TOWN OF STOUGHTON

BOARD

OF

SELECTMEN

POLICIES

November 23, 1993

Town of Stoughton

10 Pearl Street | Stoughton, MA 02072 | (617) 341-1300 | FAX (617) 344-5048

Date: December 9th, 1993

To: Board of Selectmen

From: Philip J. Farrington,
Town Manager

VF

Subject: Selectmen's Policies

Attached is an updated book of Policies of the Board of Selectmen. Please review and let me know of any needed corrections/additions, etc. It is in the word processor and the 'master book' can be updated regularly and printed periodically.

/n
att

BOARD OF SELECTMEN

POLICIES

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Town of Stoughton

Commonwealth of Massachusetts

P.O Box 149, Stoughton, Mass. 02072

Local Licensing Authority — Board of Selectmen

AUTOMATIC AMUSEMENT LICENSE POLICY
adopted 9/8/81

NO ESTABLISHMENT WILL BE ALLOWED MORE THAN THREE AUTOMATIC AMUSEMENT MACHINES EXCLUDING JUKE BOXES AT A COST OF $100.00 EACH

1. All applications for machines will require a public hearing.

2. Applicants shall furnish the following information as a minimum:

   A. A sketch drawn to a scale of ¼" = 1'0", showing a floor plan layout of machine(s), location(s), entrance(s), exit(s) and all other furniture, bars, etc.

   B. Total square footage of the establishment and the square footage of the area that will house the machine(s).

3. Future re-applications for licenses shall not be entertained within one year of a denial of automatic amusement application.

4. If any school truant is found playing a machine on the premises, the license shall be revoked immediately.

5. Applications and sketches shall be reviewed by the Police, Fire, Building and Health departments.

6. All licenses shall adhere to the license hours of the establishment.

7. This policy and license shall be posted in a conspicuous place on the premises.

TITLE: BIDS - AWARD IN CASE OF A TIE

DATE ADOPTED: February 19, 1991

The policy of the Board of Selectmen is to award all bids in accordance with applicable State statues.

Section One

The contract will be awarded to a bidder located in Stoughton. If one of the tied low bidders is located in Stoughton and presently holds the contract, the award shall be to the holder of the contract.

If more than one of the low bidders is located within the Town and none of these presently holds the contract in question, a coin toss or other random choice method shall be utilized in the presence of the bidders involved to determine which Stoughton business shall receive the award in question.

Section Two

If none of the tied low bidders are located within the Town of Stoughton and one of these tied low bidders currently holds the contract in question, the award shall be to the low bidder currently holding the contract.

Section Three

If none of the tied low bidders is located within the Town of Stoughton and none presently hold the contract in question, the award shall be determined by a coin toss or other random choice method which shall be utilized in the presence of the bidders involved to determine which business shall receive the award in question.

This policy was adopted by vote of the Board of Selectmen on February 19th, 1991 in conjunction with the requirements of the Uniform Procurement Act.

TITLE: CARNIVALS - OUTDOOR ACTIVITIES

DATE ADOPTED: March 31, 1987

AMENDMENTS: April 4, 1987
April 10, 1990

I
No carnival or other similar outdoor activity permits and/or licenses shall be granted for any date/s sooner than thirty days after a public hearing has been conducted by the Board of Selectmen, acting as the Local Licensing Authority.

II
Prior to the hearing before the Board of Selectmen, applicants are required to meet with the Town departments noted below to review requirements, regulations, etc. which may be necessary for the proposed activities. a listing of the required permits, regulations and departmental requirements must be submitted with the application.

III
The application must specify the site and include a map indicating the location of rides, games of chance, sanitary facilities, parking, emergency access lanes for public safety vehicles and any other activities that will be conducted on the site. Hours of operation must be clearly indicated.

IV
The departments which the applicant must contact are as follows:

Board of Health	- Food Service and sanitary facilities
Building Department	- Zoning, wiring and gas permits
Fire Department	- Fire regulations, access for emergency vehicles
Police Department	- Parking, public safety protection, number of paid detail Police Officers, traffic and crowd control
Recreation Department	- Approval of date/s for use of any Town fields under the jurisdiction of the Recreation Department. Effect of request on Town fields. Notification regarding wear and/or damage to Town fields.
School Department	- Written confirmation of permission to use School

Department property, if
applicable, must accompany
the application documents

V

Each department will submit a written report to the Board of Selectmen and, upon receipt of the required documentation, the application for permit/s will be scheduled for a public hearing which shall be advertised at the expense of the applicant.

This policy was voted by the Board of Selectmen on 3/31/87 and 4/14/87 and 4/10/90.

TITLE: CONSTABLE - APPLICATION FORM

Name of Applicant: _____

Residence: _____

Telephone Number where applicant can be reached during the day: _____

Last date Constable powers were exercised by applicant:

_____

Applicant's Date of Birth: _____

Applicant's Social Security Number: _____

Applicant's Home Telephone Number: _____

Name, Address & Telephone Number of your present employer:

_____

Term of your employment with this employer: _____

List your employers for the past five years, if different from above:

_____

_____

_____

This application must be signed by five reputable citizens of the city or town where the applicant resides, one of whom shall be an attorney at law.

_____

We, the undersigned, hereby attest to the good moral character of said applicant and that the applicant is possessed of sufficient qualifications and abilities to discharge the duties of the office of constable.

NAME	ADDRESS	TITLE
		Attorney at law

_____

_____

Applicant's statement of reasons for desiring appointment:

_____

_____

_____

_____

_____

Names, addresses and phone numbers of all persons employing you as a constable:

_____

_____

_____

Pursuant to Mass. General Laws, Chapter 62c, Section 49A, I hereby certify, under the penalties of perjury, that I have, to the best of my knowledge and belief, filed all state tax returns; paid all state and local taxes required under the law and desire re/appointment as constable by the Town of Stoughton.

Signature: _____ Date: _____

_____

<u>Note</u>: All applicants will be required to provide documentation to indicate adequate bonding to the Office of the Town Clerk prior to taking the Oath of Office.

TITLE: CONSTABLE

The undersigned, who has filed or will be filing an application with the Town of Stoughton Board of Selectmen for appointment or reappointment as a Constable for the Town of Stoughton, gives permission to the Stoughton Police Department to release all pertinent background information, criminal records history, or any other information pertinent to my application and suitability for appointment as a Constable.

I hereby acknowledge the responsibility of the Board of Selectmen to investigate my reputation and character and related fitness to hold the office of Constable. The Selectmen may utilize the resources of the Stoughton Police Department to conduct this investigation.

I acknowledge that teh Stoughton Police Department will be researching information in the Massachusetts Criminal History Systems Board and the Federal Bureau of Investigations Criminal Records Information and that said Police Department has authorization to release any information received from these, or any other agencies, to the Stoughton Board of Selectmen.

Name of Applicant: _____

Signature of Applicant: _____

Date of Signature: _____

Stoughton Police Department Officer witnessing said signature:

_____

NOTE: This authorization must be signed in the presence of an Office of the Stoughton Police Department.

Town of Stoughton

10 Pearl Street | Stoughton, MA 02072 | (617) 341-1300 | FAX (617) 344-5048

TO: All Licensed Contractors

FROM: Philip J. Farrington
Town Manager

RE: Street Excavation Policy

Enclosed is an application form to be a Licensed Contractor in the Town of Stoughton for calendar year 1997. This license is required to work on Town property, including all Town ways, on ways eligible to be accepted by the Town and on any water/sewer lines. Please read the complete application carefully before signing.

If you need any additional information concerning this requirement, please contact Superintendent of Public Works Lawrence Barrett or John Batchelder, Assistant Superintendent.

PJF:jm
enclosures

NOTICE TO ALL CONTRACTORS

FILING FOR LICENSED CONTRACTORS
IN THE
TOWN OF STOUGHTON

CHECKLIST:

Before your application for Licensed Contractor will be accepted, **ALL OF THE FOLLOWING MUST BE FILED WITH THE TOWN MANAGER'S OFFICE:**

1. Completed Application Form.
2. $50.00 check payable to the Town of Stoughton for Annual License Fee.
3. Insurance certificates as described on the application form in the Town of Stoughton's name.
4. $5,000 drainlayers/permit bond as described on the application.
5. Tax Certification Attestation form must be completed.
6. List of equipment to be used to perform any work under the license.
7. For **NEW APPLICANTS NOT PREVIOUSLY LICENSED WITH THE TOWN** - Two letters of reference from other municipalities where similar work has been performed within the past three years.

NO APPLICATION WILL BE ACCEPTED UNLESS ALL THE INFORMATION IS PROVIDED.

DATE PAID_____
INSURANCE CERT._____
BOND FILED_____

TOWN OF STOUGHTON

APPLICATION FOR PERMIT AS LICENSED CONTRACTOR

$50.00 ANNUAL FEE

NAME_____DATE_____

ADDRESS_____TELEPHONE_____

COMPANY NAME_____

1. The Contractor shall file the following insurance certificates with the Town:

   a. Liability for bodily injury including accidental death - $100,000 for any one person and subject to the same limit for each person. $300,000 on account of any one accident.

   b. Liability for property damage - $50,000 on account of any one accident and $100,000 on account of all accidents.

   c. Workmens Compensation Insurance as required by the General Laws of Massachusetts.

All policies shall be so written that the Town will be notified of cancellation or restrictive amendment at least fifteen (15) days prior to the effective date of such cancellation or amendment.

2. The Contractor shall be required to file a $5,000 Drainlayers Bond satisfactory to the Town Manager with the Town of Stoughton for each year in which the license is issued to assure the performance of the following mentioned requirements.

3. The contractor shall obtain a street opening permit for each installation in advance of starting any work. There is a $50.00 Administrative/Inspection Fee requirement for each installation. Should work begin without a permit, the Administrative/Inspection Fee will be $200.00. The Contractor shall also pay a street opening deposit (where applicable) **(cash or certified check)** in accordance with the attached Schedule A to insure adequate protection as far as the repair of the street is concerned. Said deposit will be released only on final approval from the Superintendent of Public Works.

4. The Contractor shall restore the street trench with at least a temporary patch of Mass Highway specification Type I-1 bituminous concrete within twenty-four hours of backfilling the excavation. Permanent trench patch is to be placed within thirty (30) days of the placement of temporary patch. All trench patches shall be a minimum of 4.5 inches (3" of binder, 1-1/2" of top) of Mass Highway specification Type I-1 bituminous concrete unless the existing bituminous concrete is thicker, in which case the permanent patch binder course shall be thicker so that the permanent patch is the same thickness as the existing bituminous concrete. For excavations made between November 1st and April 30th **OR AT ANYTIME** in any public way which has been paved within the previous five years, all contractors **MUST** use C.D.F. (Controlled Density Fill) Type IE. (see attached specification sheet). **This material will be used in place of compacted gravel. No material removed from the trench will be put back. Only C. D. F. will be placed in the trench as backfill. All materials shall be new materials meeting Mass Highway specifications. All trench edges must be cut true to line and grade by mechanical method and be tacked per Mass Highway specifications prior to patching. Infra-Red work must be done between May 1st and November 30th. Prior to starting any project contractors will contact the Public Works Department for additional instructions.**

5. The Contractor shall certify to the Town Manager that he has the necessary experience, equipment, manpower, etc. to complete the entire project including excavation, construction and regrading of the lots. All trenches shall be compacted by a mechanical tamper to 95% compaction.

6. All work is to be done during the normal working hours of the Town of Stoughton and is to be inspected by the appropriate Town Department **prior to any portion of the work being backfilled.** All unsuitable material, including blacktop and boulders, shall be removed. All trenches shall be backfilled per the Town of Stoughton's Land Subdivision Regulations as applicable (and/or see C.D.F. requirements above) except that clean bank run gravel meeting Mass Highway specification M1.03.0 Type c (2" largest dimension) may be substituted in the top fifteen (15) inches of the trench. No trench excavation shall take place on Fridays or on a day before a Town recognized holiday unless a temporary bituminous concrete patch can be installed by the end of the work day.

7. No contractor except those on the LICENSED LIST shall be eligible to do this work. **THIS INCLUDES ANY SUB-CONTRACTORS**.

8. If there is a violation of these requirements, the first violation will mean suspension to do work for 30 days; the second violation will be a suspension for one year from the date of violation (NOTE: Suspension shall be during the period of the year when work can be performed, not during mid-winter).

9. All materials and installation practices used in conjunction with this work shall be approved and can be modified at any time by the office of the Town Engineer to meet individual job requirements.

10. The Town of Stoughton will not be liable for any work inspected by the Town. The inspector must see 100% of the utility installed including the connection to the existing utility **BEFORE** any backfilling is started. The contractor must request an inspection by the appropriate Town Department 24 hours in advance.

11. All sewer connections shall be provided with exterior clean-outs with minimum of 6" diameter and located approximately 10 feet from the foundation.

12. Any agreement concerning manner of payment shall be between the property owner and the contractor.

13. At locations where sewer service connections have been installed by the Town from the sewer main to the edge of the road, a street opening permit is still required. However, the deposit shall be waived. The Board of Selectmen will determine a unit price for sewer connection stubs. The property owners will be billed by the Town for this portion of their sewer connection. The Contractors shall inform the homeowners that the Town bill for the sewer stub will be issued when the stub is put into use and that it is **IN ADDITION** to the connection bill they will submit for their work.

14. Prior to the start of any excavation in a public way, the Contractor shall make provision to provide adequate traffic control by contacting the Police Department to determine if an officer will be required. No road is to be closed to traffic unless permission for a detour has been obtained from the Chief of Police Department.

15. The Fire Department is to be notified of all excavations that may affect their emergency operations.

16. It is the contractor's responsibility to plan ahead appropriately to be able to adhere to this policy and other applicable Town Bylaws, Regulations and Policies.

17. If any requirement of this application is held to be invalid, the validity of all other requirements shall not be affected thereby.

Violation of the Town or State regulations concerning excavations within public ways or performance of any work without an approved permit will be sufficient cause to suspend or revoke this license.

I HAVE READ, UNDERSTAND AND WILL COMPLY WITH THE ABOVE AND ALL APPLICABLE REGULATIONS.

By:_____

Date:_____ For:_____

(Firm)

_____

(Address)

Telephone:_____ _____

Approved by Board of Selectmen, February 18, 1997

(SCHEDULE A)

1997 STREET OPENING FEES AND DEPOSITS

FEES

1. Administrative and Inspection Fee each permit - $50.00

REFUNDABLE DEPOSITS

The following deposits will be cash or certified check only. Deposits will be returned when work has been completed to the satisfaction of the Superintendent of Public Works or his authorized representative.

1.	Open to the center of a street	$ 300.00
2.	Open across the street	600.00
3.	Open to center of a State Highway	1,500.00
4.	Open across a State Highway	2,000.00
5.	Curb cut for private drive	200.00
6.	Curb cut for a subdivision street	500.00
7.	Infrared trench	700.00

A separate bank check or cash for infrared trench repair where required by the Superintendent of Public Works. Trench to be patched for one (1) year after permit is issued. Infrared to be completed between the first and second year or money forfeited to the Public Works Dept. for infrareding by the Town unless otherwise specified by the Superintendent of Public Works. Refunds will be given only if work is completed to the satisfaction of the Superintendent of Public Works or his authorized representative.

8. Special circumstances or conditions at a particular location: Deposit to be determined by the Superintendent of Public Works or his authorized representative.....

9. OTHER: Deposit to be determined by the Superintendent of Public Works.....

(SCHEDULE B)

Work allowed by this permit

The following work items are approved by this permit:

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

Any additional work items not listed above will require additional, separate permit.

TAX CERTIFICATION ATTESTATION

Pursuant to M.G.L. Chapter 62C, sec. 49, I certify under the penalties of perjury that I, to my best knowledge and belief have filed all state tax returns and paid all state and local taxes required under law.

_____ S.S. # or Federal I.D. #_____

_____
Signature of Individual or Corporate Name

By:_____
Corporate Officer
(If applicable)

The above applicant does hereby apply for a license as a Licensed Contractor in the Town of Stoughton, Massachusetts, said license to expire December 31, _____.

REFERENCES: (FOR NEW APPLICATIONS ONLY. DOES NOT APPLY TO RENEWALS) TWO LETTERS OF REFERENCE MUST BE SUBMITTED WITH APPLICATION.

ALL APPLICANTS MUST SUBMIT A LIST OF EQUIPMENT TO BE USED TO PERFORM ANY WORK UNDER THIS LICENSE.

_____

_____

_____

REVIEW BOARD

APPROVED:_____ DATE:_____
Superintendent of Public Works

_____ DATE:_____
Town Engineer

_____ DATE:_____
Sanitarian

MaCAPA

Massachusetts Concrete & Aggregate Producers Association, Inc.

