

TOWN OF HOLLISTON
SPECIAL TOWN MEETING
OCTOBER 28, 2019
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TOWN OF HOLLISTON
SPECIAL TOWN MEETING
OCTOBER 28, 2019

The Special Town Meeting of October 28, 2019 was held at the High School Auditorium and brought to order by Moderator William Mayer at 7:42 with a quorum of 208

The moderator read the warrant and went over the preliminary rules for Town Meeting and then read the following motion as required by the Town By-Laws.

PRIOR TO ARTICLE 1

MOTION: Moved that the following non-resident Town officials, consultants to committees and petitioners be allowed to speak during the course of this Special Town Meeting:

Scott Moles	Health Director/Agent
Leslie McDonnell	Library Director
Mary Bousquet	Treasurer/Collector
Kathryn Peirce	Principal Assessor
Brad Jackson	Superintendent of Schools
Peter Botelho	Assistant Superintendent of Schools
Dan MacLeod	Director of Learning Technology
Sean Reese	DPW Director
Tom Smith	Highway Superintendent
Karen Sherman	Town Planner
Matt Stone	Police Chief
Dona Walsh	Animal Control Officer
Chris Meo	Technology Director
Jeff Ritter	Town Administrator
Sharon Emerick	Town Accountant
Mark Frank	Parks & Recreation
Jackie Winer	Youth & Family Services
Ryan Clapp	Conservation Agent
Kate Feodoroff	Town Counsel
Linda Marshall	Senior Center Director
Christa Collins	Sudbury Valley Trustees

SECONDED

DISCUSSION: Our Town By-Laws require that the Town Meeting vote to allow non-residents and non-voters to address the Town Meeting.

VOTE: Passed by unanimous voice vote.

ARTICLE 1. 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. **(Board of Selectmen)**

MOTION: Moved that the Town vote to transfer \$250,000 to the Stabilization Fund from Free Cash.

SECONDED

DISCUSSION: None

VOTE: Passed by unanimous voice vote to accept Article 1 as stated in the motion.

ARTICLE 2. 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. **(Board of Selectmen)**

MOTION: Moved that the Town vote to transfer \$2,467,154 from Free Cash to the Capital Expenditure Fund.

SECONDED

DISCUSSION: Ken Szajda, 676 Fiske St., gave an overview of the Warrant before Town Meeting.

VOTE: Passed by unanimous voice vote to accept Article 2 as stated in the motion.

ARTICLE 3. 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. **(Board of Selectmen)**

MOTION: Moved that the Town vote to authorize the Selectmen to dispose of any and all surplus equipment.

SECONDED

DISCUSSION: Dan Alfred, 315 High St., made a motion to Indefinitely Postpone Article 3. Mr. Alfred stated that this motion was a symbolic gesture to the Board of Selectmen for their actions on an Article that was removed from the Warrant.

VOTE: The motion to Indefinitely Postpone Article 3 was defeated.
Yes: 78 No: 200

VOTE: Passed by voice vote to accept Article 3 as stated in the original motion.

ARTICLE 4. To see if the Town will vote to raise and appropriate and/or 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, Department of Public Works (Highway), Department of Public Works (Water), Police Department, Fire Department, Council on Aging, and Parks and Recreation and to authorize the Board of Selectmen to trade or sell used equipment toward part of the purchase price; or take any action relative thereto.
(Board of Selectmen)

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
1 Ton 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

MOTION: Move that the Town vote to transfer the following amounts from the following sources:

Water Retained Earnings: \$317,796
Capital Expenditure Fund: \$1,472,144

For the following items:

Infield Grooming Machine	Parks & Recreation	\$20,000
Public Safety Signs	Selectmen	\$20,000
Traffic Signal Preemption Equipment	Fire/Police (Town Wide)	\$99,900
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
1 Ton 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
Infrastructure (Bleachers)	Schools	\$75,000
Technology	Schools	\$58,859
Curriculum	Schools	\$370,675
Sub-Total:		\$1,789,940

SECONDED

DISCUSSION: Sam Tyler, 353 chamberlain St., made a Motion to delete \$370,675 for curriculum expenditures from the total. Mr. Tyler believes that this is an operating expense and not a Capital. Brad Jackson, Supt. of Schools, stated that this is a one-time purchase, which qualifies it as a capital expense.

AMENDED MOTION: Move that the Town vote to delete \$370,675 for curriculum expenditures from the total.

