

Town of Holliston, Massachusetts

Report of the

**FINANCE
COMMITTEE**

for the

October 28, 2019 Special Town Meeting

To the Citizens of the Town of Holliston:

The Finance Committee respectfully submits this report and associated recommendations for your consideration.

Financial Update

The October Special Town Meeting is our opportunity to work with actual information on a number of significant assumptions that we used in May, and finalize our FY20 (July 1, 2019-June 30, 2020) spending plan. Here are the key updates since our last report in May:

1. Local Aid – When the final state budget was approved during the summer, net local aid to Holliston was lower than anticipated prior to Town Meeting in May. The reduction was within the fluctuation anticipated by the Finance Committee so there is no meaningful impact to the approved budget at this time.
2. Free Cash – At the close of each fiscal year on June 30, a final accounting of actual revenues and expenses is made and is compared with the revenue assumptions and appropriations voted by the Town. Any excess funds (such as revenue that exceeded targets or appropriations that were not completely expended) become “Free Cash” that can be reallocated for other expenses. “Free Cash” also includes one-time moneys that the Department of Revenue certifies as “unreserved” or “undesignated.” This year, Holliston’s Free Cash amount is \$3,067,104 and was primarily driven by higher than anticipated local revenue (mostly the vehicle excise tax). The state recommends that Free Cash be used only for one-time expenditures as it is not a reliable source of funding; the Finance Committee follows this practice. The Finance Committee recommends allocating most of the Free Cash to the Capital Expenditure Fund, with the remainder used for the Stabilization Fund (to maintain our policy target), and for funding one-time article appropriations.
3. Reserves – The Finance Committee has adopted a policy to maintain reserves at a minimum of 8.1% (considered “strong” by bond rating agencies) with a goal of achieving 10% (considered “very strong”). Maintaining strong reserves (the total of the Stabilization Fund plus Free Cash) is key to Holliston’s bond rating, which directly impacts our debt borrowing costs. Currently the Stabilization Fund balance is

approximately \$6,275,580 (as of June 30). The Stabilization fund provides financial flexibility in times of economic stress (rainy day funds), and should be used only for extreme events such as natural disasters, emergency conditions, sudden economic stress, or as a bridge for short term financial events.

Capital Spending

In FY09 the Finance Committee initiated an ongoing annual commitment to fund \$350,000 per year for capital purchases. It has increased annually since FY13 and now stands at \$1,750,000 in FY20 as we work towards our final objective of appropriating enough annually to adequately fund ongoing capital needs. Although capital purchases are usually approved at the Special Town Meeting, due to seasonal issues several capital purchases were approved in May totaling \$961,483. This left \$788,517 remaining for allocation in October. The Committee received just under \$2 million in capital requests and recommended funding approximately \$1.8 million of these requests (for a May and October total of approximately \$2.75 million). In order to offset this additional expenditure, the Finance Committee is recommending allocation of a substantial portion of Free Cash to the Capital Expenditure Fund.

The Committee evaluated each capital proposal and is recommending the following capital expenditures:

Item	Department	Amount
Infield Grooming Machine	Parks & Recreation	\$20,000
Public Safety Signs	Selectmen	\$20,000
Traffic Signal Preemption/Monitoring Equipment	Fire/Police	\$99,900
Engine #1 Replacement	Fire	\$440,000
Chief's Car Replacement	Fire	\$50,000
Tone/Voice Pagers	Fire	\$25,000
Skid Steer	DPW: Highway	\$80,900
1 Ton Dump Truck	DPW: Highway	\$52,810
Pick-up Trucks (2)	DPW: Water	\$117,796
Emergency Backup Generator	DPW: Water	\$200,000
Motorcycle	Police	\$34,000
Police Vehicles (3)	Police	\$145,000
Bleachers (Adams Middle School)	Schools	\$75,000
Technology	Schools	\$58,859
Curriculum Materials	Schools	\$370,675
Total		\$1,789,940

The \$1,789,940 in recommended spending is funded from two sources: \$317,796 from Water Retained Earnings, with the remainder coming from the Capital Expenditure Fund. With approval of these recommendations the ending balance in the capital expenditure fund will be over \$6.3 million, a level considered acceptable by the Finance Committee in light of potential large expenditures on the horizon.

The Capital Improvement Subcommittee of the Finance Committee has been working with town departments and boards to update the town asset management plan with the expectation that it will be used to guide capital expense recommendations in FY21 and beyond.

Warrant Articles

The Finance Committee recommendations appear with each article in the warrant. Recommendations of note include:

- Capital recommendations outlined above (Article 4);
- Appropriation of Community Preservation funds for projects including the acquisition of an Agricultural Preservation Restriction for Thistle Dew Farm (Article 6);
- Appropriation of monies to hire a Facilities Manager for the town (Article 17);
- Unfavorable recommendations on several articles due to incomplete information or concerns about long term costs (Articles 8, 10, and 11)

FY20 Salary Adjustments

The Finance Committee would also like to note that in an earlier version of the warrant the Board of Selectmen included an article for numerous salary adjustments for the town's managerial staff. The Finance Committee voted unanimously against these adjustments due to issues with the analysis, the magnitude of the increases recommended by the Board of Selectmen (which exceeded the appropriation approved by the town in May), and the implementation of the increases. In the final posted version of the warrant the Board of Selectmen removed the article, but implemented the increases beginning in mid-September. The Finance Committee opposes the removal of the article from the warrant since it demonstrates a lack of transparency from the Board of Selectmen, and since it denies Town Meeting the opportunity to openly discuss the proposal. The Finance Committee will insure that the matter is discussed as part of the FY21 budget approval next May so that the town can have the debate they are being denied in October.

As always, the Finance Committee is indebted to the many Town officials and employees whose efforts make this process and report possible. We also would like to commend the other elected and appointed committees with whom the Finance Committee interacts on an ongoing basis for all their cooperative efforts. We would like to give special thanks to our secretary Nancy Farrell whose support through our many meetings was vital to our success.