Robert B. Barton, P.E.
Promotion / Executive Director
Promotion Hotline
1-800-GO CRETE (In Mass.)
617-444-5990
FAX 617-444-5910

70 Blanchard Rd. - P.O. Box 39
Burlington, Mass. 01803
617-782-3350

President
Wayne M. Tarr

1st Vice President
R. David Schelin

2nd Vice President
Robert Pybus

Secretary & Clerk
Anthony Boracki

Treasurer
Robert Prorpen

STATE SPECIFICATION

4.xx.xx Controlled Density Fill

Controlled Density Fill (CDF) material is a flowable, self consolidating, rigid setting, low density, material that can be substitute for compacted gravel for backfill, fills and structural fills. There are two main categories of CDF's, excavatable and non-excavatable with a sub-category of flowable and very flowable. It shall be a mixture of portland cement, flyash (if very flowable), sand, and water designed to provide strength within the range specified

The categories of CDF are:

Type I Very flowable (non excavatable)
Type IE Very flowable (excavatable)
Type 2 Flowable (non excavatable)
Type 2E Flowable (excavatable)

The Very Flowable mixes (Type I and IE) shall contain a minimum of 250 # of class F flyash or high air (25% plus) and will be self-leveling.

Excavatable mixes (Type IE and 2E) shall be hand tool excavatable.

Type 1 mixes are intended for permanent installations such as structural fills under structures. It has very flowable characteristics needed for distances and small areas. This type of mix should not be used as a bedding material. It is used to fill small hard-to-reach areas

Type IE mixes are excavatable material designed to have very flowable characteristics needed for filling small or far areas that later may need to be removed.

Type 2 mixes are used in areas where size and distance do not require the very flowable characteristic. It is intended for permanent installations such as thick fills under structures.

Type 2E mixes are excavatable mixes where size and distance of the installation do not require the very flowable or excavatable characteristics.

CDF is to be batched at a ready mix plant and is to be used at a high or very high slump (10" - 12").

TITLE: DRUG FREE WORK PLACE

DATE ADOPTED: August 18, 1992

IN COMPLIANCE WITH FEDERAL REGULATIONS IMPLEMENTING THE DRUG-FREE WORKPLACE ACT OF 1988, 34 CFR PART 85, SUBPART F, THE FOLLOWING POLICY IS ESTABLISHED:

1. All employees will be notified by published statement that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in buildings owned or leased by the Town of Stoughton and further that employees found in violation of such prohibition will be subject to discipline up to and including termination and/or shall be required to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement or other appropriate agency.

2. It shall be the policy of the Town of Stoughton to implement the procedures required and placed on file with the Federal authorities entitled Certification Regarding Drug-Free Workplace Requirements Grantees Other than Individuals.

3. All employees will:

   (a) Be advised of the dangers of drug abuse in the workplace.

   (b) Be advised that the Town of Stoughton intends to maintain a drug-free workplace.

   (c) Be provided information regarding available drug counseling, rehabilitation and/or employee assistance programs for substance abuse.

   (d) Be advised that penalties may be imposed upon employees for drug abuse violations occurring in the workplace.

Adopted by the Board of Selectmen on August 18, 1992.

TITLE: FEES - ALCOHOL LICENSE

DATE ADOPTED: January 5, 1988

Type	Fee
Automotive/Class I	$ 100.00
Automotive/Class II	$ 100.00
Automotive/Class III	$ 100.00
Restaurant/All Alcoholic	$1,000.00
Restaurant/Beer & Wine	$ 500.00
Club/All Alcoholic	$ 800.00
Retial Package/All Alcoholic	$1,200.00
Retial Package/Beer & Wine	$ 500.00
Common Victualler	$ 50.00

TITLE: FEES - BACKFLOW INSPECTION

DATE ADOPTED: July 2, 1991

The Board of Selectmen, at its meeting of July 2nd, 1991, approved a fee of Fifty ($50.00) Dollars for the inspection of each backflow device that must be made by the Public Works Department. This fee is effective immediately and there are to be no exceptions.

TITLE: FEES - BILLIARD TABLES

DATE ADOPTED: September 18, 1990

The Board of Selectmen, at its meeting on September 18, 1990, voted a fee of $100.00 per table. This vote was reaffirmed at the meeting on October 30, 1990. A earlier fee set at a meeting on July 17, 1990 was replaced by the vote of September 18, 1990.

TITLE: FEES - BUILDING DEPARTMENT

DATE ADOPTED: May 16, 1986

The Board of Selectmen at its meeting on May 16, 1986, voted the attached schedule of fees.

TITLE: LIQUOR LICENSE - ONE DAY - APPLICATION & RULES

DATE ADOPTED: October 15, 1991

Application for One (1) Day Alcoholic Beverage License

_____ All _____ Beer & Wine _____

Located at (address): _____

Name of Organization Requesting License:

_____

Address: _____ Phone: _____

Description of Event to be held: _____

_____

_____

Type of entertainment:

_____

Responsible parties -(Note: One must appear before the Board)

_____

Name, Address, Phone & Title

_____

Name, Address, Phone & Title

Name of Property Owner: _____
Property owner must complete the back of this page.

Date & Hours of Operation:

_____

Number of persons expected to attend:

50 - 100 - 200 - 400 - 600 - 800 - 1000 - 1500 - 2000

Circle range which best estimates the expected number of guests.

Event to be held: _____ Inside _____ Outside _____ Both

Toilet Facilities: _____ Inside/Public _____ Outside/Portable

Parking: _____ On Site _____ Off Site _____ Public Streets

Food to be served? _____ Yes _____ No

Food to be prepared and/or cooked on premises? _____ Yes _____ No

Trash in and around premises is the responsibility of the organization.

The Chief of Police for the Town of Stoughton will determine the number of paid detail officers necessary (if any) for the function to be held.

Signature of Applicant

_____

Address & Phone number of applicant

_____

_____

Received by _____ Date _____

Restrictions: _____

_____

_____

To Be Completed by Property Owner

I, _____, the owner of the property
Print Name

located at: _____ hereby give my permission
Property Address

to: _____ representing _____
Name of Person/s responsible Organization

to use the above mentioned property for a function to be held on

_____.

_____ _____
Signature of Owner Address, Phone # Date

BOARD OF SELECTMEN

Date: _____ Action: _____

_____

_____

_____

_____

_____

A. Rules & Regulations which shall be understood by person(s) and/or organization(s) seeking One Day Alcoholic Beverages License.

B. These rules & regulations shall be read to all those person(s) participating in organization and/or working at this event/function.

Be advised that this is a partial list of Rules and Regulations. A full list may be obtained at Town Hall from the Licensing Authority.

1.
All persons purchasing alcoholic beverages must be at lease twenty-one (21) years of age.

2.
Anyone who appears to be intoxicated will not be served alcohol.

3.
The sale or consumption of alcohol before or after permitted hours is not allowed.

4.
You may be held liable for the action/s of person/s purchasing alcohol.

5.
Any disorder, indecency or illegal activities are not permitted on the premises.

6.
Bartenders must be of legal age.

7.
Bartender/s must check identification of purchaser/s of alcohol.

8.
No more then two (2) drinks per person may be purchased at any one time.

9.
Entertainment must be kept at a reasonable level so as not to bother the surrounding area.

10.
No one can bring, consume or sell any alcohol on the premises other than that offered by the licensee.

11.
All alcohol products purchased by the organization holding the event must be purchased in a retail/wholesale operation licensed by the State of Massachusetts.

12.
Any complaint(s) derived from this event/function may have an effect on the future approval of a license application.

13.
The commanding Police Officer on duty can and will close down the sale of liquor at any time that s/he deems necessary to preserve the public safety and order.

I have read the above Rules and Regulations. I understand their contents and consequences.

Signature _____ Date_____

The following will be added to the current Alcoholic Beverages, Chapter 183:

ARTICLE V

One Day Liquor Licenses

183-66 License fee.

A certified check or money order in the amount of $50.00 and made payable to the Town of Stoughton must be submitted along with this application.

183-67 Application Form

The application form must be filled out in its entirety.

183-68 Issuing of license

One Day licenses will be issued at one application per premises per selectmen's meeting.

183-69 Number of Days

All one day liquor licenses shall not exceed three consecutive days on the same premises.

183-70 Public Notice

Any event held on said premises greater than one consecutive day must be advertised.

183-71 Police Details

Police detail policy will be at the discretion of the Police Chief and should be presented at the license hearing.

TITLE: LIQUOR LICENSE VIOLATIONS

DATE ADOPTED: July 28, 1981

First Offense	One day license suspension.
Second Offense	Five day license suspension.
Third Offense	Seven day license suspension.
Fourth Offense	Total revocation of license.

Any applications for transfer of the license in question shall not be granted by the Board during any period of license suspension or revocation.

Suspension days to be consecutive in all instances.

A permanent record of all violations shall be kept in the Town Clerk's Office for a period of two years from the date of offense. This record shall be considered in all subsequent liquor-related hearings and/or discussions. A statement of each violation shall be sent from the Town clerk to the State of Massachusetts Alcoholic Beverages Control Commission.

TITLE: PAPER STREET REGULATIONS

DATE ADOPTED: September 11, 1973

1. The petitioner shall be required to have the road surfaced and any streets built shall be built to the same standards as required by the Planning Board under their subdivision control act with a minimum of a 24 ft. pavement.

2. The petitioner shall be required to install any drainage necessary to insure the adequate draining of the street.

3. A minimum of an 8 inch water main be installed where the extension of the water system is necessary.

4. Any construction within 200 ft. more or less from an existing water main must be connected (no dead ends permitted).

5. Any construction within 200 ft. more or less from an existing paved road, the roadway must be completed.

6. All necessary gates and hydrants as required by the Superintendent of Public works must be installed.

7. All builders must connect to the sewer if within 400 ft., more or less.

8. A bond must be furnished to cover all necessary work.

TITLE: RESERVISTS ON ACTIVE DUTY - OPERATION DESERT STORM
DATE ADOPTED: September 4, 1990

At a meeting of the Board of Selectmen held on September 4, 1990 it was voted to supplement the weekly pay of any reservists called to active duty so that the employees' base weekly salaries are not reduced. This policy would be good for one hundred twenty days.

TITLE: SEWER - BETTERMENT LIENS

DATE ADOPTED: September 17, 1991

By vote of Town Meeting, Sewer construction projects require a betterment charge in accordance with the attached schedule.

If a property owner pays a sewer betterment assessment in full by the due date, the Town will remove the lien at the Town's expense.

The lien itself will continue to be placed once a sewer project is voted. At the Town meeting, however, the actual betterment bill will not be sent until construction is finished and the sewer is available for use.

TOWN OF STOUGHTON

ITEMS OF INTEREST RELATIVE TO INSTALLATION OF SEWERS----------

1. Residents of the town not presently serviced by municipal sewerage may, if they so desire, submit an article by petition to be inserted in a Town Meeting Warrant for approval and appropriation of funds so an installation might be effected.

2. Cost to the abutting property owners, as a sewer betterment is assessed by computing two components; Lot Frontages and Lot Area. The lot considered is that portion contained between the street line, frontage property line and the rear property line or a line 125 feet from and parallel to the street line, WHICHEVER IS LESS. Presently, the assessment rates are $10.00 per foot of lot frontage and $0.10 per square foot of lot area to a maximum depth of 125 feet measured from the street line. SEE ATTACHED SKETCH.

3. In an instance where a lot is located on a corner of two streets, the frontages are calculated to the intersection of the tangents to the curve (as if the street lines were extended so as to intersect at a point). If the sewer main is installed in both streets only one frontage, the longer of the two, will be assessed. Naturally, if only one street will have a sewer main installed, that frontage would be used for assessment purposes. SEE ATTACHED SHEET.

4. The sewer assessment bills are mailed to the property owners after the sewer main has been installed and is ready for use. If the bill is not paid within 90 days after billing, it will be apportioned over a 10 year period (into equal payments) with interest added at a rate of 10% annually on the unpaid balance. The interest is computed from the date of the bill for the first billing period.

5. It should be noted that once the Town Meeting favorably votes a sewerage article, a document is recorded in the Registry of Deeds listing the properties benefiting from such action with the amount of respective assessments. This document becomes a lien on the property and serves notice that installation of the sewer is contemplated and, once effected, a bill in the amount noted will be mailed to the property owner. By State Law, this lien must be filed within thirty (30) days of Town Meeting action.

6. Once the sewer main installation is completed, abutting property owners may request a connection to their building. Application Cards are available in the office of the Engineering department. There are two (2) classess of building sewer permit applications and fees: (a) for residential and commercial permits - $10.00 and (b) for industrial sewer permits - $20.00.

7. All costs and expenses incident to the installation and connection of the building sewer, from the building to the sanitary sewer main, shall be borne by the owner. Presently, the regulations provide for connections to be made by a contractor who has by qualification and bonding had his name put on a Licensed Sewer Connection Installer's List. A property owner utilizing the services of such a contractor must negotiate installation costs and methods of payment directly with such contractor. Since the Town of stoughton may have installed a partial, or stub, sewer connection from the main sewer to approximate property line, (to avoid the need to excavate the paved area of the street when connection to the sewer was desired by the property owner). The applicant will be billed for the stub, by the town, at such time that it is used. That bill, could then be apportioned over a 10 year period, with interest, and applied to the realestate tax bill, for the stub only.

8. In accordance with the sewer Rental Regulation, the owner of a building having a sewer connection to the Town system shall pay to the Town an annual rental bill based on the prior year's water consumption, or a reasonable estimate. The bill will be issued quarterly.

9. We hope that the information presented here will be of assistance and benefit to the residents of our Town.

Should you have any questions or desire further information, please feel free to contact the engineering department Office at 341-1300 x229.

TITLE: AMBULANCE BILLING

DATE ADOPTED: October 19, 1993

A. BILLING:

1. A bill is sent to all patients who use the Town's ambulance. The bill is in accordance with the rates established by the Board of Selectmen.

2. If the patient is eligible for Medicare or Medicaid, we will bill these companies directly if the patient provides the necessary information. Once that information is on file, future bills are sent directly to the insurers.

3. If the patient is eligible for Workers Compensation, Mass Health, Mass Commission for the blind, or other similar such programs, the patient is asked to forward the bill directly to these carriers. If an auto insurer is involved, the patient is asked to send the bill directly to the insurance carriers for no fault personal injury payment.

4. Otherwise, the patient is expected to pay the bill and seek reimbursement from his/her health insurance plan.

5. Once payment is received, a balance bill is issued, if needed, except for those few programs that do not allow balance billing. A second "balance due" bill will be sent, if needed. Any remaining balance will be referred to a collection service for collection.

6. If the patient does not respond in 30 days, a second bill will be sent.

7. A third bill will be sent 15 days later.

8. If no response is forth coming in another 15 days, the bill will be referred to a collection service for collection.

B. ABATEMENTS:

1. Patients covered by plans where balance billing is not allowed: Some plans, such as workers compensation, do not allow for balance billing. Patients covered by these plans will not be balance billed. The difference between the actual amount billed and the payment received will automatically be abated at the time payment is received.

Example: Town Bill: $200.00
Ins. Policy: 150.00
Payment:
Balance bill: -0-

Abatement: $50.00

2. Patients covered by plans where partial balance billing is allowed: Some programs, such as Medicare, only pay a percentage of an approved amount, regardless of what is billed. They then only allow a balance bill for the difference between what the insurer actually pays and the amount the insurer approves. The difference between the actual bill and the insurer's approved amount will automatically be abated at the time of payment is received.

Example:	Town's bill:	$200.00
	Insured's approved Amount:	160.00
	Insured's actual Payment:	140.00
	Balance bill:	20.00
	Abatement:	40.00

3. Patients with Financial Hardship: a) The uninsured portion of a bill of a patient presenting reasonable evidence demonstrating financial hardship may be abated by the Fire Chief or Town Manager.

4. Deceased Patients: Any outstanding balance not covered by an insurance plan will be abated at the time of a patients death.

5. Correction of Errors: If a bill has been issued and an error discovered, a revised bill will be issued with the approval of the Fire Chief or Town Manager. The original bill will be abated.

C. REFUNDS:

1. Refunds will only be issued if approved by the Fire Chief or Town Manager.

2. If a bill is paid twice, once by the insurance plan and once by a patient, a refund will be issued to the patient.

3. If a bill has been paid and then found to be in error, a refund will be issued to the payer for the paid portion of the error.

TITLE: AUTOMATIC AMUSEMENT LICENSES

DATE ADOPTED: October 30, 1990

Presently, there is a moratorium on issuing these licenses. The Board has voted to consider exceptions on a case by case basis.

Attached is documentation of this policy.

TITLE: AUTOMATIC AMUSEMENT LICENSES

DATE ADOPTED: October 30, 1990

The Board then noted correspondence from Village Pub & Restaurant, Inc. and Downtown Pub, Inc. d/b/a Choo Choo Charlies' each requesting that the Board reconsider the Automatic Amusement Moratorium and allow then to apply for licenses for automatic amusement devices for their respective establishments.

Discussion resulted in a motion by Mr. Yaitanes, seconded by Mrs. Blomstrom and UNANIMOUSLY voted to consider exceptions to the Automatic Amusement Moratorium on a case by case basis, in keeping with the By Law of the Town and in keeping with the ruling of Town Counsel.

The Board noted that public hearings would be scheduled to consider these applications in the usual manner.

TITLE: AUTOMATIC AMUSEMENT LICENSES

DATE ADOPTED: October 30, 1990

1. A moratorium was placed on automatic amusement devices on November 3, 1982.

2. An outright ban was tabled on November 16, 1982.

3. The ban was removed from the table on December 14, 1982.

   Therefore, the moratorium is still in place.