VOTE: The Motion to amend Article 4 was defeated unanimously by voice call vote.

VOTE: Passed by unanimous voice vote to accept Article 4 as originally stated in the motion.

ARTICLE 5. 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. **(Board of Selectmen)**

MOTION: Moved that the Town vote to indefinitely postpone this Article.

SECONDED

DISCUSSION: None

VOTE: Unanimously passed by voice call vote to Indefinitely Postpone Article 5.

ARTICLE 6. 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. **(Community Preservation Committee)**

MOTION: Moved that the Town vote to transfer \$174,000 from the Community Preservation Open Space Reserve and \$326,000 from the Community Preservation Fund General Reserve for a total of \$500,000 for the purpose of acquiring an Agricultural Preservation Restriction (APR) on the Thistle Dew Farm;

and for the Town to vote to transfer \$100,000 from the Community Preservation Fund General Reserve for renovations to youth baseball fields owned by the Town;

and for the Town to vote to transfer \$15,000 from the Community Preservation Fund Historic Preservation Reserve for the purpose of assisting the Holliston Historical Society with improvements to its fire alarm system.

SECONDED

DISCUSSION: Lixy Carey, 37 Green St., explained the benefits of the Agricultural Preservation Restriction. Brian McDonald, 14 Howard St., stated that he is the President of Holliston Youth Baseball & Softball, and that this request will repair our fields, after many years of neglect. John Curley, 833 Central St., feels that spending the money on the Agricultural Restriction, seems more like a private real estate transaction, and doesn't feel that we should spend the money on an already restricted parcel. Mary Greendale, 198 Highland St., explained that the land is currently zoned for Agriculture, but that it could be re-zoned at a later date. With the Agricultural Preservation Restriction, this could never be changed. She also stated that the current owner could sell the land for a much higher price to a builder, however, he wants to preserve the agriculture nature of the land permanently. Tony Lulek, 35 Dalton Rd., would like to know who will be farming it, who would hold the title to the property, who is paying the difference of \$290,000, and what happens when the owner dies. Ms. Carey responded that the current owners of Out Post Farm, will pay the agricultural value of \$290,000, will own the property, will farm it, and will hold the deed. Additionally, the Town and State will hold the Restriction, and once the current owner passes away it can only be sold to and used as a farm. Ms. Greendale reiterated the fact that any future owner of the farm would only be able to sell it for the current agricultural value of the land, and what Holliston is buying is the agricultural preservation, so that it will forever be a farm.

VOTE: Unanimously passed by voice call vote to approve Article 6 as stated in the motion.

ARTICLE 7. 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. **(Board of Selectmen)**

MOTION: Moved that the Town vote to transfer \$15,000 from free cash for the purposes of obtaining legal services for the Cable Advisory Committee and the Board of Selectmen with negotiations and cable license renewal proceedings.

SECONDED

DISCUSSION: None

VOTE: Unanimously passed by voice call vote to approve Article 7 as stated in the motion.

ARTICLE 8. 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. **(Board of Selectmen)**

MOTION: Moved that the Town vote to transfer \$75,000 from Water Retained Earnings for the development of a water infrastructure asset management plan and to accelerate water line replacements.

SECONDED

DISCUSSION: John Cronin, 40 Holly Ln., is in favor of this Article and urges residents to approve the funds to create a scheduled water pipe replacement plan that will also increase the current replacement rate of 1 mile/yr. to approx. 3 miles/yr. Ken Szajda, 676 Fiske St., is concerned about the amount of money, stating that if we increase the pipe replacement by 3 times the current rate, we will be paying 3 times the amount of the current \$300.00 annual water infrastructure fee. Mr. Szajda made a motion to indefinitely postpone Article 8. Ben Sparrell, 1460 Highland St., stated that he is in favor of this plan, and that we need a strategic plan with all the current needs of the Town, such as the Library, High School, Highway/DPW, and sidewalks, he feels that we could benefit from this study looking at the future of Holliston. Mark Ahronian, 108 Concord St., urges resident to support this plan and stated that if we stay with the current plan it will take 55 years to replace the already decaying pipes, if we increase the plan to 3 miles/yr. it will only take 18 years. Vin Murphy, 432 Norfolk St., said that he supports indefinite postponement, and would like more time to research this study to coincide with other necessary town projects. Tina Hein, 142 Union St., pointed out that this study would include a future needs assessment and identify new water sources for the Town, taking new and current businesses into consideration that the allotted 1 Million Gallons per day, could impact our ability to attract a broader, bigger business base. Secondly, this study would identify the cost of accelerated pipe replacement and a variety of funding sources.