HOLLISTON FINANCE COMMITTEE

Kenneth S. Szajda, Chairman
Michelle F. Zeamer
Suzanne K. Nersessian
Timothy A. Maxwell

Benjamin R. Sparrell, Vice Chairman
Vincent J. Murphy, Jr., Clerk
Daniel G. Alfred

Fund balances **prior** to the Finance Committee recommendations:

Available for Appropriation (estimate)	\$66,477	Open Space Fund	\$196,500
Capital Expenditure Fund	\$5,384,368	Overlay Reserve	\$0
Community Preservation Fund	\$2,467,404	Stabilization Fund	\$6,275,580
Conservation Fund	\$161,902	Water Retained Earnings	\$1,298,370
Free Cash	\$3,067,104	Water Infrastructure	\$1,484,577
OPEB Trust Fund	\$13,689,545	Water Meter Reserve	\$512,345

Fund balances **after** approval of the Finance Committee recommendations in this report:

Available for Appropriation (estimate)	\$5,502	Open Space Fund	\$196,500
Capital Expenditure Fund	\$6,379,378	Overlay Reserve	\$0
Community Preservation Fund	\$1,852,404	Stabilization Fund	\$6,525,580
Conservation Fund	\$161,902	Water Retained Earnings	\$965,574
Free Cash	\$200,000	Water Infrastructure	\$1,484,577
OPEB Trust Fund	\$13,689,545	Water Meter Reserve	\$452,345

SPECIAL TOWN MEETING WARRANT ARTICLES WITH RECOMMENDATIONS

(The full text of the warrant, with comments from the Board of Selectmen, appears at the end of this document)

ARTICLE 1: STABILIZATION FUND

SPONSORED BY: Board of Selectmen

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the Stabilization Fund; or take any action relative thereto.

THE FINANCE COMMITTEE RECOMMENDS THAT THE TOWN APPROPRIATE \$250,000 FROM FREE CASH FOR THE STABILIZATION FUND (UNANIMOUS)

FINANCE COMMITTEE COMMENTS: This will raise our reserves to our policy goal level of 10% of the omnibus budget.

ARTICLE 2: CAPITAL EXPENDITURE FUND

SPONSORED BY: Board of Selectmen

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the Capital Expenditure Fund; or take any action relative thereto.

THE FINANCE COMMITTEE RECOMMENDS THAT THE TOWN APPROPRIATE \$2,467,154 FROM FREE CASH FOR THE CAPITAL EXPENDITURE FUND (UNANIMOUS)

ARTICLE 3: SALE OF SURPLUS EQUIPMENT

SPONSORED BY: Board of Selectmen

To see if the Town will vote to authorize the Board of Selectmen to hold a public auction and or sale for the purpose of disposing of surplus departmental equipment; or take any action relative thereto.

ARTICLE 4: CAPITAL BUDGET

SPONSORED BY: Board of Selectmen

ESTIMATED COST: \$1,974,676

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the purpose of capital expenditures, including replacement of old vehicles and equipment, for the following departments: Board of Selectmen, School Committee, Police, Schools, Fire, DPW (Highway), DPW (Water), Council on Aging and Parks & Recreation and authorize the Board of Selectmen to trade or sell equipment toward part of the purchase price; or take any action relative thereto.

Project	Department	Estimated Amount
Infield Grooming Machine	Parks & Recreation	\$20,000
Public Safety Signs	Selectmen	\$20,000
Traffic Signal Preemption/Monitoring Equipment	Fire/Police (Town Wide)	\$191,520
Engine #1 Replacement (Equipped)	Fire	\$440,000
Chief's Car Replacement (Equipped)	Fire	\$50,000
Fire Tone/Voice Pagers	Fire	\$25,000
1 Skid Steer	Highway	\$80,900
1Ton Dump Truck (Equipped)	Highway	\$52,810
2 Pick-Up Trucks (Equipped)	Water	\$117,796
1 Emergency Backup Generator	Water	\$200,000
1 Motorcycle (Equipped)	Police	\$34,000
3 Police Vehicles (Equipped)	Police	\$145,000
Senior Center Improvements	Selectmen	\$54,698
Infrastructure (Bleachers)	Schools	\$113,418
Technology	Schools	\$58,859
Curriculum	Schools	\$370,675
Total:		\$1,974,676

THE FINANCE COMMITTEE RECOMMENDS THAT THE TOWN APPROPRIATE THE FOLLOWING SUMS FROM THE CAPITAL EXPENDITURE FUND: \$20,000 FOR AN INFIELD GROOMING MACHINE, \$20,000 FOR PUBLIC SAFETY SIGNS, \$99,900 FOR TRAFFIC PREEMPTION EQUIPMENT, \$440,000 FOR A FIRE ENGINE, \$50,000 FOR A VEHICLE FOR THE FIRE CHIEF, \$25,000 FOR FIRE TONE/VOICE PAGERS, \$80,900 FOR A SKID STEER, \$52,810 FOR A DUMP TRUCK, \$34,000 FOR A POLICE MOTORCYCLE, \$145,000 FOR THREE POLICE VEHICLES, \$75,000 FOR BLEACHERS AT THE ADAMS MIDDLE SCHOOL, \$58,859 FOR SCHOOL TECHNOLOGY, AND \$370,675 FOR SCHOOL CURRICULUM MATERIALS; AND THE FOLLOWING SUMS FROM WATER RETAINED EARNINGS: \$117,796 FOR TWO PICKUP TRUCKS AND \$200,000 FOR AN EMERGENCY GENERATOR (ALL VOTES UNANIMOUS EXCEPT FOR THE POLICE MOTORCYCLE, WHICH WAS APPROVED 5-1-1, MR. ALFRED OPPOSED, MS. NERSESSIAN ABSTAINED)

FINANCE COMMITTEE COMMENTS: Of the items listed in the warrant, the Finance Committee does not recommend funding \$91,620 for traffic cameras (not requested by the Police Department), \$54,698 for improvements at the Senior Center (not a capital item, should be funded through existing building maintenance accounts), and \$38,418 for vape detectors at the schools (incomplete implementation plan, pending further research by the School Department). The total Finance Committee recommended capital expense is therefore \$1,789,940.

ARTICLE 5: FUND TRANSFER TO AFFECT THE TAX RATE

SPONSORED BY: Board of Selectmen

To see if the Town will vote to transfer from available funds a sum of money for the purpose of reducing the amount of money to be raised through property taxes for Fiscal Year 2020; or take any action relative thereto.

THE FINANCE COMMITTEE WILL MAKE A RECOMMENDATION AT TOWN MEETING (UNANIMOUS)

ARTICLE 6: COMMUNITY PRESERVATION COMMITTEE

SPONSORED BY: Community Preservation Committee ESTIMATED COST: \$615,000

To see if the Town will vote to appropriate \$174,000 from the Community Preservation Open Space Reserve and \$326,000 from the Community Preservation Fund's General Reserve for a total of \$500,000 for the purpose of acquiring an Agricultural Preservation Restriction (APR) in all or part of land, parcel ID # is Map 10 Block 1 pcl 4.0; located at 0 Highland Street, and off 28 South Street, Ashland, MA containing 28.74 acres more or less, and;

to see if the Town will vote to appropriate \$100,000 from the Community Preservation Fund's General Reserve for the purpose of assisting the Holliston Parks and Recreation Department with renovations to youth baseball fields owned by the Town, and;

to see if the town will vote to appropriate \$15,000 from the Community Preservation Funds Historic Preservation Reserve for the purpose of assisting the Holliston Historical Society with improvements to its fire alarm system.