TITLE: AUTOMATIC AMUSEMENT LICENSES

DATE ADOPTED: October 30, 1990

EXCERPT OF BOARD OF SELECTMEN MINUTES - 11/3/82

Automatic Amusement License Policy Moratorium

The Board then held discussion relating to the existing Automatic Amusement License Policy adopted in September of 1981.
Mr. Crimmins moved that a moratorium be placed upon the issuing of Automatic Amusement Licenses and that applications for Automatic Amusement License/s not be accepted until such time as the Board has opportunity to review the policy.
Mr. McGarry seconded the motion which was UNANIMOUSLY voted.
Mr. McGarry moved to schedule a discussion of the policy for the next meeting of the Board of Selectmen. Mr. Johnson seconded the motion which was UNANIMOUSLY voted.

that the license indicate the video game as Packman and the jukebox as Seeburg. Mr. McGarry seconded the amendment which PASSED with Mr. Crimmins in opposition. The amended motion was then UNANIMOUSLY voted.
Mr. Cohen then returned to the Chair.

Automatic Amusement License Policy Moratorium

The Board then held discussion relating to the existing Automatic Amusement License Policy adopted in September of 1981.
Mr. Crimmins moved that a moratorium be placed upon the issuing of Automatic Amusement Licenses and that applications for Automatic Amusement License/s not be accepted until such time as the Board has opportunity to review the policy. Mr. McGarry seconded the motion which was UNANIMOUSLY voted.
Mr. McGarry moved to schedule discussion of the policy for the next meeting of the Board of Selectmen. Mr. Johnson seconded the motion which was UNANIMOUSLY voted.

Vet's Activities

Correspondence was then read from John Tobin, Veteran's Activities Chairman advising the Board of events scheduled in conjunction with Veteran's Day. Mr. Tobin further requested that the Board seek another to serve as Chairman of Veterans Activities. He indicated he would finish the existing term through April, 1983.

Street Naming

Correspondence was then read from Hayward, Boynton and Williams requesting that a street within the Tanglewood Subdivision be named Tamarack Drive. Discussion of this request lead to discussion of the responsibilities of the Board as Street Commissioners and the past policy of naming new streets in honor of deceased veterans.
It was agreed that the matter would be researched and further discussed at the next meeting of the Board.
Mr. McGarry moved to continue the policy of naming new streets after deceased veterans. Mr. Yaitanes seconded the motion which was UNANIMOUSLY voted.
Mr. McGarry moved that a Street Naming Committee be formed by the Board to make recommendations to the Board. Mr. Yaitanes seconded the motion which was UNANIMOUSLY voted.

Vietnam Veterans Week

Correspondence was read from Veterans Agent, Daniel Carron, requesting that the Board issue a proclamation saluting Vietnam Veterans Week, November 10th to November 14th, 1982. Mr. Johnson moved to grant the request and that a proclamation be drawn. Mr. Crimmins seconded the motion which was UNANIMOUSLY voted.

WATER Review of Moratorium

Mr. Crimmins moved that the Board review the existing water moratorium. After discussion, Mr. Johnson seconded the motion which was UNANIMOUSLY voted. It was agreed to review the moratorium at the next meeting of the Board.

Executive Session

Mr. Johnson moved that the Board go into Executive Session at this time for purposes of discussing contract negotiations and that the Board not return to open session this evening. Mr. Crimmins seconded the motion.
Mr. Byland advised he had several personnel matters he wished the Board to discuss in Executive Session. He acknowledged that it related to discuss strategy for purposes of bargaining and litigation. The motion was UNANIMOUSLY voted.

TITLE: AUTOMATIC AMUSEMENT LICENSES

DATE ADOPTED: October 30, 1990

Excerpt of Board of Selectmen Minutes - 11/16/82

AUTOMATIC AMUSEMENT LICENSE POLICY

The Board then reviewed and discussed the Automatic Amusement License Policy adopted in September, 1981.
Mr. Yaitanes moved that no machines be allowed to operate during school hours. Mr. Crimmins seconded the motion. Discussion followed resulting in concerns being expressed relating to the enforcement responsibilities for such action. The motion FAILED unanimously.
Mr. Crimmins moved to review the reasons for the policy. Johnson seconded the motion which was UNANIMOUSLY voted. Discussion followed which indicated that the purpose of the policy was to prevent arcades within the Town; to limit the scope; to place restrictions and responsibilities upon licensees.
Mr. Yaitanes moved that, upon any exchange, the licensee notify the Town within seven days of the change for the approval of the Board and that the licenses reflect the specific name(s) of the game(s). Mr. Johnson seconded the motion. Additional discussion resulted in suggestions that the Board consider drafting an approved list of machines. The subject of censorship was discussed.
Mr. McGarry moved to amend the motion that any change requested be subject to the approval of the Board. Mr. Johnson seconded the amendment.
Discussion of the amendment resulted in the Board agreeing that the proposed motion and proposed amendment referred to video games and Mr. McGarry indicated he wished the amendment to include the "entertainment video machine games". Mr. Johnson accepted this as part of the amendment. Mr. Yaitanes advised he felt there should be an approved list. Additional discussion of the amendment resulted in withdrawal of the second and Mr. Cohen declared the motion out of order.
Mr. Johnson moved that no further (Automatic Amusement) licenses be granted in the Town of Stoughton for video game machines of skill; that all licenses now in effect indicate the name of the machine listed upon the license at the time of renewal and, in the event that the machine license is changed, approval for that change be subject to the approval of the Licensing Authority for the town. Mr. McGarry seconded the motion. Discussion of this motion resulted in agreement that the motion would be divided. Additional discussion resulted in the withdrawal of the motion and second.
Mr. Johnson moved that no further licenses be issued by the Town for video games. Mr. McGarry seconded the motion which was UNANIMOUSLY voted. Mr. Johnson then acknowledged that it had

been his intent, in the previous motion, to issue no further licenses for coin operated automatic amusement devices and the then moved to reconsider the motion. Mr. McGarry seconded the motion which, after discussion, was UNANIMOUSLY voted. Mr. Johnson then moved to deny the reconsidered motion. Mr. McGarry seconded the motion which was UNANIMOUSLY voted.
Mr. Johnson moved that all coin operated automatic amusement devices be eliminated from future licensing. Mr. McGarry seconded the motion. Discussion of the motion resulted in a motion by Mr. Yaitanes to table the issue and refer it to Town Counsel. The motion PASSED with Mr. Johnson in opposition.
It was then agreement to inquire of Town Counsel how to deal with methods to payment by any means other than the deposit of a coin.

The Board then reviewed and discussed the Automatic Amusement License Policy adopted in September, 1981.
Mr. Yaitanes moved that no machines be allowed to operate during school hours. Mr. Crimmins seconded the motion. Discussion followed resulting in concerns being expressed relating to the enforcement responsibilities for such action. The motion then FAILED unanimously.
Mr. Crimmins moved to review the reasons for the policy. Mr. Johnson seconded the motion which was UNANIMOUSLY voted. Discussion followed which indicated that the purpose of the policy was to prevent arcades within the Town; to limit the scope; to place restrictions and responsibilities upon the licensees.
Mr. Yaitanes moved that, upon any exchange, the licensee notify the Town within seven days of the change for the approval of the Board and that the licenses reflect the specific name(s) of the game(s). Mr. Johnson seconded the motion. Additional discussion resulted in suggestions that the Board consider drafting an approved list of machines. The subject of censorship was discussed.
Mr. McGarry moved to amend the motion that any change requested be subject to the approval of the Board. Mr. Johnson seconded the amendment.
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Mr. Johnson moved that no further (Automatic Amusement) licenses be granted in the Town of Stoughton for video game machine games of skill; that all licenses now in effect indicate the name of the machine listed upon the license at the time of renewal and, in the event that the machine license is changed, approval for that change be subject to the approval of the Licensing Authority for the Town. Mr. McGarry seconded the motion. Discussion of this motion resulted in agreement that the motion would be divided. Additional discussion resulted in the withdrawal of the motion and second.
Mr. Johnson moved that no further licenses be issued by the Town for video games. Mr. McGarry seconded the motion which was UNANIMOUSLY voted. Mr. Johnson then acknowledged that it had been his intent, in the previous motion, to issue no further licenses for coin operated automatic amusement devices and the then moved to reconsider the motion. Mr. McGarry seconded the motion which, after discussion, was UNANIMOUSLY voted. Mr. Johnson then moved to deny the reconsidered motion. Mr. McGarry seconded the motion which was UNANIMOUSLY voted.
Mr. Johnson moved that all coin operated automatic amusement devices be eliminated from future licensing. Mr. McGarry seconded the motion. Discussion of the motion resulted in a motion by Mr. Yaitanes to table the issue and refer it to Town Counsel. The motion PASSED with Mr. Johnson in opposition.
It was then agreed to inquire of Town Counsel how to deal with methods of payment by any means other than the deposit of a coin.

Mr. Johnson then moved to open the public hearing on the renewal of non-alcoholic licenses for the calendar year 1983. Mr. Yaitanes seconded the motion which was UNANIMOUSLY voted.

TITLE: AUTOMATIC AMUSEMENT LICENSES

DATE ADOPTED: October 30, 1990

EXCERPT OF BOARD OF SELECTMEN MINUTES - 12/14/82

TABLE Automatic Amusement Policy

Mr. Crimmins moved to remove from the table item T2(Automatic Amusement Policy review). Mr. Yaitanes seconded the motion which was UNANIMOUSLY voted.
Mrs. Mamie Gray, Rockland St., inquired about the showing of movies on large screen televisions in various Town establishments. Miss Cynthia Walsh, Park St., stated that there was a large gap in the zoning regulations which does not cover this circumstance. She suggested that a remedy be sought. Mr. Kopelman stated that it is becoming problematic and the Board could request a by-law be considered by Town Meeting to cover this circumstance. Mr. Paul Tiberian stated that the by-law recently adopted by Town Meeting included definitions of mini and maxi theaters which might cover this issue. Mr. McGarry noted that state approval has not, as yet, been received. Mr. Crimmins noted that a citizen questioning the zoning conformity of a particular establishment could directly refer the question to the Building and Zoning Inspector. He further noted that there was a difference between large screen television and the showing of movies. Mr. Paul Sterns, Winslow Drive, requested that the Board establish a method, rules and/or regulations governing such activities before they get out of control. Mrs. Gray requested a determination as to when such activities should require an entertainment license since such activities are for purposes of entertainment. It was noted that the Building Inspector has indicated that, according to the Zoning by-law, such activities are permitted. Mr. Yaitanes requested that Town Counsel investigate and determine how such activities are being handled in other communities within the Commonwealth prior to considering a by-law. Mr. Robert Kowalsky, Country Pub, stated he had large and regular televisions and that other tan size, he saw no difference. He also stated that he saw no problem with the showing of movies. Mr. Cohen noted that this was a whole new area. Mr. Crimmins stated he did not think it appropriate for the Board of Selectmen to indicate what size television screen is to be allowed and he further stated he felt there were no particular problems with establishments. He stated that what might be shown should not be the issue and a law cannot be enacted prohibiting something because they might break another law. Mr. Orrin Hansen noted that the charging of a fee makes is a different issue. He requested that this be carefully studies prior to submitting a by-law to Town Meeting.

BOARD OF SELECTMEN

Minutes - 12/14/82

A regular meeting of the Board of Selectmen was held on December 14, 1982 at the Town Hall. Present for this meeting were: Chairman Roy Cohen, Charles Yaitanes, Walter Johnson, Daniel McGarry, Francis Crimmins, Town Manager Patrick Hyland and Town Counsel Leonard Kopelman.

CONSENT AGENDA

The meeting was called to order at 7:30 p.m. and the Consent Agneda was read adding an item to be numbered C5 (Abatement of water bill - Robert Adler, 83 Ryan Road). Mr. Hyland advised that he felt the Board should review this request for abatement because of the unusual circumstances. Mr. Adler stated that the bill in question had showed a large increase in consumption and that testing of the meter had resulted in a drop in useage when the meter was reinstalle Be further noted that there had not been any change in the household which would result in such a useage figure as that which appeared on the bill in question. Mr. Hyland noted that the figure on the bill was considerable above what would be considered average useage. He advised the reading was abnormal and that usual procedures had not resulted in the reaching of a conclusion. Mr. Adler stated that when the meter was reinstalled, consumption immediately dropped from 4200 cubic feet to eight hundred cubic feet per month.
Additional discussion resulted in a motion by Mr. Yaitanes to abate this bill by 50% ($262.26). Mr. McGarry seconded the motion which, after discussion, was UNANIMOUSLY voted.
Mr. Yaitanes then moved to approve the Consent Agenda as presented. Mr. Johnson seconded the motion which was UNANIMOUSLY voted.
The Consent Agenda was approved as follows:

C1. Approve payroll and bill warrants and any other documents to come before the meeting.
C2. Approve Selectmen's Minutes - 12/1 & 12/6/82.
C3. Approve renewal of Auctioneer's License - Richard T. Murphy, 102 Pleasant St.
C4. Approve policy change re: notice to abutters for change of managers of existing liquor licenses.
C5. Abatement of water bill - Robert Adler, 83 Ryan Rd.

TABLE Automatic Amusement Policy

Mr. Crimmins moved to remove from the table item T2 (Automatic Amusement Policy review). Mr. Yaitanes seconded the motion which was UNANIMOUSLY voted.
Mrs. Mamie Gray, Rockland St., inquired about the showing of movies on large screen television in various Town establishments. Miss Cynthia Walsh, Park St., stated that there was a large gap in the zoning regulations which does not cover this circumstance. She suggested that a remedy be sought. Mr. Kopelman stated that it is becoming problematic and the Board could request a by-law be considered by Town Meeting to cover this circumstance. Mr. Paul Tiberian stated that the by-law recently adopted by Town Meeting included definitions of mini and maxi theatres which might cover this issue. Mr. McGarry noted that state approval had not, as yet, been received. Mr. Crimmins noted that a citizen questioning the zoning conformity of a particular establishment could directly refer the question to the Building and Zoning Inspector Be further noted that there was a difference between large screen television and the showing of movies. Mr. Paul Stearns, Winslow Drive, requested that the Board establish a method, rules and/or regulations governing such activities before they get out of control. Mrs. Gray requested a determination as to when such activities should require an entertainment license since such activities are for purposes of entertainment. It was noted that the Building Inspector has indicated that, according to the Zoning by-law, such activities are permitted. Mr. Yaitanes requested that Town Counsel investigate and determine how such activities are being handeled in other communities within the Commonwealth prior to considering a by-law. Mr. Robert Kowalsky, Country Pub, stated he had large and regular televisions and that

other than the size, he saw no difference. He also stated that he saw no problem with the showing of movies. Mr. Cohen noted that this was a whole new area. Mr. Crimmins stated he did not think it appropriate for the Board of Selectmen to indicate what size television screen is to be allowed and he further stated he felt there were particular problem with establishments. He stated that what might be shown should not be the issue and a law cannot be enacted prohibiting something because they might break another law. He noted he felt this matter should not go beyond this Board. Mr. Orrin Hansen noted that the charging of a fee makes is a different issue. He requested that this be carefully studied prior to submittin a by-law to Town Meeting.

License Renewals

Alex's

The Board then held discussion with Town Counsel concerning the renewal of Entertainment and Sunday Entertainment licenses for Sport Lounge, Inc. d/b/a Alex's. Mr. Kopelman stated it was his recommendation that the Board grant the licenses subject to Chapter 606 of the Acts of 1981 in order to provide a pure test of the law. Mr. Kopelman further stated that the licenses had been issued by order of the courts in past years. Mr. Kopelman stated that the entertainment and Sunday entertainment licenses should be issued subject to Chapter 606 of the Acts of 1981 and subject to litigation now pending in the Federal Court.

Abatement Requests/ Section 13B Chapter 80

The Board then agreed to investigate the records to determine if Section 13B of Chapter 80 had been adopted by Town Meeting in order to permit deferral of payment of assessment charges levied upon older taxpayers who may be unable to meet the betterment to a time when either the sell the property or pass away.

