agent for service of process.
2. The intended place of business within the Town of Walpole
3. The intended place of nighttime vehicle storage.
4. Proposed hours of operation.
5. A telephone number(s) where the licensee may be contacted during the day and in the evening. 24 Hour telephone access to the Licensee is MANDATORY.
6. The make, model, vehicle identification number, and age of the vehicle.
7. A copy of the certificate of insurance coverage page for the vehicle.
8. Copy of Commonwealth of Massachusetts vehicle registration for each vehicle.
9. An applicant must be at least twenty-five (25) years of age;
10. Copy of a valid Massachusetts operator's license issued in accordance with the provisions of Massachusetts General Laws, Chapter 90 for each proposed operator.
11. A copy of the applicant's Massachusetts operator's license;
12. A signed waiver authorizing a full CORI and Driver History search for the Applicant and EACH proposed operator.

13. Name of applicant; the applicant's residence, date of birth, place of birth, father's name, mother's name and maiden name, height, weight, complexion, color of hair and of eyes, and social security number;
14. Any convictions, admission to sufficient facts or pleas with regard to felony or misdemeanor offenses, stating the courts in which such matters were heard, and the date of such offenses; and
15. Any traffic violations for which there was a finding of responsibility for a period of three (3) years prior to the date of the application for the license or for such additional time as the Select Board shall require.

809-003 FEE

The application fee for a Taxi License shall be two hundred dollars (\$200.00). In addition, the annual fee for a vehicle for taxi license or renewal of same shall be one-hundred dollars (\$100.00), which amount shall include the annual inspection as required of these regulations, and administrative expenses. Renewals shall be on May 1st every year. The fee for a duplicate or amended taxi license shall be one-hundred dollars (\$100.00). The application fee shall be non-refundable and is due at the time of application. The Annual Fee shall be payable upon approval of the license by the Board. The license shall not be issued until the fee has been paid.

809-004 LICENSING PROVISIONS - GENERAL

The Select Board may, upon receipt of a completed application, and after an initial hearing issue a license under such terms and conditions as it deems appropriate and in the public interest after a hearing is held on the initial application. The Select Board may require that the licensee provide the Board with a continuously updated list of those persons employed by the licensee as operators of vehicles for hire. The decision to grant or deny shall be strictly the discretion of the Select Board.

Such license shall be valid for a period of one year from May 1 of that year unless revoked or suspended as provided herein.

809-005 CHANGE OF ADDRESS

A licensee shall not change their address or the place at which a vehicle is kept without prior approval of the Select Board.

809-006 LICENSE TO BE DISPLAYED

No taxi shall be operated without a valid taxi license displayed in clear view of the passengers.

809-007 VEHICLE RATES TO BE DISPLAYED

Every taxi shall have displayed in clear view of the passengers a notice of the current rates.

809-008 INSURANCE CERTIFICATE

All licensees shall maintain appropriate vehicle insurance as required by the Commonwealth of Massachusetts and shall carry evidence of such insurance in the licensed vehicle at all times. A copy of this insurance certificate must be provided to the Licensing Authority at time of application and each year at renewal time. The policy shall state that if it is revoked or amended, the insurance company will notify the Licensing Authority not later than ten (10) days prior to the effective date of the revocation or amendment.

All taxi operators shall carry personal liability in the minimum amount of \$300,000 for each person and \$1,000,000 each accident.

809-009 SUSPENSION OR REVOCATION

A license may be revoked or suspended by the Select Board for a violation of the law or these regulations, or if the public interest, health and/or safety so requires, or if the licensee and/or its employees shall act in a manner contrary to the best interests of the Town as may be determined by the Select Board following a hearing. Following any such hearing and vote of revocation or suspension, the Select Board shall, as soon as is practical, provide the licensee with written notice of said revocation or suspension. Upon suspension or revocation, said license shall be immediately surrendered to the Select Board.