THE FINANCE COMMITTEE RECOMMENDS FAVORABLE ACTION (UNANIMOUS)

ARTICLE 7: FUND LEGAL SUPPORT FOR CABLE LICENSE RENEWAL

SPONSORED BY: Board of Selectmen

ESTIMATED COST: \$15,000

To see if the Town will vote to raise and appropriate or transfer from available funds \$15,000 for legal services to support the Cable Advisory Committee and the Board of Selectmen in the negotiations and license renewal proceedings for a new long-term cable license Agreement(s) and related documents, or take any action relative thereto for a twelve (12) month period commencing, November 1, 2019 or take any action relative thereto.

THE FINANCE COMMITTEE RECOMMENDS THAT THE TOWN APPROPRIATE \$15,000 FROM FREE CASH FOR THE PURPOSE STATED IN THE ARTICLE (UNANIMOUS)

ARTICLE 8: WATER ASSET MANAGEMENT PLAN UPDATE

SPONSORED BY: Board of Selectmen

ESTIMATED COST: \$75,000

To see if the Town will vote to raise and appropriate or transfer from available funds \$75,000 to be expended by the Board of Selectmen, for the development of a water infrastructure asset management plan and to accelerate the water line replacement work completed to date, or take any action relative thereto.

THE FINANCE COMMITTEE RECOMMENDS UNFAVORABLE ACTION (6-1, MR. SPARRELL OPPOSED)

FINANCE COMMITTEE COMMENTS: Currently residents pay approximately \$1 million annually to replace 1 mile of pipe per year (via the \$300/year surcharge on water bills). The Board of Selectmen requested this study with the intent of tripling the pipe replacement rate. All

parties agreed that doing so would require an approximate tripling of the annual funding; there was no realistic plan proposed to address this significant increase in funding. As a result, the Finance Committee felt that it would be premature to fund a study at this time.

ARTICLE 9: WATER RATE STUDY

SPONSORED BY: Board of Selectmen

ESTIMATED COST: \$15,000

To see if the Town will vote to transfer from water retained earnings \$15,000 for the purposes of completing a water rate study, or take any action relative thereto.

THE FINANCE COMMITTEE RECOMMENDS THAT THE TOWN APPROPRIATE \$15,000 FROM WATER RETAINED EARNINGS FOR THE PURPOSE STATED IN THE ARTICLE (UNANIMOUS)

FINANCE COMMITTEE COMMENTS: The Finance Committee believes that this rate study should be completed prior to any further studies (like the one proposed under Article 8) to gain a greater understanding of proper water rate structure, especially pertaining to the capacity of the rate structure to support increased capital expenditure.

ARTICLE 10: DPW FACILITY FEASIBILITY STUDY

SPONSORED BY: Board of Selectmen

ESTIMATED COST: \$50,000

To see if the Town will vote to raise and appropriate or transfer from available funds \$50,000 to be expended by the Board of Selectmen, to conduct a feasibility study to evaluate possible locations, including the existing location, for a new or expanded Department of Public Works facility, or take any action relative thereto.

THE FINANCE COMMITTEE RECOMMENDS UNFAVORABLE ACTION (6-1, MR. SPARRELL OPPOSED)

FINANCE COMMITTEE COMMENTS: The Finance Committee recognizes the need for a better facility for the DPW. However, at this time there are already two other buildings (the library and Holliston High School) that are being studied for possible renovation or replacement. If either or both of these projects reaches fruition the town could be required to fund very significant sums that would make taking on a third building project financially impractical for several years. As a result, the Finance Committee feels that funding a study at this time is premature and should be delayed until the town has greater visibility into the cost of the two projects already in the pipeline. This way the study doesn't become "stale" before the project can be fully funded.

ARTICLE 11: SIDEWALK PRIORITIZATION PLAN

SPONSORED BY: Board of Selectmen

ESTIMATED COST: \$40,000

To see if the town will vote to raise and appropriate or transfer from available funds \$40,000 for the purposes of creating a sidewalk asset inventory plan and prioritization plan including but not limited to design, engineering, and construction management and maintenance services, or take any action relative thereto.

THE FINANCE COMMITTEE RECOMMENDS UNFAVORABLE ACTION (6-1, MR. SPARRELL OPPOSED)

FINANCE COMMITTEE COMMENTS: Similar to our comments for Article 10, the Finance Committee recognizes that the cost to implement the plan will likely be in competition for funding with other projects already in the pipeline. Therefore we recommend delaying the

study until there is greater clarity concerning the funding needed for existing projects and funding that could be available for this project. This way the study doesn't become "stale" before the project can be fully funded.

ARTICLE 12: ADVANCED METERING INFRASTRUCTURE SYSTEM

SPONSORED BY: Board of Selectmen

ESTIMATED COST: \$60,000

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow \$60,000 for the purpose of purchasing an Annual Service Agreement and hardware related to the implementation of an Advanced Metering Infrastructure system with Mueller Systems, Inc.; or take any action relative thereto.

THE FINANCE COMMITTEE RECOMMENDS THAT THE TOWN APPROPRIATE \$60,000 FROM THE WATER METER FEE ACCOUNT (UNANIMOUS)

ARTICLE 13: REMOVE STRUCTURE(S) AT 310 WOODLAND STREET

SPONSORED BY: Board of Selectmen

ESTIMATE COST: \$25,000

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow \$25,000 for the purpose of removing an abandoned building(s) and other site work as needed, or take any action relative thereto.

THE FINANCE COMMITTEE RECOMMENDS THAT THE TOWN APPROPRIATE \$25,000 FROM FREE CASH FOR THE PURPOSE STATED IN THE ARTICLE (UNANIMOUS)

ARTICLE 14: RENAME BOARD OF SELECTMEN TO THE SELECT BOARD

SPONSORED BY: Board of Selectmen

ESTIMATED COST: Unknown

To see if the Town will vote to rename the Board of Selectmen to Select Board and to make all corresponding amendments to the Town's General By-Laws to reflect such change, or take any action relative thereto.

ARTICLE 15: ACCEPT DONATION OF LAND FROM GENERAZIO REALTY TRUST

SPONSORED BY: Board of Selectmen

ESTIMATED COST: \$5,000

To see if the Town will vote to authorize the Board of Selectmen, with the approval of Town Counsel as to form, to accept a half (1/2) share ownership on two (2) parcels of land located in the area 0 Mohawk Path as gift and donation of land, from the Generazio Realty Trust, and or the fee or any lesser interest in all or part of the parcel(s) of land consisting of approximately 4.47 acres of land (Board of Assessors Map 15, Block 1, Parcel 1; 2.17 acres and Board of Assessors Map 15, Block 1, Parcel 2; 2.23 acres) more or less, and, further to authorize the Selectmen to accept any and all necessary restrictions on such land and, further to appropriate a sum of money for the administrative costs for securing such transactions, or take any action relative thereto.