Licenses

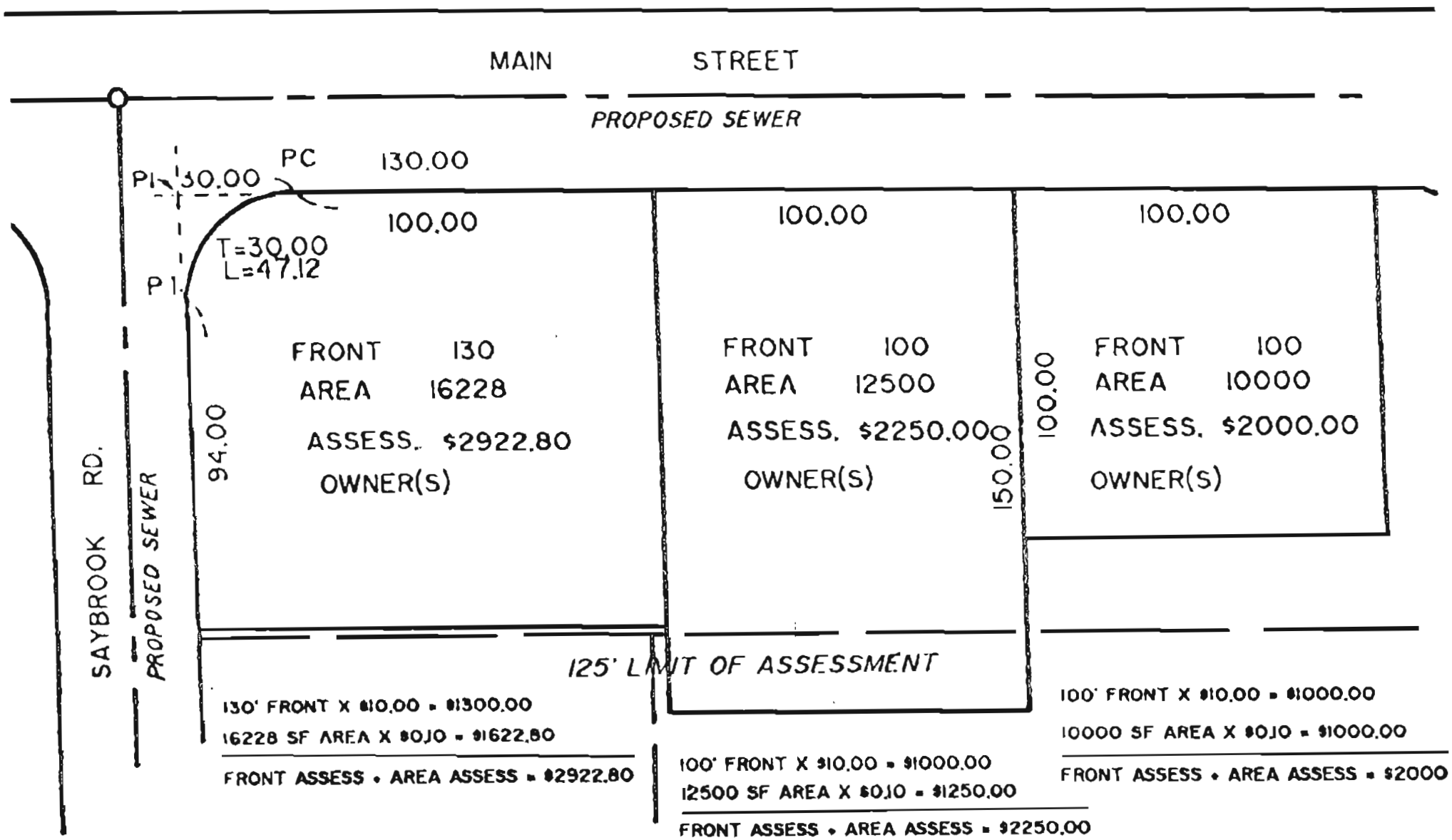
Mr. Kopelman then advised that licenses granted by Board are grandfathered and can be sold with the property.
Mr. Kopelman further advised that the moratorium adopted by the Board concerning the granting of automatic amusement licenses was defensible.

Alex's

Mr. Yaitanes then moved to renew the Sunday Entertainment license for Sport Lounge, Inc. d/b/a Alex's subject to Chapter 606 of the Acts of 1981 and subject to final decision of the Federal District Court. Mr. McGarry seconded the motion which was UNANIMOUSLY voted.
Mr. Yaitanes moved to renew the weekday Entertainment license for Sport Lounge, Inc. d/b/a Alex's subject to Chapter 606 of the Acts of 1981 and subject to final decision of the Federal District Court. Mr. Johnson seconded the motion. Mr. Kopelman advised that the stipulation concerning the Federal Court decision was not necessary. Mr. Yaitanes then withdrew that portion of the motion. The motion was UNANIMOUSLY voted.

Insurance Auto Body

Mr. Kopelman advised the injunction placed upon the Board concerning Insurance Auto Body had been in conjunction with a revocation of license and not upon renewal of the license. He noted he felt this was a new issue -- the renewal of a license. Mr. Kopelman stated that he had recommended that the Board hold a hearing to consider whether or not to renew the license. Mr. Cohen noted that all had received notice of the hearings held for purposes of renewal of licenses. In response to an inquiry from Mr. Crimmins, Mr. Kopelman advised he felt it would be unsound to think that the courts intended to continue the license permanently. He stated the courts might consider the renewal issue in a different light and that it was his opinion that the Board could hold a hearing concerning renewal of a Class II if they felt they might have reason not to renew any such license. Mr. Crimmins inquired as to the method of scheduling such a hearing. Mr. Kopelman stated that the burden was upon the Town to show why renewal should or should not be granted.



RATES OF ASSESSMENT

$10.00 PER FOOT FRONTAGE

$0.10 PER SQ.FT AREA

TITLE: SEWER - DISCONNECT FROM MUNICIPAL SYSTEM

DATE ADOPTED:

The policy of the Board of Selectmen is to consider each application on its merits. Prior to consideration by the Board of Selectmen, the applicant must obtain approval from the Board of Health for an on-site system in accordance with current codes.

Attached are memo's and legal opinion's on this policy.

Town of Stoughton

10 Pearl Street | Stoughton, MA 02072 | (617) 341-1300 | FAX (617) 344 5048

Date: August 7th, 1992

To: Board of Selectmen
Board of Health
Conservation Commission
Public Works Superintendent
Town Engineer

From: Philip J. Farrington,
Town Manager

Subject: Application to disconnect from the Municipal Sewer System

With sewer rates rising, some residents are asking about disconnecting from the sewer system.

There is no Town By Law requiring mandatory connection. The Board of Selectmen, acting as Sewer Commissioners, have agreed to consider any application which is received.

Prior to the hearing by the Board of Selectmen, the applicant will be required to obtain approval from the Board of Health for an on site septic system in accordance with current codes.

The Conservation Commission will review the application and forward an opinion to the Selectmen.

The Town Engineer and Public Works Superintendent will also be asked for recommendations.

Please review the attached opinion of Town Counsel and contact me if you have any questions or recommendations on how to best handle such applications.

I know you all realize the wisdom of having a procedure in place prior to commencing response to applications of this nature.

/n
att

Town of Stoughton

10 Pearl Street | Stoughton, MA 02072 | (617) 341-1300 | FAX (617) 344-5048

March 18, 1993

TO: Paul MacNevin, Chairman
Board of Health

RE: Policy to Disconnect from Sewer

This is to follow-up on our discussion held at the last meeting. As you know you were advised to create a policy to administer a procedure for residents who request permission from the Board of Selectmen acting as Sewer Commissioners, to disconnect from Town Sewer. At this time we have established the following:

Initially the applicant is referred to the Board of Health. At such time the applicant will be made aware of Title V, Regulation 310 CMR 15.02 (12) Connection to a Common Sewer. This is the State Regulation highlighting our obligation that we ..."shall not approve the use of on-site sewage disposal systems when a common sanitary sewer is accessible...". The applicant is to be informed that a variance from this regulation must be secured from the Board of Health and MA-DEP, before the Board of Health can furnish a positive recommendation to the Board of Selectmen to allow for the dis-connection.

Each instance will be judged by the BOE based on its own merit. In addition, to a hearing for the variance before the BOH, I advise you to require that the applicant obtain the services of a professional engineer and furnish plans to be reviewed by the office to confirm that the proposal for the new septic disposal system meets compliance with local BOE Regulations and Title V. The cost of the permit to allow the installation of the new septic system will need to be established by the BOH.

However, if an applicant requests the disconnection because of the high or escalating cost of sewer bills, the the Board of Health agreed that this was not a valid reason to obtain a positive recommendation from this Board to be given to the Board of Selectmen.

If it is the wish of the Board you may vote to establish this policy at our upcoming meeting.

Thank you,

James Conlon

James Conlon, R.S.
Health Agent/Sanitarian

cc: Town Manager
Town Engineer
BOH
Files

LEONARD KOPELMAN
DONALD G. PAIGE
ELIZABETH A. LANE
JOYCE FRANK
JOHN W. GIORGIO
BARBARA J. SAINT ANDRE
JOEL B. BARD
EVERETT J. MARDER

JOSEPH L. TEHAN JR.
WILLIAM HEWIG III
THERESA M. DOWDY
PATRICK J. COSTELLO
KAREN V. KELLY
DEBORAH A. ELIASON
JEANNE S. McKNIGHT
JUDITH C. CUTLER
ANNE MARIE M. HYLAND
RICHARD BOWEN
CHERYL ANN BANKS
BRIAN W. RILEY
KIMBERLY A. HOLLIDAY
MARY L. GIORGIO
KATHLEEN E. CONNOLLY
MARY JANE EUSTACE

KOPELMAN AND PAIGE, P.C.
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WORCESTER OFFICE
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February 2, 1993

Mr. Philip J. Farrington,
Town Manager
Stoughton Town Hall
10 Pearl Street
Stoughton, MA 02072

Re: Disconnection from municipal sewer - Title 5 considerations

Dear Mr. Farrington:

At your request, I have reviewed an opinion dated August 4, 1992 rendered by my partner Elizabeth A. Lane relative to whether the Selectmen, acting as Sewer Commission, are required by law to approve disconnection of an occupied structure from the municipal sewer system. As you will recall, the opinion stated that state law allowed such disconnection subject to Board of Health approval of an on-site septage treatment facility and its installation prior to disconnection. The Board of Health has questioned that opinion, referring to the provisions of so-called Title 5, specifically, 310 CMR §15.02(1). That section provides that, "No individual sewage disposal system...shall be located, constructed...or installed where a common sanitary sewer is accessible adjoining the property and where permission to enter such sewer can be obtained from the authority having jurisdiction over it...."

In my opinion, the Board of Health correctly points out that this provision applies to prevent disconnection of a property from a sanitary sewer without a variance from the Board of Health to override the provisions of 310 CMR §15.02(1). However, Attorney Lane's opinion does not indicate that the Sewer Commissioners are able to override the requirements of Title 5 or obviate the need to comply with all other applicable law, including the need for a variance from §15.02(1). In this regard, I direct your attention to the last sentence of the first paragraph of the August 4, 1992 opinion which recognizes that the

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disconnection of an occupied structure may take place only, "as long as an on-site septage treatment system approved by the Board of Health is installed and functioning prior to the disconnection."

The August 4, 1992 letter addressed only the narrow question of the power of the Sewer Commission. If the Board of Health is concerned that applicants know that Board of Health approval is a significant aspect of disconnection from the municipal system, the Board of Health and Sewer Commission doubtless could develop a joint policy to refer an applicant for disconnection to the Board of Health for consideration of a permit to install an on-site septage treatment facility. The Board of Health may exercise its authority to grant or deny permission, but is under no obligation to grant a variance from §15.02(1) or any other provision of Title 5. Only after the Board of Health allows an on-site system should the Sewer Commissioners allow disconnection. Even in that case, there is no law, in my opinion, which mandates that the Sewer Commission authorize disconnection. If either the Board of Health or the Sewer Commission denies the required permit, the disconnection may not take place. If other law requires another permit, for example, state or local wetlands law, the disconnection will be conditioned upon obtaining any such additional permit as well.

Please let me know if you have additional questions about this matter.

Very truly yours,

Joyce Frank

Joyce Frank

JF/ja

LEONARD KOPELMAN
DONALD G. PAIGE
ELIZABETH A. LANE
JOYCE FRANK
JOHN W. GIORGIO
BARBARA J. SAINT ANDRE
JOEL B. BARD

RICHARD J. FALLON
WILLIAM HEWIG III
EVERETT J. MARCUS
JANE W. O'MALLEY
PATRICK J. COSTELLO
KAREN V. KELLY
DEBORAH A. ELIASON
JUDITH C. CUTLER
ANNE MARIE M. HYLAND
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JOSEPH J. MULLIGAN
OF COUNSEL

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NORTHAMPTON OFFICE
(413) 585-8632

August 4, 1992

Mr. Philip J. Farrington
Town Manager
Stoughton Town Hall
10 Pearl Street
Stoughton, MA 02072

Re: Disconnection from municipal sewer

Dear Mr. Farrington:

You have requested an opinion concerning whether the Board of Selectmen, acting as the Sewer Commission, is required by law to approve an on-site septage treatment system installed at a property currently serviced by municipal sewer where the landowner elects to disconnect from the sewer system. As this office has formerly advised you, there is nothing in either state law or the Stoughton Code which prohibits a sewer user from disconnecting from the sewer, as long as an on-site septage treatment system approved by the Board of Health is installed and functioning prior to the disconnection.

In my opinion, a permit from the Sewer Commission is required in order to disconnect from the municipal sewer because of the provisions of Section 2 of the rules and regulations of the Sewer Commission concerning sewer use. That section provides that "No unauthorized person shall uncover, make any connections with or opening into or use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Board of Sewer Commissioners." In my opinion, disconnection from the municipal sewer is within the provisions of the quoted language. Therefore, the application requirement and fee provisions of the regulations apply as well. The landowner should be required to acknowledge in writing that the Sewer Commission is not bound to allow reconnection to the sewer

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system should the on-site system fail, except in accordance with the then applicable laws and regulations of the Town and other authorities with legal jurisdiction over sewers.

The Selectmen, in making the decision whether to grant the application to disconnect may, and my opinion should, consider any factors which reasonably bear upon the advisability of disconnection from the sewer and the substitution of an on-site septage disposal system. For example, since the Board of Selectmen is also the Water Commission of the Town of Stoughton, the Board is therefore also responsible for protection of the drinking water supply. It is possible that an on-site septage disposal system might comply with the Hazardous Materials and Aquifer Protection By-law Aquifer in the opinion of the Board of Health. However, information available to the Selectmen relative to development of potential additional drinking water well sites or the need for additional protection beyond that provided under the Hazardous Materials By-law may reasonably cause the Selectmen to determine that the disposal of leachable wastes at a particular property is inadvisable and not in the best interests of the Town.

Of course, any decision to deny a disconnection request must be made in a nondiscriminatory and rational manner. Therefore, it is advisable for the Board of Selectmen to thoroughly consider the first request to disconnect in light of the possible public safety and environmental ramifications. A checklist of relevant factors might be useful, and would reflect the need for review by other boards such as the Conservation Commission where the effect of changing to on-site septage treatment raises issues not within the Board of Selectmen's jurisdiction.

Very truly yours,

Elisabeth A. Lane

EAL/vmd
cc: Board of Selectmen

Town of Stoughton

10 Pearl Street | Stoughton, MA 02072 | (617) 341-1300 | FAX (617) 344-5048

Date: March 6th, 1991

To: Board of Health
Public Works Department
Town Engineer

From: Philip J. Farrington, PJF
Town Manager

Subject: Disconnection policy re: Sewer

At its meeting on March 5th, 1991, the Board of Selectmen discussed creation of a sewer disconnection policy. The decision of the Board was to make no new policy, which thus allows a property owner to disconnect from the municipal sewer system. The Board clearly stated that any person desiring to disconnect must first obtain approval of the Board of Health for an on-site septic disposal system.

Attached is a copy of the opinion of Town Counsel on this issue and the vote of the Board of Selectmen. The Board also requested that they be kept informed of any such requests as well as the dispositions of same.

/n
att's
cc: Board of Selectmen

Town of Stoughton
10 Pearl Street | Stoughton, MA 02072 | (617) 341-1300 | FAX (617) 344-5048

POLICY REGARDING REQUESTS TO

DISCONNECT FROM MUNICIPAL SEWER SYSTEM

The following policy was adopted by the Board of Selectmen, acting as Sewer Commissioners on March 5th, 1991:

Mr. Kowalczyk moved that the present policy (concerning requests to disconnect from the Municipal Sewer System) remain in place and that requests to disconnect from the municipal sewer system be considered on a case-by-case basis. Mrs. DeAndrade seconded the motion which, after discussion, was UNANIMOUSLY voted.

FILE:SWR-DIS

desire, and has been amply demonstrated by your delayed notices, failure to issue, etc) will be met with appropriate legal action. You have not treated my small corporation fairly; and it is obvious that potential buyers are encouraging you to issue the license to them as no cost, and you are responding to this pressure at my expense.
Based on past performance, I am convinced that the Stoughton Board of Selectmen, as licensing authority, is incapable of rendering an unbiased and fair judgement in this matter.
Very truly yours,
NSS Stoughton Corp
(signature)
MARY B. ALLEN, President"

Mr. Bowen and the Board Members each indicated that several of the statements made in the letter from Mrs. Allen were, in fact, incorrect.
Mr. Kowalczyk moved that the Board find that NSS Stoughton Corp. had failed to comply with the requirements of the Alcoholic Beverages Control Commission in that they had failed to open the premises and that the Board therefore revoke and rescind the Wine & Malt Beverage License for NSS Stoughton Corp. Mrs. DeAndrade seconded the motion which was UNANIMOUSLY voted.

WATER
Commercial
The Board then reviewed the application and engineering report from Charles Mayo for a commercial water connection in the amount of fifty (50) gallons per day at 233 Canton Street.
Mr. Kowalczyk, noting that the application met the Board's requirements, moved to grant the request. Mrs. DeAndrade seconded the motion which was UNANIMOUSLY voted.

A recess was declared at this time.