Any hearing called to determine a possible revocation or suspension shall be provided in writing via certified mail to the Licensee. The hearing shall be held not earlier than ten (10) days following mailing of said notice. At the hearing the licensee will have the opportunity to present testimony and other evidence and be represented by a person of his choice. The Chief of Police is authorized to order a temporary suspension of the license pending formal hearing before the Select Board for any violation that they may deem warrants immediate action.

809-010 TRANSFER OR SALE OF LICENSE PROHIBITED

No taxi license provided for in these regulations shall be sold, assigned or transferred, and such sale, assignment, or transfer shall automatically terminate said license. Nor shall a majority in interest of any entirety holding such a license be sold, assigned or transferred. Such sale, assignment, or transfer shall automatically terminate said license.

809-011 TAXI CAB SALE

Any licensee who shall cease to be the owner of said vehicle, shall at once surrender the taxi license for said vehicle to the Board.

809-012 TAXI VEHICLES - ANNUAL INSPECTION

Before a taxi is licensed, and annually in order to renew the license on May 1st of that year, such taxi shall be thoroughly inspected and examined by a designee of the Police Department for the purpose of determining that the Taxi is in a fully safe and good condition, clean inside and outside, of good appearance, and well maintained and painted. At the time of the annual inspection, the operator of the Taxi shall present to the Police Department designee the Taxi license and inspection sheet supplied by the town for each vehicle. The Police Department designee shall, after inspecting the vehicle, either date and sign the taxi license application/inspection sheet and return it to the operator or inform the operator of corrections that must be made before the license application/inspection sheet will be returned.

Any vehicle having failed an inspection and requiring re-inspection shall be subject to an additional twenty dollar (\$20.00) re-inspection fee. Nothing herein shall relieve a Taxi business Licensee of its sole responsibility to ensure the safety of the vehicle and compliance with all applicable laws and regulations, and the licensee is at all times responsible for the vehicle and shall be liable for all penalties and/or damage resulting from the operation of the vehicle by an employee, agent, or any other person operating the vehicle.

809-013 TAXI VEHICLES - UNFIT VEHICLE

The Select Board shall deny the issuance or renewal or shall authorize the Chief of Police to temporarily suspend of a taxi license for any vehicle found to be unfit, unsafe, or in any manner in violation of State or Walpole

regulations/laws including being unsuited for the purposes herein set forth. The Board may, at its pleasure, proceed to a hearing as outlined in Section 809-009 for severe or continued violations of this provision.

809-014 TAXI VEHICLES - STATE ISSUED REGISTRATION NUMBER PLATES

Any Taxi have affixed thereto such number plates as are prescribed for use by the Registrar of Motor Vehicles, which shall be attached to the said vehicle in accordance with the rules and regulations of the Registry of Motor Vehicles and the laws of the Commonwealth of Massachusetts.

809-015 TAXI VEHICLES - VEHICLE MARKINGS

Taxi: Every Taxi shall be identifiable with the word "Taxi," "Cab," or "Taxicab".

If the license holder operates more than one taxi, each taxi shall have an identification number, not less than four inches high and one half inch wide, painted in two conspicuous places on the taxi in contrasting colors.

809-016 TAXI VEHICLES - TAXI METERS

Every taxi shall be operated under the taximeter system. Taximeters shall be installed and inspected in accordance with the laws of the Commonwealth of Massachusetts and rules and regulations prescribed by the Director of the Division of Standards.

Taximeters must be tested and sealed by the Department of Weights and Measure before being placed in service and on an annual basis.

Whenever a taximeter has been damaged, or repairs that might in any way affect the accuracy of its indications have been made, or any of the official security seals have been mutilated, such device shall not thereafter be used until it has been officially examined and re-approved.

The use of a vehicle with a missing, malfunctioning, damaged, or otherwise inaccurate taximeter shall constitute a major violation and shall be grounds for immediate revocation of all licenses held by the owner of said vehicle.

809-017 TAXI VEHICLES - IMPROPER OPERATION OR EQUIPMENT

No person operating a Taxi shall have or permit to be on or in such vehicle or on or about his person anything which may interfere with the proper operation of such vehicle, nor shall any Taxi be operated if it is unsafe or improperly equipped. At no time shall any Taxi be operated when the passengers therein are in excess of its licensed seating capacity.