MOTION: To Indefinitely Postpone Article 8

SECONDED

VOTE: Article 8 was Indefinitely Postponed, by a hand count vote.
Yes – 155 No – 118

ARTICLE 9. 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. **(Board of Selectmen)**

MOTION: Moved that the Town vote to transfer \$15,000 from Water Retained Earnings for the purposes of completing a water rates study.

SECONDED

DISCUSSION: None

VOTE: Unanimously passed by voice call vote to approve Article 9 as stated in the motion.

ARTICLE 10. 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. **(Board of Selectmen)**

MOTION: Moved that the Town vote to transfer \$50,000 from the Capital Expenditure Fund for the purposes of completing a feasibility study to evaluate possible locations, including the existing location for a new or expanded Department of Public Works facility.

SECONDED

DISCUSSION: John Cronin, 40 Holly Ln., made a motion to Indefinitely Postpone Article 10.

VOTE: Article 10 was Indefinitely Postponed, by a unanimous voice vote.

ARTICLE 11: To see if the town will vote to raise and appropriate or transfer from available funds \$40,000 for the purposes or 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. **(Board of Selectmen)**

MOTION: Moved that the Town vote to transfer \$40,000 from Capital Expendiutre Fund for the purposes of completing a sidewalk asset inventory plan and prioritization plan for the design, engineering, and construction management and maintenance services for sidewalks.

SECONDED

DISCUSSION: Tina Hein, 142 Union St., urges residents to vote in favor of this Article, as it improves pedestrian safety. We currently have multiple projects in Town that will bring more pedestrians into the downtown area, and we need to make walkability and bicycle safety a priority. Ken Szajda, 676 Fiske St., stated that the Complete Streets Program offered through Mass. D.O.T. assists Town's with developing a policy for creating a prioritization plan and will also assist with obtaining grant money for the study. He feels that we should develop our policy, working with Mass D.O.T. before we finance a study. He then made a motion to indefinitely postpone Article 11. Ms. Hein stated that the Complete Street Program, encompasses many things including signalization, traffic calming, bump outs, etc. The Town is currently developing its policy, and attending forums, we are not behind the 8 ball, she feels that this study would give us what we need to add to a master plan for sidewalks, which we do not currently have.

MOTION: To Indefinitely Postpone Article 11.

VOTE: Article 11 was Indefinitely Postponed, by a hand count vote.

Yes: 132 No: 125

ARTICLE 12: 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. **(Board of Selectmen)**

MOTION: Moved that the Town vote to transfer \$60,000 from the Water Meter fee account for the purposes of purchasing water meter hardware and an Annual Service Licensing Agreement.

SECONDED

DISCUSSION: None

VOTE: Unanimously passed by voice call vote to approve Article 12 as stated in the motion.

ARTICLE 13: 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. **(Board of Selectmen)**

MOTION: Moved that the Town vote to transfer \$25,000 from free cash for the purposes of removing abandoned structures on Town owned property at 310 Woodland Street.

SECONDED

DISCUSSION: None

VOTE: Unanimously passed by voice call vote to approve Article 13 as stated in the motion.

ARTICLE 14: 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. **(Board of Selectmen)**

MOTION: Moved that the Town vote to change the name of the Board of Selectmen to Select Board, amend the General By-Laws to reflect such change, and to take all appropriate actions to implement this change.

SECONDED

DISCUSSION: Marilyn Horn, 22 Winthrop St. made a motion to Amend Article 14, by changing "Select Board to Board of Selectpersons, Change Selectman to Selectperson, Selectmen to Selectpersons". Tina Hein, 142 Union St., stated that the Mass. Municipal Assoc., recognizes "Select Board" statewide, and this would align Holliston with that.

MOTION TO AMEND: Changing "Select Board to Board of Selectpersons, Change Selectman to Selectperson, Selectmen to Selectpersons".

VOTE ON AMENDMENT: Motion to Amend Article 14 failed unanimously by voice vote.

VOTE: Unanimously passed by voice call vote to approve Article 14 as stated in the original motion.

ARTICLE 15: 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. **(Board of Selectmen)**

MOTION: Moved that the Town vote to accept the donation of land as more particularly described and printed in the Warrant from Generazio Realty Trust said property to be used for general municipal purposes, and to transfer \$5,000 from free cash for all related legal work, and further to authorize the Board of Selectmen to enter into and execute any and all documents necessary to effectuate the conveyance of the property on such terms deemed advisable.