Mr. McGarry entered the meeting at this time.

SEWER
Disconnection Requests
The Board reviewed correspondence from Town Counsel (dated 1/11/91, on file) and the Town Manager (dated 1/15/91, on file) and conducted discussion as to whether or not a draft by law would be prepared for review and consideration which would address requests to disconnect from the municipal sewer system.
Mr. Kowalczyk moved that the present policy (concerning requests to disconnect from the Municipal Sewer System) remain in place and that requests to disconnect from the municipal sewer system be considered on a case-by-case basis. Mrs. DeAndrade seconded the motion which, after discussion, was UNANIMOUSLY voted.
It was the consensus of the Board that they be kept updated concerning such requests for disconnection.
Billing
Motion was then made by Mr. Kowalczyk, seconded by Mrs. DeAndrade and, after discussion, UNANIMOUSLY voted that the term for

Town of Stoughton

10 Pearl Street | Stoughton, MA 02072 | (617) 341-1300 | FAX (617) 344-5048

Date: January 15th, 1991

To: Board of Selectmen

From: Philip J. Farrington, pf
Town Manager

Subject: Sewer Connections

As the price of sewers increases, the talk of disconnection increases. To date, only one person has seriously requested disconnection.

Town Counsel has opined that there is no legal basis to deny a request to disconnect. The person, however, will have to comply with all current requirements for a septic system.

Does the Board wish to prepare a by-law which would prevent disconnection?

/n
cc: Town Engineer
Public Works Superintendent

TITLE: FEES - BUILDING DEPARTMENT

DATE ADOPTED: May 16, 1986

Ranch Type Dwelling	$20.00	$35.00	sq. ft.
Cape Cod type without dormers			
- 2nd floor unfinished	$25.00	$40.00	sq. ft.
- with one shed dormer	$26.00	$45.00	sq. ft.
- front & rear shed dormers finished	$32.00	$50.00	sq. ft.
Central full rear shed dormer finished	$32.00	$50.00	sq. ft.
Garrison Colonial - two story finished	$35.00	$60.00	sq. ft.
Front to back split	$22.00	$40.00	sq. ft.
One car garage under	$700.00	$2,500.00	
Two car garage under	$1,200.00	$4,000.00	
Three car garage under	$1,500.00	$5,000.00	
Single garage detached or attached	$8.00	$15.00	sq. ft.
Two car garage detached/attached	$5.00	$10.00	sq. ft.
Three car garage detached/attached	$5.00	$10.00	sq. ft.
Enclosed porch	$10.00	$20.00	sq. ft.
Open porch	$6.00	$10.00	sq. ft.
Platform porch	$3.00	$5.00	sq. ft.
Finished rooms - 2nd floor	$4.00	$8.00	sq. ft.
Finished rooms in basement	$4.00	$8.00	sq. ft.
Extra bath - 2nd floor	$600.00	$1,200.00	
Half bath in basement	$400.00	$800.00	
Multi-family dwellings per unit			
- studio	$15,000.00	$22,000.00	
- 1 bedroom	$20,000.00	$30,000.00	
- 2 bedroom	$24,000.00	$36,000.00	
- 3 bedroom	$28,000.00	$42,000.00	
- 4 bedroom	$32,000.00	$48,000.00	
Fireplace			
- average size	$1,500.00	$3,000.00	
- 1' firebox - each additional	$500.00	$1,000.00	
Apartments	$30.00	$45.00	sq. ft.
Auditoriums - total project costs	$45.00	$60.00	sq. ft.
Automotive sales and service	$25.00	$45.00	sq. ft.
Banks	$65.00	$90.00	sq. ft.
Bowling alleys	$35.00	$60.00	sq. ft.
Car washes	$35.00	$60.00	sq. ft.
Churches	$35.00	$65.00	sq. ft.
Clubs, fraternal, Y.M.C.A., etc	$37.00	$60.00	sq. ft.
Community centers, recreation, etc	$40.00	$80.00	sq. ft.
Court houses	$70.00	$90.00	sq. ft.
Department stores	$28.00	$50.00	sq. ft.
Factories	$25.00	$45.00	sq. ft.
Fire stations	$49.00	$70.00	sq. ft.
Funeral homes	$49.00	$70.00	sq. ft.
Garages, commercial	$37.00	$50.00	sq. ft.
Hospitals	$72.00	$120.00	sq. ft.
Housing for the elderly	$48.00	$70.00	sq. ft.

Medical clinics	$52.00	$80.00 sq. ft.
Medical offices	$45.00	$70.00 sq. ft.
Hotels	$32.00	$50.00 sq. ft.
Nursing Homes	$48.00	$65.00 sq. ft.
Offices	$48.00	$55.00 sq. ft.
Research laboratories and facilities	$65.00	$80.00 sq. ft.
Restaurants	$54.00	$90.00 sq. ft.
Retail stores	$30.00	$50.00 sq. ft.
Schools	$60.00	$100.00 sq. ft.
Shopping centers	$30.00	$50.00 sq. ft.
Supermarkets	$30.00	$50.00 sq. ft.
Telephone exchanges	$65.00	$100.00 sq. ft.
Terminals - truck and box	$35.00	$60.00 sq. ft.
Theaters	$50.00	$90.00 sq. ft.
Warehouses	$25.00	$40.00 sq. ft.

TITLE: FEES - DOG POUND

DATE ADOPTED: July 17, 1990

The Board of Selectmen at its meeting on July 17, 1990, voted the following:

A. The dog pound fee will be $10.00 per animal per day.

B. An animal will be kept for no more than (10) days.

TITLE: FEES - ELECTRICAL

DATE ADOPTED: January 5, 1988

The Board of Selectmen at its meeting of January 5, 1988 adopted the attached fees for electrical inspections.

PROPOSED RATE INCREASE

ELECTRICAL PERMITS

RESIDENTIAL

		Proposed fee:	Present fee:
New Homes:	Single-flat fee. . . . . .rough, finish and final. . . .	$ 40.00.	$ 20.00
	Single-full electric heat.	50.00.	25.00
New Residential:	Two family-flat fee. . . . . .per apartment, rough, final. .	35.00 (each)	15.00
	Two family-fully electric heat	50.00 (each)	25.00
	Three family-flat fee. . . . . .per apartment, rough, final. .	35.00 (each)	15.00
	Three family-fully electric heat	40.00 (each)	25.00
	Over three family-flat fee . . . . . .per apartment, rough, final. .	35.00 (each)	15.00
	Over three family-fully electric heat.	40.00 (each)	25.00
	Condominiums . . . . . .per unit, rough, final	35.00 (each)	20.00
	Condominiums-fully electric heat	40.00 (each)	30.00
	All other residential inspections. . . . . $ 15.00 per inspection for each item		
	Re-inspection. . . . . $ 15.00 per inspection		
	Service change . . . . . $ 30.00 plus $ 15.00 per meter		
Hospitals	. . . . . $ 30.00 per bed		

COMMERCIAL and INDUSTRIAL

a. Meter loops-per meter loop. . . . $ 10.00 (present fee $4)

b. Main service conductors (Switch or circuit breaker) Each 100-amp capacity or fraction thereof . . . . . 15.00 (present fee $ 5)

c. Panel board-flat fee . . . . . 10.00 (present fee $ 4)

d. Branch circuits-flat fee per circuit. . . . . 8.00 (present fee $ 3)

e. Outlets and receiptacles:
   Each outlet. . . . . 60¢ (present fee 25¢)
   Fluorescent lights, each . . . 60¢ (present fee 25¢)

f. Motors
   10 hp or less. . . . . 10.00 (present fee $5)
   Over 10 hp . . . . . .$ 2 per hp

g. Special apparatus, etc, per unit. 15.00 (present fee $5)

h. Heating devices-per kilowatt or fraction thereof . . . . . 10.00 (present fee $5)
   Minimum fee. . . . . 10.00 (present fee $5)

i. Transformers, 1 to 25 KVA . . . . 20.00 (present fee $10)
   Over 25 KVA. . . . . 30.00 (present fee $10)
   Transformer vaults/equipment . 30.00 (present fee $15)

j. Repair and maintenance permit: Industrial concerns employing a licensed electrician on their staff may take out permit for repair and maintenance work only on their premises. . . . . ANNUAL FEE $ 60 (now $ 40) Unless equipment is the direct replacement of existing machinery the fee shall be in accordance with other sections of this fee schedule.

k. Electric signs and marquee installations...$ 20 (now $10)

l. Neon sign and outline. . . . . $ 20 (now $10)

m. Temporary service, flat fee. . . . . $ 20 (now $10)

n. Re-inspection for defective work . . . . . $ 10 (now $ 5)

o. Swimming pools . . . . . $ 30 (now $15)

p. Carnival - per ride and/or booth . . . . . $ 15 (now $10)

q. Aluminum siding/Vinyl siding if service work is required. . . . . $ 20 (now $10)

TITLE: FEES - FIRE DEPARTMENT

DATE ADOPTED: June 18, 1991

The Board of Selectmen at its meeting on June 18, 1991, adopted the following fire department fees:

PERMIT	FEE
AMMUNITION STORAGE	$10.00
BLASTING	$25.00
BUILDING PLAN REVIEW	$15.00
CANNON & GUNPOWDER	$10.00
FIRE REPORT	$10.00
FLAMMABLE FLUIDS & GASES	$15.00
OIL BURNERS	$15.00
PROPANE	$20.00
PROPANE TEMPORARY	$10.00
MODEL ROCKETS	$ 5.00
TANK INSTALLATION/REMOVAL	$25.00 (per tank)
TANK TRUCK	$20.00 (2 yrs.)
SMOKE DETECTORS	$15.00 (per unit)
RE-INSPECTION	$10.00
TAR KETTLES	$10.00
FIRE ALARM/SPRINKLER INSTALLATION	$25.00
CUTTING & WELDING	$15.00
NUISANCE FEES	
MASTER BOX FEES	
STORAGE PERMITS	

TITLE: FEES - INFLOW & INFILTRATION

DATE ADOPTED: April 8, 1985

The Board of Selectmen, acting as Sewer Commissioners at their meeting held on April 18th, 1985, voted to adopt the following fee schedule for Sewer Extension Permits per the recommendation of the Town Engineer:

> Rate = One ($1.00) Dollar per gallon of Inflow and Infiltration to be removed with a minimum requirement of removal of two gallons of Inflow and Infiltration for each one gallon of new flow permitted.

All such grantings shall also require that the applicant therefore will meet all state and local requirements including payment of the appropriate fee/s.

POLICY AMENDMENT

The Board of Selectmen, acting as Sewer Commissioners at their meeting held on February 19th, 1991 voted to adopt the following amendment for the fee schedule for Sewer Extension Permits per the recommendation of the Town Manager:

> The Town of Stoughton will charge an Inflow and Infiltration removal fee, payable at the time of application, of Two ($2.00) Dollars per gallon for all developments that meet either of the following:
>
> 1. The development will require a DEP Water Pollution Control Extension Permit; or
>
> 2. Any single connection that will discharge more than two (2,000) thousand gallons of sewerage a day.

TITLE: FEES - MOBILE HOME LICENSE

DATE ADOPTED: December 31, 1991

The Board of Selectmen at its meeting on December 31, 1991 voted the following:

The license fee for a mobile home will be $12.00 per unit per month.

TITLE: FEES - PLUMBING & GAS

DATE ADOPTED: January 5, 1988

The Board of Selectmen at its meeting on January 5, 1988 adopted the following fees for plumbing ad gas inspections.

RESIDENTIAL:

Ten (10) dollars for the first fixture, plus,
Five (5) dollars for each additional fixture.

COMMERCIAL:

Twenty (20) dollars for the first fixture; plus,
Eight (8) dollars for each additional fixture.

REINSPECTION:

Fifteen (15) dollars.

TITLE: FEES - RECREATION DEPARTMENT

DATE ADOPTED: March 3, 1992

The Board of Selectmen at its meeting on March 3, 1992 adopted the attached schedule of fees.

TITLE: FEES - RECREATION

DATE ADOPTED:

1. SUMMER PLAYGROUND PROGRAM	FY91	FY92	FY93
a. six week program	$70.00	$75.00	$ 85.00
b. three week program	$40.00	$40.00	$ 50.00
c. two week pre-playground program	$30.00	$40.00	$100.00 (four wk.)
d. additional children in family	$10.00 each	$30.00 each	$ 40.00 each
e. Whiffleball Mania		$40.00	$50.00
f. Extended Playground	-	-	$3.00/hr. per child

2. SPECIAL NEED PROGRAM, CAMP HAPPINESS, SHARON, MA

a. six week program	$70.00	$75.00	This program is no longer funded.

* Tuition the town can anticipate is $425.00/child up from last year.

3. AMES POND PASSES

a. Adult Pass	$ 8.00	$10.00	$12.00
b. Children's Pass	$ 4.00	$ 5.00	$ 6.00
c. Maximum Charge	$25.00	$30.00	$35.00
d. Senior's Pass	$ 0.00	$ 5.00	$ 5.00
e. Swimming Lessons	$ 5.00	$20.00	$25.00
f. Adult Day Pass	$ 0.00	$ 2.00	$ 3.00
g. Children's Day Pass	$ 0.00	$ 1.00	$ 1.00
h. Senior Day Pass	-	$ 1.00	$ 1.00

4. WINTER PROGRAMS

Community Service Programs	$30.00	$30.00	$35.00
Community Service Programs w/Materials	$35.00	$35.00	$40.00
Ceramics (Seniors)	$25.00	$25.00	$30.00
Ceramics (Non Senior Class)	$40.00	$50.00	$50.00

(additional charge for greenware)

TITLE: FEES - SEPTAGE

DATE ADOPTED: July 1, 1989

(1) Ticket prices will be increased to:

$20.00 for a 2,000 truck (regardless of amount of load)
$40.00 for load of 2,001 gallons - 3,999 gallons
$60.00 for load of 4,000 gallons and over
$60.00 for tractor trailer (regardless of amount of load)

(2) All pumpers must file a copy of their Motor Vehicle Registration for the trucks you have licensed with the Town. This copy must be given to the Board of Health office. Unlicensed trucks will **NOT** be allowed to dump.

(3) All trucks are to be inspected during the next few weeks. A sticker will be issued to all trucks that pass inspection. Please call James Conlon at 341-1300 Ext. 234 when your truck is full and he will try to accommodate you for inspection.

TITLE: FEES - WATER/SEWER DEMAND

DATE ADOPTED: July 17, 1990

The Board of Selectmen at its meeting of July 17, 1990, voted to establish this fee at $5.00. Interest charges will also be added to outstanding bills.

TITLE: FEES - WEST SCHOOL ATHLETIC COMPLEX

DATE ADOPTED: February 3, 1992

ALL FIELDS

1. Application Fee: single event $10.00
   multiple events/fields $25.00

WEST SCHOOL ATHLETIC COMPLEX

1. In town organized adult league
   ... $10.00 per person/per permit

2. In town business group (adult)
   ... $20.00 per game/activity

3. Out of town adult group
   ... $40.00 per game/activity

4. Lighted filed: Any organization playing under the lights must pay an additional charge of $15.00 per game/activity in an effort to recover electrical costs.

   The fees to be paid at the time of permit for the use of the field that is issued.

TITLE: HANDICAPPED ACCESS

DATE ADOPTED: FEBRUARY 27, 1990

No application for any new alcoholic common victualler license or for the transfer of such license shall be approved by the Board of Selectmen, acting as the Local Licensing Authority, unless the Board determines that the licensed premises are accessible to the public. Factors to be considered by the Local Licensing Authority shall include, without limitation, whether such premises have handicapped accessible ramps, toilets and parking spaces which comply, at a minimum, with applicable requirements and have appropriate signs which designate such parking spaces. exceptions may be granted by the Local Licensing Authority if it finds that such access is architecturally impossible or economically unfeasible.

TITLE: LICENSE UTILIZATION

DATE ADOPTED: June 25, 1985

Any license issued by the Board of Selectmen which is not paid and picked-up by the applicant within thirty (30) days of the date it becomes available shall become void.

Any license not utilized within six (6) months shall become void and unrenewable.

Extensions may be granted at the discretion of the Board of Selectmen.

KOPELMAN AND PAIGE, P.C.
ATTORNEYS AT LAW
[illegible] ARCH STREET
BOSTON, MASSACHUSETTS 02110-[illegible]

(617) 85[illegible]-0007
FAX (617) 85[illegible]-2[illegible]35

January 11, 1991

Mr. Philip J. Farrington
Town Manager
Stoughton Town Hall
10 Pearl Street
Stoughton, MA. 02072

RE: Sewer Connection

Dear Mr. Farrington:

You have asked for an opinion as to whether there are any legal prohibitions which prevent a resident from disconnecting from the Stoughton sewer system as long as the resident provides a proper alternative which meets all codes. In my opinion, the only such legal prohibition would be an order from the Board of Health requiring the resident to connect to the common sewer if the Board deemed that health and safety concerns so required.