THE FINANCE COMMITTEE RECOMMENDS THAT THE TOWN APPROPRIATE \$5,000 FROM FREE CASH FOR THE PURPOSE STATED IN THE ARTICLE (UNANIMOUS)

ARTICLE 16: STORM WATER MANAGEMENT

SPONSORED BY: Board of Selectmen

ESTIMATED COST: \$59,950

To see if the Town will vote to raise and appropriate or transfer from available funds \$59,950 for engineering services related to compliance with the EPA and Mass DEP Municipal Storm Water Management Regulations. Funds to be used to develop regulatory mechanism assistance, operations and maintenance plan, Stormwater pollution prevention plan preparation, public

education assistance, integrated GIS data collection, field work BMP inspections, and annual report; or take any action relative thereto.

THE FINANCE COMMITTEE RECOMMENDS THAT THE TOWN APPROPRIATE \$59,950 FROM FREE CASH FOR THE PURPOSE STATED IN THE ARTICLE (UNANIMOUS)

ARTICLE 17: ESTABLISH THE POSITION OF FACILITIES MANAGER

SPONSORED BY: Selectmen

ESTIMATED COST: \$60,975

To see if the Town will vote to raise and appropriate or transfer from available funds \$60,975 for the FY2020 budget to account number 01422-5110 (Facilities Manager) for the purposes of hiring a Facilities Manager, to be supervised by the DPW Director, and to oversee and implement a facilities assessment plan, for the repairs and maintenance of all public buildings and facilities, or take any action relative thereto.

THE FINANCE COMMITTEE RECOMMENDS THAT THE TOWN RAISE AND APPROPRIATE \$60,975 FOR THE PURPOSE STATED IN THE ARTICLE (UNANIMOUS)

ARTICLE 18: DAM INSPECTIONS, REPAIRS AND OWNERSHIP

SPONSORED BY: Board of Selectmen

ESTIMATED COST: \$45,000

To see if the Town will vote to raise and appropriate or transfer from available funds \$45,000 for the purposes of determining the condition and legal ownership of various dams including any water rights if any, or take any action relative thereto.

THE FINANCE COMMITTEE RECOMMENDS THAT THE TOWN APPROPRIATE \$45,000 FROM FREE CASH FOR THE PURPOSE STATED IN THE ARTICLE (UNANIMOUS)

ARTICLE 19: ILLICIT DISCHARGE BY-LAW

SPONSORED BY: Board of Selectmen

To see if the town will vote to amend its General By-Laws by adding the following section;

**ARTICLE XLIV
ILLICIT DISCHARGE**

Section 1. Purpose

A. Increased volumes of stormwater and contaminated stormwater runoff are major causes of:

1. impairment of water quality and reduced flow in lakes, ponds, streams, rivers, wetlands and groundwater;
2. contamination of drinking water supplies;
3. alteration or destruction of aquatic and wildlife habitat; and
4. flooding.

The United States Environmental Protection Agency has identified land disturbance and polluted stormwater runoff as major sources of water pollution. Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the

protection of the Town of Holliston's water bodies and groundwater resources and to safeguard the public health, safety, and welfare and the natural resources of the Town.

B. The objectives of this By-Law are:

1. To prevent pollutants from entering the Town of Holliston's municipal storm drain system;
2. To prohibit illicit connections and unauthorized discharges to the municipal storm drain system;
3. To require the removal of all such illicit connections;
4. To comply with state and federal statutes and regulations relating to stormwater discharges; and
5. To establish the legal authority to ensure compliance with the provisions of this By-law through inspection, monitoring, and enforcement.

Section 2. Definitions

For the purposes of this By-law, the following shall mean:

Clean Water Act: The Federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*) as hereafter amended.

Discharge of Pollutants: The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

Groundwater: Water beneath the surface of the ground including confined or unconfined aquifers.

Illicit Connection: A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this By-law.

Illicit Discharge: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 7. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from fire fighting activities exempted pursuant to Section 7, subsection B, of this By-law.

Municipal Storm Drain System or Municipal Separate Storm Sewer System (MS4): The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Holliston.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge

Permit: A permit issued by the United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

Non-Stormwater Discharge: Discharge to the municipal storm drain system not composed entirely of stormwater.

Person: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

Pollutant: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source that is considered toxic to humans or the environment and may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include, but not be limited to:

- (1) paints, varnishes, and solvents;
- (2) oil and other automotive fluids;
- (3) non-hazardous liquid and solid wastes and yard wastes;
- (4) refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- (5) pesticides, herbicides, and fertilizers;
- (6) hazardous materials and wastes; sewage, fecal coliform and pathogens;
- (7) dissolved and particulate metals;
- (8) animal wastes;
- (9) rock; sand; salt, soils;
- (10) construction wastes and residues;
- (11) and noxious or offensive matter of any kind.

Process Wastewater: Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

Stormwater: Runoff from precipitation or snow melt.

Surface Water Discharge Permit. A permit issued by the Department of Environmental Protection pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

Toxic or Hazardous Material or Waste: Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or

hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

Watercourse: A natural or man-made channel through which water flows, or a stream of water, including a river, brook or underground stream.

Waters of the Commonwealth: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

Wastewater: Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

Section 3. Applicability

This By-law shall apply to flows entering the municipal storm drainage system.

Section 4. Authority

This By-law is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and in accordance with the regulations of the federal Clean Water Act found at 40 CFR 122.34 and the Phase II ruling from the Environmental Protection Agency found in the December 8, 1999 Federal Register.

Section 5. Responsibility for Administration

The Select Board (the “Board”) shall administer, implement and enforce this By-law. Any powers granted to or duties imposed upon the Select Board may be delegated in writing by the Director of Public Works, who may further delegate authority to employees or agents of the Department.

Section 6. Regulations

The Board may promulgate rules and regulations to effectuate the purposes of this By-law. Failure by the Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating this By-law.

Section 7. Prohibited and Exempt Activities

A. Prohibited Activities

1. **Illicit Discharges.** No person shall dump, discharge, cause, or allow to be discharged any pollutant or non-stormwater discharge into the municipal storm drain system, into a watercourse, or into the waters of the Commonwealth.
2. **Illicit Connections.** No person shall construct, use, allow, maintain, or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation, or custom at the time of connection.

3. Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the board.

B. Exemptions

1. Discharge or flow resulting from fire-fighting activities;
2. The following non-stormwater discharges or flows are exempt from this By-law, provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:
 - a. Waterline flushing;
 - b. Flow from potable water sources;
 - c. Springs;
 - d. Natural flow from riparian habitats and wetlands;
 - e. Diverted stream flow;
 - f. Rising groundwater;
 - g. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
 - h. Discharge from landscape irrigation or lawn watering;
 - i. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
 - j. Water from individual residential car washing;
 - k. Discharge from dechlorinated swimming pool water (less than one ppm chlorine). provided test data is submitted to the Town substantiating that the water meets the one ppm standard, and the pool is drained in such a way as not to cause a nuisance or public safety issue and complies with all applicable Town By-laws;
 - l. Discharge from street sweeping;
 - m. Dye testing, provided verbal notification is given to the board prior to the time of the test;
 - n. Non-stormwater discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
 - o. Discharge for which advance written approval is received from the board as necessary to protect public health, safety, welfare or the environment.

3. Discharge or flow that results from exigent conditions and occurs during a State of Emergency declared by any agency of the federal or state government, or by the Town Administrator, Board of Selectmen or Board of Health.

Section 8. Emergency Suspension of Storm Drainage System Access

The Board may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the board may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

Section 9. Notification of Spills

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment and cleanup of the release. Procedures and Requirements shall be defined and included as part of any rules and regulations promulgated as permitted under Section 6 of this By-law.

Section 10. Enforcement

A. Authorized Agent

The Director of Public Works or an authorized agent of the Director of Public Works shall enforce this By-law, as well as any regulations, orders, violation notices, and enforcement orders promulgated hereunder, and may pursue all civil and criminal remedies for such violations.

B. Civil Relief

If a person violates the provisions of this By-law, regulations, permit, notice, or order issued thereunder, the Board and or the Director of Public Works may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

C. Orders

The Board or an authorized agent of the Board or the Director of Public Works may issue a written order to enforce the provisions of this By-law or the regulations thereunder, which may include: (a) elimination of illicit connections or discharges to the municipal storm drain system; (b) performance of monitoring, analyses, and reporting; (c) that unlawful discharges, practices, or operations shall cease and desist; and (d) remediation of contamination in connection therewith.

If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of

Holliston may, at its option, undertake such work, and all costs incurred by the Town shall be charged to the violator, to be recouped through all available means, including the placement of liens on the property.

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the board within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the board affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57 after the thirty-first day at which the costs first become due.

D. Criminal Penalty

Any person who violates any provision of this By-law, regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

E. Non-Criminal Disposition

As an alternative to criminal prosecution or civil action, the Town, by and through its Director of Public Works or the designee thereof may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D, in which case the board or an authorized agent of the board of the Town shall be the enforcing person. The penalty for each violation shall be \$ 300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

F. Entry to Perform Duties Under This By-Law

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the board, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this By-law and regulations and may make or cause to be made such examinations, surveys or sampling as the board deems reasonably necessary

G. Appeals

The decisions or orders of the Board shall be final. Further relief shall be to a court of competent jurisdiction.

H. Remedies Not Exclusive

The remedies listed in this By-law are not exclusive of any other remedies available under any applicable federal, state or local law.

Section 11. Severability

The provisions of this By-law are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this By-law or the application thereof to any person, establishment, or

circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this By-law.

Section 12. Transitional Provisions

Residential property owners shall have 180 days from the effective date of the By-law to comply with its provisions or petition the board for an extension; or take any action relative thereto.

ARTICLE 20: SCHOOL START TIME

SPONSORED BY: Petition

“To see if the Town will vote to create a by-law to limit the first school bus pick up as no earlier than sunrise, for elementary students.”

THE FINANCE COMMITTEE RECOMMENDS UNFAVORABLE ACTION (6 IN FAVOR, MR. MAXWELL ABSTAINING)

FINANCE COMMITTEE COMMENTS: The Finance Committee has no opinion concerning school start times as that falls under the sole purview of the School Committee. The vote for unfavorable action is based on the input we received from the School Committee that such a by-law would incur additional costs for the School Department.

WARRANT FOR THE OCTOBER 28, 2019 SPECIAL TOWN MEETING: FULL TEXT

**TOWN OF HOLLISTON
FALL TOWN MEETING**

Commonwealth of Massachusetts

Middlesex, ss.

Town of Holliston

To any Constable of the Town of Holliston, Greeting:

In the name of the Commonwealth you are hereby required to notify and warn the inhabitants of the Town of Holliston who are qualified to vote in Town Affairs to meet in the Holliston High School Auditorium, 370 Hollis Street, Holliston, MA:

MONDAY, OCTOBER 28, 2019

at 7:30 p.m. to act on the following Articles, to wit:

ARTICLE 1: STABILIZATION FUND

SPONSORED BY: Board of Selectmen

ESTIMATED COST: Unknown

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the Stabilization Fund; or take any action relative thereto.

COMMENTS: The Stabilization Fund, with Town Meeting approval can be used to address extraordinary expenses

ARTICLE 2: CAPITAL EXPENDITURE FUND

SPONSORED BY: Board of Selectmen

ESTIMATED COST: Unknown

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the Capital Expenditure Fund; or take any action relative thereto.

COMMENTS: The Capital Expenditure Fund is used to fund capital expenses. An illustrative example of those capital expenses can be found under Capital Budget Article in this Warrant.

ARTICLE 3: SALE OF SURPLUS EQUIPMENT

SPONSORED BY: Board of Selectmen

ESTIMATED COST: None

To see if the Town will vote to authorize the Board of Selectmen to hold a public auction and or sale for the purpose of disposing of surplus departmental equipment; or take any action relative thereto.

COMMENTS: Occasionally, during the course of the Fiscal Year there is a need to dispose of surplus equipment and vehicles. This Article would allow the Selectmen to sell those items.

ARTICLE 4: CAPITAL BUDGET

SPONSORED BY: Board of Selectmen

ESTIMATED COST: \$1,974,676

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the purpose of capital expenditures, including replacement of old vehicles and equipment, for the following departments: Board of Selectmen, School Committee, Police, Schools, Fire, DPW (Highway), DPW (Water), Council on Aging and Parks & Recreation and

authorize the Board of Selectmen to trade or sell equipment toward part of the purchase price; or take any action relative thereto.