SECONDED

DISCUSSION: None

VOTE: Unanimously passed by voice call vote to approve Article 15 as stated in the motion.

ARTICLE 16: 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. **(Board of Selectmen)**

MOTION: Moved that the Town vote to transfer from free cash \$59,950 to be used for the development of regulatory mechanism assistance, operations and maintenance plan, Stormwater pollution prevention plan preparation, public education assistance, integrated GIS data collection, field work BMP inspections, and an annual report.

SECONDED

DISCUSSION: None

VOTE: Unanimously passed by voice vote to accept Article 16 as stated in the motion.

ARTICLE 17: 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 01422-51100 (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. **(Board of Selectmen)**

MOTION: Moved that the Town vote to raise and appropriate \$60,975 for the purposes of hiring a Facilities Manager.

SECONDED

DISCUSSION: John Varrell, 928 Washington St., asked if the duties would include the School Properties. John Cronin, 40 Holly Ln., stated that by year 3 of this position it will include the schools. It will take some time for the position to grow and get up to speed with the current maintenance needs.

VOTE: Unanimously passed by voice vote to accept Article 17 as stated in the motion.

ARTICLE 18: 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. **(Board of Selectmen)**

MOTION: To see if the Town will vote to transfer from free cash \$45,000 to determine the condition and legal ownership of various dams including water rights if any.

SECONDED

DISCUSSION: None

VOTE: Unanimously passed by voice vote to accept Article 18 as stated in the motion.

ARTICLE 19: To see if the town will vote to amend its General By-Laws by adding the following section; **(Board of Selectmen)**

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.

MOTION: To see if the Town will vote to amend the General By-Laws by adding a new section creating an Illicit Discharge By-Law as it is printed in the Warrant.

SECONDED

DISCUSSION: None

VOTE: Unanimously passed by voice vote to accept Article 19 as stated in the motion.

ARTICLE 20: “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.” **(By Petition)**

MOTION: 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.

SECONDED

DISCUSSION: Michael Simon, 33 Rolling Meadow Dr., made a presentation focusing on the safety of younger children being expected to wait for their school bus or walk to school in the dark. He also pointed out that older siblings or student babysitters will no longer be available to watch the younger elementary students after school because they will still be in school, therefore costing parents a significant amount of money in childcare. He would like the School Committee to come up with another plan to adjust the school hours for students. Brad Jackson, School Superintendent, stated statistics on high school student's mental health and the connection to their sleep patterns. He also noted that in a recent observation of 45 bus stops with the younger elementary students, there was 1 that did not have adult supervision, and managing bus stop safety is a joint responsibility of the school, the police department, and parents. He feels that this is the only viable option, next to doing nothing. Allie Mancuso, 15 Courtland Pines Rd., was initially supportive of the time change, but feels that residents were misled in that, meeting minutes for the School Start Time Subcommittee were not kept, therefore not being transparent and allowing residents to keep up with the discussion. Many residents spoke for and against this Article. Bruce Wood, 128 Dalton Rd., would like the School Committee to come up with a better plan and made a motion to Indefinitely Postpone Article 20.

MOTION: To Indefinitely Postpone Article 20

SECONDED

DISCUSSION: Mark Schultz, 21 Wedgewood Rd., reiterated that we should be concerned about the safety of all the students, and we should vote for this Article as presented in the Warrant. Alison Lima, 59 Bogastow Brook Rd., is in favor of Indefinite Postponement of this Article, because she feels it is the parent's responsibility to ensure the safety of their children at the bus stop, and that if this were to pass, getting all the kids to school in daylight would be a logistical nightmare. The debate ensued for another 30 minutes with both sides making statements.

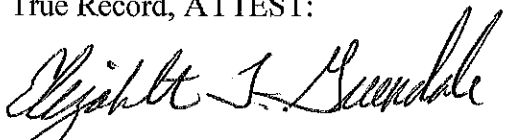
VOTE: Passed by hand count vote to Indefinitely Postpone Article 20 as stated in the motion.
Yes – 165 No – 76

A motion was made, seconded, and unanimously voted to adjourn the meeting at 11:23pm

Respectfully Submitted,

Elizabeth T. Greendale

True Record, ATTEST:



Elizabeth Turner Greendale, CMC/CMMC
Town Clerk