I have reviewed the Massachusetts General Laws, the code of the Town of Stoughton and have checked with Mr. Charles Starkovsky about any applicable local regulations and have found no laws or by-laws that either require all residents to connect or prohibit residents from disconnecting. Massachusetts General Laws, c. 83, § 11, states that local Boards of Health may require residents to connect to the common sewer. Such requirement could be established by a by-law, with appropriate provisions for compliance time, or on an individual basis, provided, however, that in either case, such requirement by the Board of Health is supported by reasonable health and safety considerations. See Pluharty v. Hardwick 382 Mass 14 (1980). Therefore, at the present time, and absent such circumstances, I believe that the Board of Health could only prohibit a resident from disconnecting from the sewer until it approved an alternative method of disposal which meets all codes.

If you have any questions, please contact me.

Very truly yours,

Colleen B. Walker

CBW:jm

TITLE: SEWER - EXTENSION PERMITS - REQUIRED PUBLIC HEARING

DATE ADOPTED: October 31, 1989

Pursuant to a vote of the Board of Selectmen, acting as Sewer Commissioners at their meeting of October 31st, 1989, all applicants for Sewer Extension/Connection shall be required to present said application to the Board of Selectmen at a public hearing which shall be scheduled at the convenience of the Board of Selectmen and at the expense of the applicant. The notice of hearing shall be placed in a newspaper of general circulation in the Town of Stoughton and shall be the financial responsibility of the applicant together with any costs which will be associated with notification to all abutters and abutters to abutters which shall be accomplished by certified mail with return receipt requested. The receipts shall be submitted by the applicant to the Board of Selectmen either prior to or at the time of said public hearing.

TITLE: SEWER - REQUIRED CONNECTION - INABILITY TO PAY

DATE ADOPTED: June 18, 1991

The Board of Selectmen voted at its meeting of June 18, 1991 to adopt a policy for residents who, through court, were found unable to pay for a required sewer connection, it is as follows:

I. Town will make the connection to the Municipal Sewer System.

II. The resident will be billed therefore via apportionment on his tax bill over a term of ten (10) years at ten (10%) percent interest.

SEXUAL HARASSMENT POLICY OF

The Town of Stoughton

I. Introduction

It is the goal of the Town of Stoughton to promote a workplace which is professional and which treats all of those who work here with dignity and respect. Sexual harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by this organization. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Because the Town of Stoughton takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

II. Definition of Sexual Harassment

In Massachusetts, the legal definition for sexual harassment is this:

> "sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:
>
> (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions;

or, (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

These definitions are broad and include any sexually oriented conduct, whether it is intended or not, by supervisors, employees and, in some instances, third parties, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating, or humiliating to male or female workers. Prohibited conduct also extends to any function or activity which is officially sponsored by the Town of Stoughton. While it is not possible for the Town of Stoughton to list all those circumstances which we would consider to be sexual harassment, the following are some examples:

- Unwelcome sexual advances - whether they involve physical touching or not;

- Requests for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment;

- Assault or coerced sexual acts.

The following conduct may also constitute sexual harassment in certain circumstances:

- Use of sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comments on an individual's body, comments about an individual's sexual activity, deficiencies, or prowess;

- Displaying sexually suggestive objects, pictures, cartoons;

- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;

- Inquiries into one's sexual experiences;

- Discussion of one's sexual activities; and

- Comments regarding gender stereotypes which demean, embarrass or humiliate employees.

III. Private Counseling Option

If you believe you are the victim of sexual harassment, in addition to the right to file a complaint, you may also seek confidential advice from Kathleen Cronin, Ph. D., Director of Stoughton Youth Commission at (617) 341-2252. She is available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process. If you desire, Dr. Cronin will work with you to find a way of resolving your concerns in an informal manner acceptable to you and in a place which would offer you as much privacy and confidentiality as possible. If this option does not resolve the complaint, see further procedures set forth in Section VI, below.

IV: A) Complaints of Sexual Harassment

If any of our employees believes that he or she has been subjected to sexual harassment, the employee has the right to file a complaint with our organization. This may be done in writing or orally.

If you would like to file a complaint you my do so by contacting Virginia Leary-Callahan, Director of Public Health at (617) 341-1300 Ext. 252. This person is also available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

B) Sexual Harassment Investigation

When the complaint is received, the Town will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview with the person filing the complaint and with witnesses. The person alleged to have committed sexual harassment will also be interviewed. If necessary, written statements may also be requested. When the investigation is completed, the Town will, to the extent appropriate inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If the investigation reveals that sexual harassment did occur, the Town will act promptly to eliminate the offending conduct, and where it is appropriate, will impose disciplinary action

which could include termination from employment. In addition, when the investigation is completed through formal or informal procedures, the Town will inform the person filing the complaint and the alleged harasser of the results of that investigation, including allegations that have not been sustained.

V: Disciplinary Action

If sexual harassment has been committed by one of our employees, the Town will take such action as is appropriate under the circumstances. Such actions may include: counseling, informal or formal reprimands, written or verbal warnings, suspension, reduction in pay, reduction in duties, transfers, and other formal sanctions including termination from employment.

VI: State and Federal Remedies

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with wither or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has as short time period for filing a claim (EEOC - 180 days; MCAD - 6 months).

1. The United States Equal Opportunity Commission ("EEOC")
   1? Congress Street - 10th Floor
   Boston, MA 02214
   (617) 656-3200

2. The Massachusetts Commission Against Discrimination ("MCAD")

   Boston Office:
   One Ashburton Place - Rm. 601
   Boston, MA 02108
   (617) 727-3990

   Springfield Office:
   424 Dwight Street - Rm. 220
   Springfield, MA 01103
   (413) 739-2145

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APPROVED - BOARD OF SELECTMEN
FEBRUARY 18, 1997

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APPROVED: Board of Selectmen
February 18, 1997

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Town of Stoughton

10 Pearl Street | Stoughton, MA 02072 | (617) 341-1300 | FAX (617) 344-5048

TO: All Licensed Contractors

FROM: Philip J. Farrington
Town Manager

RE: Street Excavation Policy

Enclosed is an application form to be a Licensed Contractor in the Town of Stoughton for calendar year 1997. This license is required to work on Town property, including all Town ways, on ways eligible to be accepted by the Town and on any water/sewer lines. Please read the complete application carefully before signing.

If you need any additional information concerning this requirement, please contact Superintendent of Public Works Lawrence Barrett or John Batchelder, Assistant Superintendent.

PJF:jm
enclosures

NOTICE TO ALL CONTRACTORS

FILING FOR LICENSED CONTRACTORS
IN THE
TOWN OF STOUGHTON

CHECKLIST:

Before your application for Licensed Contractor will be accepted, **ALL OF THE FOLLOWING MUST BE FILED WITH THE TOWN MANAGER'S OFFICE:**

1. Completed Application Form.
2. $50.00 check payable to the Town of Stoughton for Annual License Fee.
3. Insurance certificates as described on the application form in the Town of Stoughton's name.
4. $5,000 drainlayers/permit bond as described on the application.
5. Tax Certification Attestation form must be completed.
6. List of equipment to be used to perform any work under the license.
7. For **NEW APPLICANTS NOT PREVIOUSLY LICENSED WITH THE TOWN** - Two letters of reference from other municipalities where similar work has been performed within the past three years.

NO APPLICATION WILL BE ACCEPTED UNLESS ALL THE INFORMATION IS PROVIDED.

DATE PAID_____
INSURANCE CERT._____
BOND FILED_____

TOWN OF STOUGHTON

APPLICATION FOR PERMIT AS LICENSED CONTRACTOR

$50.00 ANNUAL FEE

NAME_____DATE_____

ADDRESS_____TELEPHONE_____

COMPANY NAME_____

1. The Contractor shall file the following insurance certificates with the Town:

   a. Liability for bodily injury including accidental death - $100,000 for any one person and subject to the same limit for each person, $300,000 on account of any one accident.

   b. Liability for property damage - $50,000 on account of any one accident and $100,000 on account of all accidents.

   c. Workmens Compensation Insurance as required by the General Laws of Massachusetts.

All policies shall be so written that the Town will be notified of cancellation or restrictive amendment at least fifteen (15) days prior to the effective date of such cancellation or amendment.

2. The Contractor shall be required to file a $5,000 Drainlayers Bond satisfactory to the Town Manager with the Town of Stoughton for each year in which the license is issued to assure the performance of the following mentioned requirements.

3. The contractor shall obtain a street opening permit for each installation in advance of starting any work. There is a $50.00 Administrative/Inspection Fee requirement for each installation. Should work begin without a permit, the Administrative/Inspection Fee will be $200.00. The Contractor shall also pay a street opening deposit (where applicable) **(cash or certified check)** in accordance with the attached Schedule A to insure adequate protection as far as the repair of the street is concerned. Said deposit will be released only on final approval from the Superintendent of Public Works.

4. The Contractor shall restore the street trench with at least a temporary patch of Mass Highway specification Type I -1 bituminous concrete within twenty-four hours of backfilling the excavation. Permanent trench patch is to be placed within thirty (30) days of the placement of temporary patch. All trench patches shall be a minimum of 4.5 inches (3" of binder, 1-1/2" of top) of Mass Highway specification Type I-1 bituminous concrete unless the existing bituminous concrete is thicker, in which case the permanent patch binder course shall be thicker so that the permanent patch is the same thickness as the existing bituminous concrete. For excavations made between November 1st and April 30th **OR AT ANYTIME** in any public way which has been paved within the previous five years, all contractors **MUST** use C.D.F. (Controlled Density Fill) Type IE. (see attached specification sheet). **This material will be used in place of compacted gravel. No material removed from the trench will be put back. Only C. D. F. will be placed in the trench as backfill. All materials shall be new materials meeting Mass Highway specifications. All trench edges must be cut true to line and grade by mechanical method and be tacked per Mass Highway specifications prior to patching. Infra-Red work must be done between May 1st and November 30th. Prior to starting any project contractors will contact the Public Works Department for additional instructions.**

5. The Contractor shall certify to the Town Manager that he has the necessary experience, equipment, manpower, etc. to complete the entire project including excavation, construction and regrading of the lots. All trenches shall be compacted by a mechanical tamper to 95% compaction.

6. All work is to be done during the normal working hours of the Town of Stoughton and is to be inspected by the appropriate Town Department **prior to any portion of the work being backfilled.** All unsuitable material, including blacktop and boulders, shall be removed. All trenches shall be backfilled per the Town of Stoughton's Land Subdivision Regulations as applicable (and/or see C.D.F. requirements above) except that clean bank run gravel meeting Mass Highway specification M1.03.0 Type c (2" largest dimension) may be substituted in the top fifteen (15) inches of the trench. No trench excavation shall take place on Fridays or on a day before a Town recognized holiday unless a temporary bituminous concrete patch can be installed by the end of the work day.

7. No contractor except those on the LICENSED LIST shall be eligible to do this work. **THIS INCLUDES ANY SUB-CONTRACTORS.**

8. If there is a violation of these requirements, the first violation will mean suspension to do work for 30 days; the second violation will be a suspension for one year from the date of violation (NOTE: Suspension shall be during the period of the year when work can be performed, not during mid-winter).

9. All materials and installation practices used in conjunction with this work shall be approved and can be modified at any time by the office of the Town Engineer to meet individual job requirements.

10. The Town of Stoughton will not be liable for any work inspected by the Town. The inspector must see 100% of the utility installed including the connection to the existing utility **BEFORE** any backfilling is started. The contractor must request an inspection by the appropriate Town Department 24 hours in advance.

11. All sewer connections shall be provided with exterior clean-outs with minimum of 6" diameter and located approximately 10 feet from the foundation.

12. Any agreement concerning manner of payment shall be between the property owner and the contractor.

13. At locations where sewer service connections have been installed by the Town from the sewer main to the edge of the road, a street opening permit is still required. However, the deposit shall be waived. The Board of Selectmen will determine a unit price for sewer connection stubs. The property owners will be billed by the Town for this portion of their sewer connection. The Contractors shall inform the homeowners that the Town bill for the sewer stub will be issued when the stub is put into use and that it is **IN ADDITION** to the connection bill they will submit for their work.

14. Prior to the start of any excavation in a public way, the Contractor shall make provision to provide adequate traffic control by contacting the Police Department to determine if an officer will be required. No road is to be closed to traffic unless permission for a detour has been obtained from the Chief of Police Department.

15. The Fire Department is to be notified of all excavations that may affect their emergency operations.

16. It is the contractor's responsibility to plan ahead appropriately to be able to adhere to this policy and other applicable Town Bylaws, Regulations and Policies.

17. If any requirement of this application is held to be invalid, the validity of all other requirements shall not be affected thereby.

Violation of the Town or State regulations concerning excavations within public ways or performance of any work without an approved permit will be sufficient cause to suspend or revoke this license.

I HAVE READ, UNDERSTAND AND WILL COMPLY WITH THE ABOVE AND ALL APPLICABLE REGULATIONS.

By:_____

Date:_____ For:_____

(Firm)

_____

(Address)

Telephone:_____ _____

Approved by Board of Selectmen, February 18, 1997

(SCHEDULE A)

1997 STREET OPENING FEES AND DEPOSITS

FEES

1. Administrative and Inspection Fee each permit - $50.00

REFUNDABLE DEPOSITS

The following deposits will be cash or certified check only. Deposits will be returned when work has been completed to the satisfaction of the Superintendent of Public Works or his authorized representative.

1.	Open to the center of a street	$ 300.00
2.	Open across the street	600.00
3.	Open to center of a State Highway	1,500.00
4.	Open across a State Highway	2,000.00
5.	Curb cut for private drive	200.00
6.	Curb cut for a subdivision street	500.00
7.	Infrared trench	700.00

A separate bank check or cash for infrared trench repair where required by the Superintendent of Public Works. Trench to be patched for one (1) year after permit is issued. Infrared to be completed between the first and second year or money forfeited to the Public Works Dept. for infrareding by the Town unless otherwise specified by the Superintendent of Public Works. Refunds will be given only if work is completed to the satisfaction of the Superintendent of Public Works or his authorized representative.

8. Special circumstances or conditions at a particular location: Deposit to be determined by the Superintendent of Public Works or his authorized representative.....

9. OTHER: Deposit to be determined by the Superintendent of Public Works.....

(SCHEDULE B)

Work allowed by this permit

The following work items are approved by this permit:

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

Any additional work items not listed above will require additional, separate permit.

TAX CERTIFICATION ATTESTATION

Pursuant to M.G.L. Chapter 62C, sec. 49, I certify under the penalties of perjury that I, to my best knowledge and belief have filed all state tax returns and paid all state and local taxes required under law.

_____ S.S. # or Federal I.D. # _____

_____
Signature of Individual or Corporate Name

By: _____
Corporate Officer
(If applicable)

The above applicant does hereby apply for a license as a Licensed Contractor in the Town of Stoughton, Massachusetts, said license to expire December 31, _____.

REFERENCES: (FOR NEW APPLICATIONS ONLY. DOES NOT APPLY TO RENEWALS) TWO LETTERS OF REFERENCE MUST BE SUBMITTED WITH APPLICATION.

ALL APPLICANTS MUST SUBMIT A LIST OF EQUIPMENT TO BE USED TO PERFORM ANY WORK UNDER THIS LICENSE.

_____

_____

_____

REVIEW BOARD

APPROVED: _____ DATE: _____
Superintendent of Public Works

_____ DATE: _____
Town Engineer

_____ DATE: _____
Sanitarian

MaCAPA

Massachusetts Concrete & Aggregate Producers Association, Inc.

70 Blanchard Rd. - P. O. Box 39
Burlington, Mass. 01803
617-782-3350

Robert B. Barton, P. E.
Promotion / Executive Director
Promotion Hotline
1-800-00 CRETE (In Mass.)
617-444-8994
FAX 617-444-3910

President
Wayne M. Tarr

1st Vice President
R. David Schelzi

2nd Vice President
Robert Pybus

Secretary & Clerk
Anthony Borsecki

Treasurer
Robert Prospen

STATE SPECIFICATION

4.xx.xx Controlled Density Fill

Controlled Density Fill (CDF) material is a flowable, self consolidating, rigid setting, low density, material that can be substitute for compacted gravel for backfill, fills and structural fills. There are two main catagories of CDF's, excavatable and non-excavatable with a sub-category of flowable and very flowable. It shall be a mixture of portland cement, flyash (if very flowable), sand, and water designed to provide strength within the range specified

The categories of CDF are:

Type I Very flowable (non excavatable)
Type IE Very flowable (excavatable)
Type 2 Flowable (non excavatable)
Type 2E Flowable (excavatable)

The Very Flowable mixes (Type I and IE) shall contain a minimum of 250 # of class F flyash or high air (25% plus) and will be self-leveling.

Excavatable mixes (Type IE and 2E) shall be hand tool excavatable.

Type I mixes are intended for permanent installations such as structural fills under structures. It has very flowable characteristics needed for distances and small areas. This type of mix should not be used as a bedding material. It is used to fill small hard-to-reach areas

Type IE mixes are excavatable material designed to have very flowable characteristics needed for filling small or far areas that later may need to be removed.

Type 2 mixes are used in areas where size and distance do not require the very flowable characteristic. It is intended for permanent installations such as thick fills under structures.

Type 2E mixes are excavatable mixes where size and distance of the installation do not require the very flowable or excavatable characteristics.

CDF is to be batched at a ready mix plant and is to be used at a high or very high slump (10" - 12").