<u>Project</u>	<u>Department</u>	<u>Estimated Amount</u>
Infield Grooming Machine	Parks & Recreation	\$20,000
Public Safety Signs	Selectmen	\$20,000
Traffic Signal Preemption/Monitoring Equipment	Fire/Police (Town Wide)	\$191,520
Engine #1 Replacement (Equipped)	Fire	\$440,000
Chief's Car Replacement (Equipped)	Fire	\$50,000
Fire Tone/Voice Pagers	Fire	\$25,000
1 Skid Steer	Highway	\$80,900
1Ton Dump Truck (Equipped)	Highway	\$52,810
2 Pick-Up Trucks (Equipped)	Water	\$117,796
1 Emergency Backup Generator	Water	\$200,000
1 Motorcycle (Equipped)	Police	\$34,000
3 Police Vehicles (Equipped)	Police	\$145,000
Senior Center Improvements	Selectmen	\$54,698
Infrastructure (Bleachers)	Schools	\$113,418
Technology	Schools	\$58,859
Curriculum	Schools	\$370,675
Total:		\$1,974,676

COMMENTS: It is the custom of the Town to fund and appropriate to departments specific project requests during the Fall Special Town Meeting. Historically, appropriations from the Capital Budget Article are at approximately \$1.0 million per year.

ARTICLE 5: FUND TRANSFER TO AFFECT THE TAX RATE

SPONSORED BY: Board of Selectmen

ESTIMATED COST: Unknown

To see if the Town will vote to transfer from available funds a sum of money for the purpose of reducing the amount of money to be raised through property taxes for Fiscal Year 2020; or take any action relative thereto.

COMMENTS: The Finance Committee will make a recommendation at Town Meeting. Final figures were not available prior to the printing deadline of this Warrant.

ARTICLE 6: COMMUNITY PRESERVATION COMMITTEE REPORT

SPONSORED BY: Community Preservation Committee **ESTIMATED COST:** \$615,000

To see if the Town will vote to appropriate \$174,000 from the Community Preservation Open Space Reserve and \$326,000 from the Community Preservation Fund's General Reserve for a total of \$500,000 for the purpose of acquiring an Agricultural Preservation Restriction (APR) in all or part of land, parcel ID # is Map 10 Block 1 pcl 4.0; located at 0 Highland Street, and off 28 South Street, Ashland, MA containing 28.74 acres more or less, and;

to see if the Town will vote to appropriate \$100,000 from the Community Preservation Fund's General Reserve for the purpose of assisting the Holliston Parks and Recreation Department with renovations to youth baseball fields owned by the Town, and;

to see if the town will vote to appropriate \$15,000 from the Community Preservation Funds Historic Preservation Reserve for the purpose of assisting the Holliston Historical Society with improvements to its fire alarm system, and;

COMMENTS: At Town Meeting.

ARTICLE 7: FUND LEGAL SUPPORT FOR CABLE LICENSE RENEWAL

SPONSORED BY: Board of Selectmen

ESTIMATED COST: \$15,000

To see if the Town will vote to raise and appropriate or transfer from available funds \$15,000 for legal services to support the Cable Advisory Committee and the Board of Selectmen in the negotiations and license renewal proceedings for a new long-term cable license Agreement(s) and related documents, or take any action relative thereto for a twelve (12) month period commencing, November 1, 2019 or take any action relative thereto.

COMMENTS: The current Cable License with Verizon will expire in October 2021. This is a long process and the Cable Advisory Committee is working hard to negotiate a new License. However, given the specialized nature of the negotiations the Cable Advisory Committee and the Selectmen require the expertise of Special Cable Counsel.

ARTICLE 8: WATER ASSET MANAGEMENT PLAN UPDATE

SPONSORED BY: Board of Selectmen

ESTIMATED COST: \$75,000

To see if the Town will vote to raise and appropriate or transfer from available funds \$75,000 to be expended by the Board of Selectmen, for the development of a water infrastructure asset management plan and to accelerate the water line replacement work completed to date, or take any action relative thereto.

COMMENTS: Currently the Department of Public Works replace approximately one (1) mile of water mains per year. This Article would fund a strategy for replacement of more than one (1) mile per year.

ARTICLE 9: WATER RATE STUDY

SPONSORED BY: Board of Selectmen

ESTIMATED COST: \$15,000

To see if the Town will vote to transfer from water retained earnings \$15,000 for the purposes of completing a water rate study, or take any action relative thereto.

COMMENTS: This study would complete the following: water use and drilling, meter quality by size, fire hydrant quality, employee and equipment cost data. Review anticipated capital expenditures, develop new water rate model for three (3) to five (5) years.

ARTICLE 10: DPW FACILITY FEASIBILITY STUDY

SPONSORED BY: Board of Selectmen

ESTIMATED COST: \$50,000

To see if the Town will vote to raise and appropriate or transfer from available funds \$50,000 to be expended by the Board of Selectmen, to conduct a feasibility study to evaluate possible locations, including the existing location, for a new or expanded Department of Public Works facility, or take any action relative thereto.

COMMENTS: The Department of Public Works facility on Arch Street is old and outdated. This Article would fund a feasibility study to merge the Water Department on Central Street with the Highway Department on Arch Street at that location or some other location.

ARTICLE 11: SIDEWALK PRIORITIZATION PLAN

SPONSORED BY: Board of Selectmen

ESTIMATED COST: \$40,000

To see if the town will vote to raise and appropriate or transfer from available funds \$40,000 for the purposes of creating a sidewalk asset inventory plan and prioritization plan including but not limited to design, engineering, and construction management and maintenance services, or take any action relative thereto.

COMMENTS: The Town has several miles of sidewalks in various states of repairs. The Article would fund a feasibility study and prioritize these repairs and possible expansion of the sidewalk network.

ARTICLE 12: ADVANCED METERING INFRASTRUCTURE SYSTEM

SPONSORED BY: Board of Selectmen

ESTIMATED COST: \$60,000

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow \$60,000 for the purpose of purchasing an Annual Service Agreement and hardware related to the implementation of an Advanced Metering Infrastructure system with Mueller Systems, Inc.; or take any action relative thereto.

COMMENT: The Town has a long term commitment with a vendor to provide this service. This Article would fund a Service Agreement and needed hardware to support the automated water meter reading system and would be funded through the Reserve for Water Meter Fee account.

ARTICLE 13: REMOVE STRUCTURE(S) AT 310 WOODLAND STREET

SPONSORED BY: Board of Selectmen

ESTIMATE COST: \$25,000

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow \$25,000 for the purpose of removing an abandoned building(s) and other site work as needed, or take any action relative thereto.

COMMENT: There are structure(s) located in the area of 310 Woodland Street that create a public safety hazard. They are located on Town property and must be removed before someone is hurt.