809-018 TAXI OPERATORS

No owner or person having the care of a Taxi shall permit, suffer, or allow any person other than an approved Taxi Operator pursuant to Section 809 of these regulations to operate such vehicle.

809-019 TAXI OPERATOR RESPONSIBILITIES - TRIP RECORD

The operator of the Taxi shall maintain a written record of trips during all shifts worked. The written record of trips must be available for inspection, upon demand, by a police officer and must be turned in to the vehicle owner for record keeping purposes at the end of the operator's shift. The owner of a licensed Taxi must produce, upon demand of the designee of the Police Department a record of all trips made by such vehicle for a period of one hundred eighty days prior to the date of demand, the record to give the name and address of the driver, the time of the beginning and termination of each trip, location of the first and last stop on each trip, and the total fare charged for each trip.

809-020 TAXI OPERATIONS - HIRED VEHICLES

No person having charge of a Taxi shall take up or carry any passenger after the vehicle has been occupied or engaged by a prior passenger without the permission of the first passenger.

809-021 TAXI OPERATIONS - PASSENGER SEATING

No person in charge of a Taxi shall allow anyone to ride upon the driver's seat or adjacent to the driver's seat; provided, however, that a bona fide passenger may ride adjacent to the driver's seat when: (1) the seats inside the Taxi are fully occupied; or (2) the physical condition of the passenger necessitates the use of the front seat.

809-022 ILLEGAL ACTIVITIES

No owner or operator of a Taxi shall participate in, or allow passengers to participate in, any illegal activities.

809-023 TAXI OPERATIONS - FOUND PROPERTY

The driver shall thoroughly search the interior of the vehicle, including the trunk if used by a passenger, immediately after the termination of each trip. Found property shall be returned to the passenger or taken to the police department prior to the conclusion of the Taxi operator's shift. If any dangerous or illegal item is found in the vehicle then the Taxi operator shall notify the Police Department immediately.

809-024 TAXI RECEIPTS

Every operator or owner of a Taxi shall, when requested, give the customer a receipt. The receipt must contain the date, starting and ending time, fare, miles traveled in whole miles and fifths of a mile, vehicle for hire license number and the phone number of the vehicle for hire business permit holder.

809-025 TAXI FEE SCHEDULE

No person shall charge or receive fares for a Taxi within the Town of Walpole in any sums of money other than those prescribed by the fee schedule promulgated by the Board as from time to time amended.

809-026 RATE OF FARE FOR TAXI'S

The fare to be taken by or paid to the owner, driver, or other person having charge of any Taxi shall be per the following schedule:

The fee shall be \$3.10 for the first 4/5 of a mile.

There shall be a charge of \$.50 for each additional 1/5 mile

In addition to the mileage charge, a charge for waiting time may be charged at the rate of \$24.00 per hour for actual waiting time beginning three minutes after the arrival of the taxi.

There shall be a 10% discount from the above rates as follows:

1. Senior Citizens
2. Fares to Any Hospital or Doctor's Office

809-027 DISPLAY OF TAXI FARE RATES

Prior to the commencement of transport, the fee shall be disclosed to the passenger(s) via a written fee scheduled displayed in full view of all passengers..

809-028 LICENSE REGULATION AMENDMENTS – APPLICATION TO LICENSE HOLDERS

All licenses required by these regulations shall be subject to such terms and conditions as the Select Board shall from time to time prescribe.

809-029 LICENSE ISSUING AUTHORITY

These regulations are adopted under authority of G.L. c.40, §

SECTION 901 GENERAL POLICY

901-001: GENERAL

1. If any provision of this policy manual is, or shall at any time be, contrary to any law, then such provision shall not be applicable or performed or enforced, except to the extent permitted by law.
2. In the event that any provision of this policy manual is, or shall be at any time, contrary to any law, all other provisions of this policy manual shall continue in effect.