TITLE: STREET LIGHTS - PRIVATE WAYS

DATE ADOPTED: February 14, 1991

The Board of Selectmen voted at its meeting of February 14, 1991 to adopt the following policy on street lights for private ways.

The Board of Selectmen consider lighting private ways on a case-by-case basis where the following conditions apply:

1. The street is built to Planning Board specifications or will be recommended for acceptance in the near future.

2. Developers are far behind the planned build out schedule or have defaulted on the development.

3. There is an overwhelming public safety concern. Example: Isolated street in otherwise dark area, police incident reports, etc.

4. The Town will obtain release of responsibility from the owner of any pole, excepting the utility companies.

Town of Stoughton

10 Pearl Street | Stoughton, MA 02072 | (617) 341-1300 | FAX (617) 344-5048

Date: January 24th, 1991

To: Board of Selectmen

From: Philip J. Farrington, pf
Town Manager

Subject: Street Lights

The present policy is that the Town pays for street lights on public ways. Residents, developers or condominium associations pay for street lights on private ways. [There are some private ways that go way back and were lighted by the Town long before the present policy became effective.]

Town Counsel has written that the Town could pay for electricity on private ways without assuming liability for maintenance or repair of the roads [copy attached].

There are over three hundred street lights on private ways with the electric bills paid for by the residents, developers or condominium associations. The average residential light costs $85.00 per year. The exact price depends on the wattage of the light.

There are two concerns I have in adopting a policy to pay for street lights on private ways:

1. There are some private ways that will never become public ways.

2. There are some street lights on poles in private ways that are not owned by either New England Telephone or Eastern Edison. We should not assume responsibility for maintaining these poles. Before we pay for a light on a privately owned pole, we should obtain a release from the owner of the pole.

Subject: Street Lights

RECOMMENDATION: That the Board consider lighting private ways on a case-by-case basis where the following conditions apply:

1) The street is built to Planning Board specifications or will be recommended for acceptance in the near future.
2) Developers are far behind the planned build out schedule or have defaulted on the development.
3) There is an overwhelming public safety concern.
   Example: Isolated street in an otherwise dark area, police incident reports, etc.
4) The Town will obtain release of responsibility from the owner of any pole, excepting the utility companies.

If the Board adopts such a policy, the following streets (there may be additional streets) would be eligible:

1) Tanglewood subdivision
   - where the developer has filed for bankruptcy. He has been paying for the lights.
2) Brad Road
3) Winship Way

/n
cc: Public Works Superintendent
Town Engineer

LEONARD KOPELMAN
DONALD G. PAIGE
ELIZABETH A. LANE
JOYCE FRANK
JOHN W. GIORGIO
BARBARA J. SAINT ANDRE
JOEL B. BARD

RICHARD J. FALLON
GEORGE M. MATTHEWS
JAMES A. DYRER
WILLIAM HEWIG III
EVERETT J. MARDER
JANE M. O'MALLEY
PATRICK J. COSTELLO
KAREN V. KELLY
COLLEEN B. WALKER
ANNE MARIE M. HYLAND
RICHARD BOWEN
CHERYL ANN BANKS
BRIAN W. RILEY

KOPELMAN AND PAIGE
ATTORNEYS AT LAW
10 ARCH STREET
BOSTON, MASSACHUSETTS 02110-1137

(617) 95-0007
FAX (617) 65-2735

January 10, 1991

Mr. Philip J. Farrington,
Town Manager
Stoughton Town Hall
10 Pearl Street
Stoughton, MA 02072

Re: Payment of Utility Costs for Street Lights
on Unaccepted Private Ways

Dear Mr. Farrington:

You have asked for an opinion whether the Town would be liable for defective aspects of unaccepted private ways as a result of making payment of utility costs for street lights on such ways prior to their acceptance as public. You have advised that the policy of the Town has been not to pay the cost of street lighting for unaccepted ways but rather to require developers to make such payments up to the time of acceptance of the ways by the Town. You have indicated that, because of economic difficulties, a number of developers are currently not making such payments and the Town wishes to assume those payments prior to acceptance of the ways. However, you would like to know whether the making of such payments would leave the Town open to future liability for road defects if the ways are not accepted.

While the payment of such utilities may create a presumption on the part of residents of such areas that the Town will continue to make such payments even if the road is not ultimately accepted, in my opinion such payments, in and of themselves, do not indicate an intention of the Town to warrant the condition of the roads prior to acceptance.

If I can provide any further assistance, please do not hesitate to contact me.

Very truly yours,

Joyce Frank

Joyce Frank

JF/megs

TITLE: STREET LIGHTS - PUBLIC WAYS

DATE ADOPTED: December 16, 1986

The Board of Selectmen hereby establish that street lights will be installed or maintained by the Town only on public ways and in the following instances:

1. At intersections
2. At deadends
3. At curves or bends in roadways of sufficient severity
4. For the purposes of security of municipal properties or for some other demonstrated public safety need.

PROCEDURE

A. All requests for street lights shall be via the Public Works Department for review and recommendations.
B. The Public Works Superintendent shall review the request/s and submit a written recommendation to the Town Manager.
C. The Town Manager will review the Public Works Superintendent's recommendation and, if approved, order implementation of same.
D. Petitioners may appeal the Town Manager's decision to the Board of Selectmen.
E. The Board of Selectmen, Public Works Superintendent or Town Manager can review street lighting at any location for the purposes of making recommendations for modification.

This policy was adopted by the Board of Selectmen on December 16, 1986.

TITLE: STREET NAMES

DATE ADOPTED:

It is the policy of the Board of Selectmen, acting as Street Commissioners, that all streets will be named in honor of veterans who have made the supreme sacrifice for their country and our freedom.

Developers and others wishing to name a street must choose from the attached list and these names must appear on the original plans when submitted to the Town.

The Board of Selectmen, acting as Street Commissioners, will not consider approve the acceptance of any streets which are not names in accordance with this policy.

Adopted by vote of the Board of Selectmen, acting as Street Commissioners on _____.

Sec. 148-16 of Stoughton Code

Street Names: Names of proposed streets must be satisfactory to the Board of Selectmen and shall not be placed on the plans until they have <u>been submitted</u> and approved by the Board.

TITLE: VENDORS

DATE ADOPTED: June 19, 1990

Applicants for Peddler/Solicitor License are to be subject to a background check by the Police Department.

All applications for Peddler/Solicitor License will be held pending the results of the background check.

CHAPTER 124

PEDDLING AND SOLICITING

Section 124-1. Permit and license required.

Section 124-2. Definitions.

Section 124-3. Application for permit and license; fees.

Section 124-4. Review of application and approval; contents of license.

Section 124-5. Hearing on refusal of license.

Section 124-6. License term and fees; hours.

Section 124-7. Special holiday licenses and veterans' licenses.

Section 124-8. Transfer of license prohibited.

Section 124-9. Loud noises and devices.

Section 124-10. Location restrictions.

Section 124-11. Display of license.

Section 124-12. Revocation of license.

Section 124-13. Exemptions.

Section 124-14. Violations and penalties.

[HISTORY: Adopted by the Annual Town Meeting of the Town of Stoughton at time of adoption of Code; see Ch. 1, General Provisions Art. II. Amendments noted where applicable.]

Section 124-1. Permit and license required.

It shall be unlawful for any person to engage in the business of peddler, solicitor or canvasser, distributor or transient vendor, as defined in this chapter, within the Town of Stoughton without first obtaining a permit and license therefor as provided herein.

Section 124-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DISTRIBUTOR - Any person who distributes or causes to be distributed on any street or public place within the Town of Stoughton any newspaper, periodical, book, magazine, handbill, circular, card or pamphlet or printed, material of any kind.

PEDDLER - Any person, whether a resident of the Town of Stoughton or not, who goes from house to house, from place to place or from street to street, traveling by foot, automotive vehicle or any other type of conveyance, carrying or transporting merchandise for the purpose of selling and delivering merchandise to customers. The word "peddler" shall also include the words "hawker" and "huckster."

PERSON - Any individual, firm, partnership, corporation, unincorporated association and principal or agent thereof.

SOLICITOR - Any person, whether a resident of the Town of Stoughton or not, who goes from house to house, from place to place or from street to street, traveling by foot, automotive vehicle or any other type of conveyance, soliciting, taking or attempting to take orders for the sale of merchandise or services of any kind for future performance or delivery, whether or not such individual has, carries or exposes for sale a sample of the merchandise or services and whether or not he is collecting advance payments on such sales or orders; or one who engages in any of the foregoing activities from a stationary location on any street or other public place. The word "solicitor" shall also include the word "canvasser" and shall also include any person who goes from door to door as described above for the purpose of soliciting or collecting funds from a stationary location on any street or other public place.

TRANSIENT VENDOR - Any person, whether as owner, agent, consignee or employee and whether a resident of the Town of Stoughton or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within said town and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, car, boat, public rooms in hotels, lodging houses, apartments, shops or any street, alley or other place within the town for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. The person so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in

connection with, as a part of or in the name of any local dealer, trader, merchant or auctioneer.

Section 124-3. Application for permit and license; fees.

A. Application information. Applicants for a permit and license under this chapter must file with the Town Clerk a sworn application in writing, on a form to be furnished by the Town Clerk, which shall give the following information:

(1) Name, date of birth and description of the applicant.

(2) Permanent home address.

(3) A brief description of the nature of the business and the goods to be sold.

(4) If employed, the name and address of the employer, together with credentials establishing the exact relationship.

(5) The length of time for which the right to do business is desired.

(6) If a vehicle is to be used, a description of same, together with the license number or other means of identification.

(7) One (1) photograph of the applicant, taken within sixty (60) days immediately prior to the date of filing of the application, which picture shall be two by two (2 x 2) inches, showing the head and shoulders of the applicant in a clear and distinguishing manner.

(8) If food, ice cream, fish, produce, beverages or other edible products to be consumed by the public are to be vended, sold or conveyed, a certificate or report from the Town of Stoughton Food and Milk Inspector must be submitted.

(9) The license number and date of issuance of any transient vendor or peddler license issued by the Commonwealth of Massachusetts pursuant to the provisions of Chapter 101, Sections 3 and 22, of the Massachusetts General Laws.

B. Application Fees. At the time of filing the application a nonrefundable fee of five dollars ($5.) shall be paid to the Town Clerk to cover the cost of forms preparation and review.

C. Separate application. Each corporation, firm, partnership or company employing more than one (1) peddler, solicitor or transient vendor as defined in this chapter shall be required

to make application for each person so employed within the Town of Stoughton.

Section 124-4. Review of application and approval; contents of license.

A. Upon receipt of each such application, the Town Clerk shall cause said application with all supporting documents to be reviewed by at lease two (2) members of the Board of Selectmen, who shall endorse their approval on said application and return same to the Town Clerk with all supporting documents, with the Town Clerk upon receipt of the prescribed license fee to issue a license.

B. Such license shall contain the following:

(1) The signature of the Town Clerk or Assistant Town Clerk.

(2) The Seal of the Town of Stoughton.

(3) The name and address of said licensee.

(4) The class of license issued.

(5) The kind of goods sold thereunder.

(6) The amount of fee paid.

(7) The date of issuance.

(8) The length of time same shall be operative.

(9) A description of the applicant, including his photograph, as well as the license number and other identifying description of any vehicle to be used by the licensee.

C. The Town Clerk shall keep a permanent record of all licenses issued.

Section 124-5. Hearing on refusal of license.

Any applicant refused a license by the reviewing members of the Board of Selectmen may apply in writing to said Board for hearing on his application before the entire Board.

Section 124-6. License term and fees; hours.

A. A license shall be issued for a term expiring December 31 of the year in which it is issued, and the fee therefor shall be ten dollars ($10.) payable upon issuance of the license, such license to be valid only between the hours 9:00 A.M. and 5:00 P.M. daily, unless otherwise specifically authorized by the Board of Selectmen.

B. Corporations, firms, partnerships and companies employing more than one (1) peddler, solicitor, or transient vendor as defined in this chapter shall be subject to a license fee of five dollars ($5.) for each such additional person so employed in the Town of Stoughton.

Section 124-7. Special holiday licenses and veterans' licenses.

A. A special holiday license may be granted for a period of not more than one (1) week, including Saturday and Sunday, with the fee for such special holiday license to be ten dollars ($10.) with such license issued to be valid only for the dates and times denoted on said special license. The Town Clerk, in granting such special holiday licenses, may waive the application requirements and may, if the license is granted in regard to a specific parade, speech, opening or similar event with hours later than 5:00 P.M. endorse such license for use after 5:00 P.M. on specified days for use in conjunction with such event.

B. The Town Clerk, under such conditions as the Board of Selectmen may deem proper, may grant to any organization engaged exclusively in charitable work, or to a post of any incorporated organization of veterans who served in the military or naval service of the United States in time of war or insurrection, a special license authorizing it upon a particular day and for a charitable purpose named in such license to sell, through its accredited agents in the streets and other public places within the Town of Stoughton or in any designated part thereof, flags, badges, medals, buttons, flowers, souvenirs and similar small articles, provided that no person under sixteen (16) years of age shall be accredited as such agent, that each agent shall wear in plain sight while engaged in selling such articles a badge, provided by such organization or post and reviewed by two (2) members of the Board of Selectmen, bearing upon it the name of such organization or post and the date on which the license is to be exercised, and that no such agent shall be authorized to make or attempt to make such sales on or in front of any private premises against the objection of the owner or occupant thereof.

Section 124-8. Transfer of license prohibited.

No license issued under the provisions of this chapter shall be used at any time by any person other than the one to whom it was issued.

Section 124-9. Loud noises and devices.

No licensee nor any person on his behalf shall shout, make an outcry, blow a horn, ring a bell or use any sound device, including any loud-speaking radio or sound-amplifying system, upon any of the streets, alleys, parks or other public places of said town or upon any private premises in said town where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places for the purposes of attracting attention to any goods, wares or merchandise which such licensee proposes to sell. However, nothing contained in this section shall apply to the ringing of those small bells that are normally affixed and associated with ice cream vendor carts and vehicles by vendors of ice cream products.

Section 124-10. Location restrictions.

A. No peddler shall have an exclusive right to any location in the public streets, nor shall he be permitted a stationary location, nor shall be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purposes of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

B. The issuance of a license will not constitute permission to peddle within two hundred fifty (250) feet of any school, or municipal building, church or house of worship, playground or public park or public ballfield, except in regard to events referred to in Section 124-7 of this chapter, in which case the Clerk may endorse the permit to permit use at such locations.

Section 124-11. Display of license.

Licensees are required to exhibit their licenses by enclosing same in a glassine or plastic transparent frame and affixing same to the cart or wagon from which the merchandise is vended or sold so that the same is visible to the public. Where impractical to affix said license, it must be carried by the licensee, who shall be required to exhibit same at the request of any citizen.

Section 124-12. Revocation of License.

A. Permits and licenses issued under the provisions of this chapter may be revoked by the Board of Selectmen of the Town of Stoughton after notice and public hearing, for any

violation of any local law, state or federal statute or falsification in applying for a license.

B. Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for the hearing.

Section 124-13. Exemptions. [Paragraph D added by the Annual Town Meeting of 4-27-87 from Article 82.]

Nothing herein contained shall apply to:

A. Sales by commercial travelers or by selling agents to dealers in the usual course of business or to bona fide sales of goods, wares or merchandise by sample for future delivery or to sales of goods, wares or merchandise by any domestic corporation or agent thereof, by any person, whether principal or agent, who engages in temporary or transient business in the Town of Stoughton in which taxes have been assessed upon his stock-in-trade during the current year.

B. Wholesalers or jobbers selling to dealers only nor to commercial agents or other persons selling by sample, lists, catalogues or otherwise for future delivery, nor to any dealer regularly engaged in supplying customers with fuel oil for heating or cooking purposes from a fixed business within the commonwealth, nor to any person who peddles fish obtained by his own labor or that of his family, or fruits, vegetables or other farm products raised or produced by himself or his family.

C. Minors eighteen (18) years of age or under engaged in such services as snow shoveling, grass cutting, leaf raking, lawn clearing, newspaper and magazine delivering, and collecting and other similar services as an independent contractor.

D. Religious and non-profit organizations recognized by the Commonwealth of Massachusetts canvassing and soliciting funds door-to-door in residential neighborhoods.

Section 124-14. Violations and penalties.

An offense against any provision of this chapter shall be punishable as provided in Article I of Chapter 1, General Provisions of this Code.

TITLE: WATER BAN - ENFORCEMENT BY DPW

DATE ADOPTED:

1. Water is not to be shut off for violation of the water ban. If an employee thinks such action is needed, he should contact either the Superintendent of Public Works or his Assistant for specific instruction(s).

2. If the door is not answered by an adult, the employee should ask to speak to an adult in the house. If there is not an adult available in the house, the employee is to identify himself and advise that he will call back at another time. This should be logged as part of the report.

3. If an adult is unwilling to shut off the outside water on a voluntary basis, the Police Department should be called to write a ticket.