ARTICLE 14: RENAME BOARD OF SELECTMEN TO THE SELECT BOARD

SPONSORED BY: Board of Selectmen

ESTIMATED COST: Unknown

To see if the Town will vote to rename the Board of Selectmen to Select Board and to make all corresponding amendments to the Town's General By-Laws to reflect such change, or take any action relative thereto.

COMMENTS: The Board of Selectmen voted to rename their Board on June 3, 2019 But Town Meeting approval is required.

ARTICLE 15: ACCEPT DONATION OF LAND FROM GENERAZIO REALTY TRUST

SPONSORED BY: Board of Selectmen

ESTIMATED COST: \$5,000

To see if the Town will vote to authorize the Board of Selectmen, with the approval of Town Counsel as to form, to accept a half (1/2) share ownership on two (2) parcels of land located in the area 0 Mohawk Path as gift and donation of land, from the Generazio Realty Trust, and or the

fee or any lesser interest in all or part of the parcel(s) of land consisting of approximately 4.47 acres of land (Board of Assessors Map 15, Block 1, Parcel 1; 2.17 acres and Board of Assessors Map 15, Block 1, Parcel 2; 2.23 acres) more or less, and, further to authorize the Selectmen to accept any and all necessary restrictions on such land and, further to appropriate a sum of money for the administrative costs for securing such transactions, or take any action relative thereto.

COMMENTS: The Trails Committee were approached by the Generazio Realty Trust several months ago about the possibility of the Town accepting a donation of land which directly abuts the Upper Charles River Rail Trail at the northeast corner of town near the Sherborn Town Line.

The acquisition of this land would further enhance the rail trail footprint with the future possibility of linking two (2) trails together.

ARTICLE 16: STORM WATER MANAGEMENT

SPONSORED BY: Board of Selectmen ESTIMATED COST: \$59,950

To see if the Town will vote to raise and appropriate or transfer from available funds \$59,950 for engineering services related to compliance with the EPA and Mass DEP Municipal Storm Water Management Regulations. Funds to be used to develop regulatory mechanism assistance, operations and maintenance plan, Stormwater pollution prevention plan preparation, public education assistance, integrated GIS data collection, field work BMP inspections, and annual report; or take any action relative thereto.

COMMENTS: The U.S. Department of Environmental Protection and the Massachusetts Department of Environmental Protection requires communities to be in compliance with Storm Water regulations. These funds would be used would be used to develop regulatory mechanism assistance, operations and maintenance plan, Stormwater pollution prevention plan preparation, public education assistance, integrated GIS data collection, field work BMP inspections, annual report.

ARTICLE 17: ESTABLISH THE POSITION OF FACILITIES MANAGER

SPONSORED BY: Selectmen ESTIMATED COST: \$60,975

To see if the Town will vote to raise and appropriate or transfer from available funds \$60,975 for the FY2020 budget to account number 01422-5110 (Facilities Manager) for the purposes of hiring a Facilities Manager, to be supervised by the DPW Director, and to oversee and implement a facilities assessment plan, for the repairs and maintenance of all public buildings and facilities, or take any action relative thereto.

COMMENTS: This initiative is not to include the Schools at this point in time. At some future date the Town may reconsider this issue but we want to get this new Department up and running successfully. The Town's public buildings are the Town's most valuable assets and currently there is not centralized approach or expertise to address building repairs and maintenance. If approved, through the economies of scale the Town should ultimately save money.

ARTICLE 18: DAM INSPECTIONS, REPAIRS AND OWNERSHIP

SPONSORED BY: Board of Selectmen ESTIMATED COST: \$45,000

To see if the Town will vote to raise and appropriate or transfer from available funds \$45,000 for the purposes of determining the condition and legal ownership of various dams including any water rights if any, or take any action relative thereto.

COMMENTS: It may be possible, to secure approval to remove some dam structures, which could limit risk and maintenance expenses. Before any further improvements and or demolition take place, the Town needs to understand the ownership issues. This Article should address these questions. Once approved and implemented the Town is eligible to receive additional funding.

ARTICLE 19: ILLICIT DISCHARGE BY-LAW

SPONSORED BY: Board of Selectmen

ESTIMATED COST: Unknown

To see if the town will vote to amend its General By-Laws by adding the following section;

ARTICLE XLIV ILLICIT DISCHARGE

Section 1. Purpose

A. Increased volumes of stormwater and contaminated stormwater runoff are major causes of:

1. impairment of water quality and reduced flow in lakes, ponds, streams, rivers, wetlands and groundwater;
2. contamination of drinking water supplies;
3. alteration or destruction of aquatic and wildlife habitat; and
4. flooding.

The United States Environmental Protection Agency has identified land disturbance and polluted stormwater runoff as major sources of water pollution. Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of the Town of Holliston's water bodies and groundwater resources and to safeguard the public health, safety, and welfare and the natural resources of the Town.

B. The objectives of this By-Law are:

1. To prevent pollutants from entering the Town of Holliston's municipal storm drain system;
2. To prohibit illicit connections and unauthorized discharges to the municipal storm drain system;
3. To require the removal of all such illicit connections;
4. To comply with state and federal statutes and regulations relating to stormwater discharges; and
5. To establish the legal authority to ensure compliance with the provisions of this By-law through inspection, monitoring, and enforcement.

Section 2. Definitions

For the purposes of this By-law, the following shall mean:

Clean Water Act: The Federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*) as hereafter amended.

Discharge of Pollutants: The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

Groundwater: Water beneath the surface of the ground including confined or unconfined aquifers.

Illicit Connection: A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this By-law.

Illicit Discharge: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 7. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from fire fighting activities exempted pursuant to Section 7, subsection B, of this By-law.

Municipal Storm Drain System or Municipal Separate Storm Sewer System (MS4): The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Holliston.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: A permit issued by the United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

Non-Stormwater Discharge: Discharge to the municipal storm drain system not composed entirely of stormwater.

Person: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

Pollutant: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source that is considered toxic to humans or the environment and may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include, but not be limited to:

- (1) paints, varnishes, and solvents;
- (2) oil and other automotive fluids;
- (3) non-hazardous liquid and solid wastes and yard wastes;
- (4) refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- (5) pesticides, herbicides, and fertilizers;
- (6) hazardous materials and wastes; sewage, fecal coliform and pathogens;
- (7) dissolved and particulate metals;
- (8) animal wastes;
- (9) rock; sand; salt, soils;
- (10) construction wastes and residues;
- (11) and noxious or offensive matter of any kind.

Process Wastewater: Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

Stormwater: Runoff from precipitation or snow melt.

Surface Water Discharge Permit. A permit issued by the Department of Environmental Protection pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

Toxic or Hazardous Material or Waste: Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

Watercourse: A natural or man-made channel through which water flows, or a stream of water, including a river, brook or underground stream.

Waters of the Commonwealth: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

Wastewater: Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

Section 3. Applicability

This By-law shall apply to flows entering the municipal storm drainage system.

Section 4. Authority

This By-law is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and in accordance with the regulations of the federal Clean Water Act found at 40 CFR 122.34 and the Phase II ruling from the Environmental Protection Agency found in the December 8, 1999 Federal Register.

Section 5. Responsibility for Administration

The Select Board (the "Board") shall administer, implement and enforce this By-law. Any powers granted to or duties imposed upon the Select Board may be delegated in writing by the Director of Public Works, who may further delegate authority to employees or agents of the Department.

Section 6. Regulations

The Board may promulgate rules and regulations to effectuate the purposes of this By-law. Failure by the Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating this By-law.

Section 7. Prohibited and Exempt Activities

A. Prohibited Activities

1. Illicit Discharges. No person shall dump, discharge, cause, or allow to be discharged any pollutant or non-stormwater discharge into the municipal storm drain system, into a watercourse, or into the waters of the Commonwealth.
2. Illicit Connections. No person shall construct, use, allow, maintain, or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation, or custom at the time of connection.
3. Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the board.

B. Exemptions

1. Discharge or flow resulting from fire-fighting activities;
2. The following non-stormwater discharges or flows are exempt from this By-law, provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:
 - a. Waterline flushing;
 - b. Flow from potable water sources;
 - c. Springs;
 - d. Natural flow from riparian habitats and wetlands;
 - e. Diverted stream flow;

- f. Rising groundwater;
 - g. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
 - h. Discharge from landscape irrigation or lawn watering;
 - i. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
 - j. Water from individual residential car washing;
 - k. Discharge from dechlorinated swimming pool water (less than one ppm chlorine). provided test data is submitted to the Town substantiating that the water meets the one ppm standard, and the pool is drained in such a way as not to cause a nuisance or public safety issue and complies with all applicable Town By-laws;
 - l. Discharge from street sweeping;
 - m. Dye testing, provided verbal notification is given to the board prior to the time of the test;
 - n. Non-stormwater discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
 - o. Discharge for which advance written approval is received from the board as necessary to protect public health, safety, welfare or the environment.
3. Discharge or flow that results from exigent conditions and occurs during a State of Emergency declared by any agency of the federal or state government, or by the Town Administrator, Board of Selectmen or Board of Health.

Section 8. Emergency Suspension of Storm Drainage System Access

The Board may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the board may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

Section 9. Notification of Spills

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment and cleanup of

the release. Procedures and Requirements shall be defined and included as part of any rules and regulations promulgated as permitted under Section 6 of this By-law.

Section 10. Enforcement

A. Authorized Agent

The Director of Public Works or an authorized agent of the Director of Public Works shall enforce this By-law, as well as any regulations, orders, violation notices, and enforcement orders promulgated hereunder, and may pursue all civil and criminal remedies for such violations.

B. Civil Relief

If a person violates the provisions of this By-law, regulations, permit, notice, or order issued thereunder, the Board and or the Director of Public Works may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

C. Orders

The Board or an authorized agent of the Board or the Director of Public Works may issue a written order to enforce the provisions of this By-law or the regulations thereunder, which may include: (a) elimination of illicit connections or discharges to the municipal storm drain system; (b) performance of monitoring, analyses, and reporting; (c) that unlawful discharges, practices, or operations shall cease and desist; and (d) remediation of contamination in connection therewith.

If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Holliston may, at its option, undertake such work, and all costs incurred by the Town shall be charged to the violator, to be recouped through all available means, including the placement of liens on the property.

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the board within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the board affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57 after the thirty-first day at which the costs first become due.

D. Criminal Penalty

Any person who violates any provision of this By-law, regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

E. Non-Criminal Disposition

As an alternative to criminal prosecution or civil action, the Town, by and through its Director of Public Works or the designee thereof may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D, in which case the board or an authorized agent of the board of the Town shall be the enforcing person. The penalty for each violation shall be \$ 300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

F. Entry to Perform Duties Under This By-Law

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the board, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this By-law and regulations and may make or cause to be made such examinations, surveys or sampling as the board deems reasonably necessary

G. Appeals

The decisions or orders of the Board shall be final. Further relief shall be to a court of competent jurisdiction.

H. Remedies Not Exclusive

The remedies listed in this By-law are not exclusive of any other remedies available under any applicable federal, state or local law.

Section 11. Severability

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

Section 12. Transitional Provisions

Residential property owners shall have 180 days from the effective date of the By-law to comply with its provisions or petition the board for an extension; or take any action relative thereto.

COMMENTS: At Town Meeting.

ARTICLE 20: SCHOOL START TIME

SPONSORED BY: Petitioners

“To see if the Town will vote to create a by-law to limit the first school bus pick up as no earlier than sunrise, for elementary students.”

COMMENTS: “Previous policies have children walking to school and bus stops during non-daylight hours. A vote to approve would promote safety for elementary children who are A) walking to the bus stop and schools, and B) waiting at bus stops. No budget impact.”

Given under our hands this day of October A.D. 2019.

Mark Ahronian, Chairman

John Cronin, Vice Chairman

BOARD OF SELECTMEN

Christina Hein, Clerk

I have this _____ day of October 2019, posted true copies thereof, attested, on and within the Town Hall, Public Library, Police Department, Senior Center and on the Town Website as herein directed.

Constable

A true record, ATTEST:

Elizabeth Greendale, Town Clerk

TOWN OF HOLLISTON CITIZEN VOLUNTEER FORM

If you are interested in serving the Town in any capacity, please complete this form and return it either by mail or in person, to the Town Clerk's Office, Room 102, Town Hall, 703 Washington Street, Holliston, MA 01746. Information received will be made available to all boards, committees and departments for their reference in filling vacancies.

Name: _____ Telephone: _____

Address: _____

Area(s) of Interest: _____

Availability (e.g. nights, weekends, hours per month): _____

Comments: _____

HAVE YOU READ ME CAREFULLY?

Here are a few suggestions until we meet at town meeting:

- look to where the majority of the money will go;
- look at material and significant changes from year to year;
- reread prior year's reports if you see something unusual which is not clear in this year's report;
- write down exactly what your questions will be; be clear and precise;
- bring a pencil to make notes at town meeting;
- be alert to what is said so the same questions are not repeated;
- discuss issues with friends and neighbors; come prepared to talk about facts.

GOOD GOVERNMENT STARTS WITH YOU

EMERGENCY NOTIFICATION INFORMATION

Please be sure to update your emergency contact information by going to www.townofholliston.us and selecting the link to Blackboard Connect (shown below) on the right hand side of the home page. Thank you.