4. Each stop is to be fully logged in a manner which the Superintendent or Assistant determines best.

Town of Stoughton

10 Pearl Street | Stoughton, MA 02072 | (617) 341-1300 FAX (617) 344-5048

Date: July 2nd, 1992

To: James Williams, Jr., Public Works Superintendent
Lawrence Barrett, Assistant Public Works Superintendent

From: Philip J. Farrington, PF
Town Manager

Subject: Enforcement of Water Ban

The employees of the Public Works Department have earned a reputation for treating the public courteously and professionally at all times. They have also always been careful to avoid confrontation as well as situations which might give the appearance of impropriety.

It is within this frame work that I would like the following guidelines to be followed in the enforcement of the water ban:

1. Water is not to be shut off for violation of the water ban. If an employee thinks such action is needed, he should contact either of you for specific instruction/s.

2. If the door is not answered by an adult, the employee should ask to speak with an adult in the house. If there is not an adult available in the house, the employee is to identify himself and advise that he will call back at another time. This should be logged as a part of the report.

3. If an adult is unwilling to shut off the outside water on a voluntary basis, the Police Department should be called to write a ticket.

4. Each stop is to be fully logged in a manner which you determine best.

/n
cc: Board of Selectmen

TITLE: WATER - BILLING POLICY - WATER FROM OTHER TOWNS

DATE ADOPTED: February 4, 1991

The Board of Selectmen voted at its meeting of February 4, 1991 that Stoughton residents receiving water from other towns be billed at the same rate as set for Stoughton's water/sewer customers.

Town of Stoughton

10 Pearl Street | Stoughton, MA 02072 | (617) 341-1300 | FAX (617) 344-5048

Date: January 15th, 1991

To: Board of Selectmen

From: Philip J. Farrington, Town Manager

Subject: Amendment - Water Billing Policy

Presently, the Town has about thirty households who receive their water from the towns of Canton, Sharon and Easton. Most of those receiving water from Canton also send sewerage directly to Canton. These towns bill the Town of Stoughton and the Public Works Department pays the billings. We then bill the residents. Presently, we bill these residents the same rate charged us by the neighboring towns. These rates are slightly lower than ours.

I am proposing that these residents be billed at the same rate as set for Stoughton's water/sewer customers.

Town Counsel's opinion on the legality of this was requested and is attached. The Town does have administrative experses involved in these arrangements which can justify the additional costs. In addition, these neighboring communities were all petitioned by the original property owners or developers at the time of construction None of these homes would have been eligible for Stoughton water.

We have always done these billings manually. Even with our new computer system, we will have to continue to do these bills by hand. But, if they were changed to the same rates as those for the Town, these bills can then be created and processed by our computer. This would simplify the process for us.

/n
cc: Public Works Superintendent

KOPELMAN AND PAIGE, P.C.
ATTORNEYS AT LAW
SUITE 000
[illegible] STREET
BOSTON, MASSACHUSETTS 02110

[illegible]

617 [illegible] 0150
FAX 617 [illegible] 863

March 27, 1990

Mr. Philip J. Farrington
Town Manager
Stoughton Town Hall
10 Pearl Street
Stoughton, MA 02072

Re: Water Rates

Dear Mr. Farrington:

You have requested an opinion as to whether you may increase water rates for approximately 30 Stoughton customers who receive water service from neighboring towns. At present, those towns bill Stoughton for the water that these 30 customers use. Stoughton appropriates money to pay this bill, and in turn it bills the customers at the water rates prevailing in the supplier towns. Those rates are lower than the Stoughton rate. Consequently, you must process these customer bills on an individual basis rather than by computer. You wish to increase the rates these customers now pay to the level of the current Stoughton rate so that you may process all water bills on the computer.

In my opinion, the Selectmen may increase the rates charged to these customers to match the prevailing rate in Stoughton provided that the overall rate approximates the cost of operating the water supply system and the additional charge to the customers in question, in bringing their bills in line with other Stoughton consumers is reasonably related to the administrative costs to the Town of processing such charges.

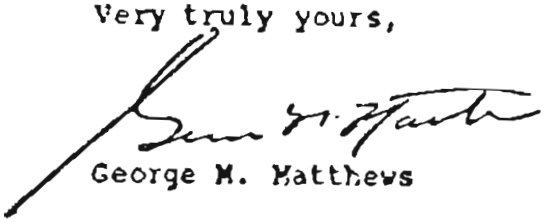
The Board of Selectmen act as water commissioners in the town of Stoughton under G.L. c. 41, §69B and Stoughton Code

§170-3. General Laws, chapter 41, §69B grants to them the authority to "regulate the use of water and fix and collect just and equitable prices and rates for the use thereof". This legislative provision grants the Selectmen considerable discretion in determining the methods of fixing prices or rates related to the use of water. Henry B. Byors and Sons, Inc. v. Board of Water Commissioners of Northborough, 358 Mass. 354, 358 (1970).

The courts have not provided specific guidance as to what constitutes a "just and equitable" fee under G.L. c. 41, §69B. Cases have struck down municipal water rates where those rates unfairly discriminate against consumers who pay a higher rate than other users who are similarly situated in town. Board of Public Works of Millis v. Aron, 374 Mass. 246 (1978) and 387 Mass. 830 (1983). While I am not aware of a case that has dealt with the question of whether it is discriminatory for you to charge consumers a higher rate than the supplier town would have charged these consumers directly, it is my opinion that the increase you propose is not discriminatory so long as these consumers will now pay the same rate as other Stoughton consumers, so long as such prevailing rate is reasonably calculated to compensate Stoughton for the cost of providing water services, and so long as the additional charge to the customers in question over and above the amount charged by the supplying town is reasonably related to the administrative costs to the Town of processing such charges. See Emerson College v. Boston, 391 Mass. 415, 424, 425 (1984).

If you have any questions in this regard, do not hesitate to contact me.

Very truly yours,



George M. Matthews

GMM/RB/sb

cc: Board of Selectmen

TITLE: WATER - BILLS - ESTIMATED DUE TO LACK OF METER READING

DATE ADOPTED: November 16, 1993

The Board of Selectmen voted at its meeting of November 16, 1993 the attached.

Town of Stoughton

10 Pearl Street | Stoughton, MA 02072 | (617) 341-1300 | FAX (617) 344-5048

PUBLIC WORKS DEPARTMENT
October 13, 1993

To: Philip J. Farrington, Town Manager

From: Lawrence J. Barrett, Supt., Public Works Dept.

Re: Proposed procedure when unable to obtain water meter reading

1. Meter Reader will leave post card for resident to mail back meter reading. Meter Reader will note date and location of where post card was left (i.e., front door, rear door, left side door, etc.) on meter card.

2. All meter cards will be turned in to the Public Works Garage at end of day to be delivered to Town Hall next or 2nd day after being turned in.

3. Water Billing Clerk will make a list of all cards that have been left. If no response is received within 15 days, the first letter (copy attached) will be sent.

4. If no response is received within 15 days from the date of the first letter, the Water Billing Clerk will send out second letter (copy attached).

5. Appointments to install or repair meters will be taken by the office staff at 950 Central St. Public Works will keep Town Hall informed when appointments are made or canceled or rescheduled.

6. When meter repairman installs or repairs meter, he will make out a card which will be turned in at the end of the day, recorded at 950 Central St., and delivered to the Water Billing Clerk at Town Hall next or second day after being turned in.

7. Prior to sending meter cards to the computer company, the Water Billing Clerk will add $200.00 to the bill for each location where the meter problem has not been rectified, whether or not a future appointment has been made.

8. Abatements will be made when a new meter has been installed or an accurate reading obtained, but only for the current billing cycle. No previous additional estimated charges will be abated except with approval of Board of Selectmen.

MET_CHGS.LET

To: Date:

According to our records, we have been unable to obtain a water meter reading for your property for the following reasons:

1.____Meter is stopped and must be replaced. This requires entry to premises.

2.____Plumbing or conditions around meter/meter location prevent installation/ replacement of meter. Please make the necessary repairs (you will avoid emergency leaks within the property) and then telephone for appointment.

3.____Post cards left for the purpose of reporting water meter readings have not been mailed back.

4.____Outside reader needs installation/repair/replacement. This requires entry to the premises.

5.____Property does not have a meter.

6.____Because we have been unable to gain entry to the premises during normal working hours, an outside reader must be installed.

7.____Other_____

_____

8.____Dates of notices previously sent notifying you of this problem:_____

_____

PLEASE TELEPHONE 344-2112 or 341-1300 Ext. 312 FOR AN APPOINTMENT at your convenience, weekends included. Public Works office is open M-F, 7:30-3:30.

As you know, because of regulations adopted by the Department of Environmental Protection (DEP) and because of the information required by Mass. Water Resources Authority (MWRA), it is imperative that we keep an accurate accounting of all water consumed.

This letter is to notify you that until the problem, as enumerated above, is resolved, we will be estimating the amount of water that is being consumed at this location, and this will be reflected in the amount of your water bill.

Very truly yours,

PUBLIC WORKS DEPARTMENT

Lawrence J. Barrett
Superintendent

LJB/dt
WP51:WATREAD1.LET

FINAL NOTICE. PLEASE RESPOND TO AVOID ESTIMATED WATER BILL.

To: Date:

According to our records, we have been unable to obtain a water meter reading for your property for the following reasons:

1.____Meter is stopped and must be replaced. This requires entry to premises.

2.____Plumbing or conditions around meter/meter location prevent installation/ replacement of meter. Please make the necessary repairs (you will avoid emergency leaks within the property) and then telephone for appointment.

3.____Post cards left for the purpose of reporting water meter readings have not been mailed back.

4.____Outside reader needs installation/repair/replacement. This requires entry to the premises.

5.____Property does not have a meter.

6.____Because we have been unable to gain entry to the premises during normal working hours, an outside reader must be installed.

7.____Other_____

_____

8.____Dates of letters previously sent notifying you of this problem:_____

_____

PLEASE TELEPHONE 344-2112 or 341-1300 Ext. 312 FOR AN APPOINTMENT at your convenience, weekends included. Public Works office is open M-F, 7:30-3:30.

As you know, because of regulations adopted by the Department of Environmental Protection (DEP) and because of the information required by Mass. Water Resources Authority (MWRA), it is imperative that we keep an accurate accounting of all water consumed.

THIS LETTER IS TO NOTIFY YOU THAT UNTIL THE PROBLEM, AS ENUMERATED ABOVE, IS RESOLVED, WE WILL BE ESTIMATING THE AMOUNT OF WATER THAT IS BEING CONSUMED AT THIS LOCATION, AND THIS WILL BE REFLECTED AS A $200.00 ADDITIONAL CHARGE IN OUR ESTIMATION OF YOUR WATER USAGE ON YOUR WATER BILL.

Very truly yours,

PUBLIC WORKS DEPARTMENT

Lawrence J. Barrett
Superintendent

LJB/dt
WP51:WATREAD2.LET

TITLE: WATER - BILLS - INTEREST

DATE ADOPTED: September 4, 1990

The Board of Selectmen at its meeting of September 4, 1990 voted to assess interest on unpaid bills commencing on the due date of said bills.

Town of Stoughton

10 Pearl Street
Stoughton, Massachusetts 02072

Tel. (617) 341-1300

Date: August 20th, 1990

To: Board of Selectmen

From: Philip J. Farrington,
Town Manager

Subject: Interest - Water Bills

Presently the policy of the Board of Selectmen is to charge interest on late payment of water/sewer bills retroactive to the date of issuance of the bill. It seems reasonable to me that interest should begin on the date that the bill is due. The Board is requested to approve such a change.

State law requires that interest on real estate and auto excise bill begin with the date of issue but the Board does have flexibility with water/sewer bills.

I was unaware of this practice until I received that attached letter. It will of course, reduce the amount the Town earns in late payments but this amount would not be significant.

TITLE: WATER - DISCONNECT FROM MUNICIPAL SYSTEM

DATE ADOPTED: March 28, 1989

Any property owner desiring to disconnect from the Town of Stoughton's Municipal Water Supply must satisfy the following regulations:

1. A deep, driven well must be constructed, tested and accepted in accordance with regulations of the Board of Health which are in effect for new construction.

2. Said well must also comply with any and all pertinent regulations of the State Department of Environmental Quality Engineering.

3. The service pipe from the curb box to the structure will be disconnected at the curb box. This disconnection will be performed by the Stoughton Public Works Department and the appropriate rate will be charged.

4. A water meter will be installed at the expense of the petitioner and kept in place, metering all water.

5. If the structure is served by the Municipal Sewer System, sewer billings shall be based upon one hundred (100%) percent consumption and upon the fees in place at the time of said billings.

6. The property owner will sign a statement detailing future rights to reconnect to the Municipal Water Supply. Said statement will acknowledge that any future reconnection will be subject to any and all water regulations and/or policies which may be in place at that time at the discretion of the Board of Selectmen.

7. I/we have read the above six regulations, understand them and agree to abide by them in disconnecting from the water system.

I/we hereby surrender any right to reconnect to the municipal water system and recognize that any application to so connect in the future would be subject to all policies and regulations then in place at the time of the request for reconnection.

Adopted 3/28/89.

_____ _____

Owner Owners

Address: _____

TITLE: WATER - INACTIVE CONNECTIONS

DATE ADOPTED: January 19, 1989

Mrs. Blomstrom moved that the Board of Selectmen will not consider reactivation of municipal water services which have been inactive for a period of more than one year. Mr. Cohen seconded the motion which, after discussion, was UNANIMOUSLY voted.

It was the consensus of the Board that this action would be subject to Town Counsel's approval.

The Board noted that Water Department records would reflect the activities of water users in order that accurate information will be available to monitor the time periods involved.

TITLE: WATER - METERS - PRIVATE WELLS

DATE ADOPTED: July 20, 1993

Homes, businesses and condominium sewer customers on private water supplies (wells) may install a water meter and have their sewer usage fee calculated on actual water usage, subject to the following conditions:

1. The water meter and outside reader will be purchased from the Town at a rate to be established by the Selectmen. This rate will be the Town's actual cost plus a reasonable administrative fee.

2. The location of the water meter and outside reader will also be approved by the Town. All water entering the dwelling or business will be metered.

3. A licensed plumber will install the meter in accordance with specifications established by the Water Department.

4. The plumber will arrange for an inspection by the Water Department. No meter may be used without approval from the Water Department.

5. The water meter will remain the property of the Town of Stoughton and may not be worked on in any way or abandoned without the approval of the Town.

6. Any outside use of water will not be charged a sewer fee provided that any faucets, spigots, sillcocks used are connected to the water line from the well before that pipe enters the dwelling or business.

TITLE: WATER - NEW CONNECTIONS

DATE ADOPTED: October 13, 1987

AMENDMENTS: November 3, 1987
March 4, 1989
October 17, 1989
May 15, 1990
March 24, 1992

The Department of Environmental Protection (DEP) approved a water bank for the Town. The purpose of this policy is to address the allocation of water in this bank. This policy then replaced earlier existing policies.

When the water bank wa used up, the Board approved a 4 to 1 policy: An applicant must save four gallons of water for every one needed. This was approved by DEP.

TITLE: WATER - NEW CONNECTIONS

DATE ADOPTED: October 13, 1987

AMENDMENTS: November 3, 1987
March 4, 1989
October 17, 1989
May 15, 1990
March 24, 1992

MUNICIPAL WATER CONNECTION POLICY

THE BOARD OF SELECTMEN SHALL ACCEPT AND CONSIDER ON A CASE-BY CASE BASIS, REQUESTS TO CONNECT TO THE MUNICIPAL WATER SUPPLY ONLY WHEN THE FOLLOWING CIRCUMSTANCES APPLY:

RESIDENTIAL PROPERTIES -
THE BOARD WILL CONSIDER REQUESTS TO CONNECT AN INDIVIDUAL RESIDENCE
MUNICIPAL WATER LINES MUST BE AVAILABLE, A DWELLING MUST BE IN PLACE AND AN OCCUPANCY PERMIT MUST BE ISSUED.
CONNECTION MUST BE ACCOMPLISHED WITHIN ONE YEAR OF THE APPROVAL VOTE OF THE BOARD OF SELECTMEN.
WHEN THE TWENTY THOUSAND (20,000) GALLON DAILY RESIDENTIAL ALLOTMENT, AS VOTED BY THE BOARD OF SELECTMEN ON 10/13/87, IS EXHAUSTED, NO ADDITIONAL CONNECTIONS WILL BE CONSIDERED.

COMMERCIAL PROPERTIES -
MUNICIPAL WATER LINES MUST BE AVAILABLE.
CONNECTION MUST BE ACCOMPLISHED WITHIN ONE YEAR OF THE APPROVAL VOTE OF THE BOARD OF SELECTMEN.
WATER MAY NOT BE USED FOR ANY PROCESSING OR MANUFACTURING PURPOSES.
WHEN THE FORTY THOUSAND (40,000) GALLON DAILY COMMERCIAL ALLOTMENT, AS VOTED BY THE BOARD OF SELECTMEN ON 10/13/87, IS EXHAUSTED, NO ADDITIONAL CONNECTIONS WILL BE CONSIDERED.

INDUSTRIAL PROPERTIES -
MUNICIPAL WATER LINES MUST BE AVAILABLE.
CONNECTION MUST BE ACCOMPLISHED WITHIN ONE YEAR OF THE APPROVAL VOTE OF THE BOARD OF SELECTMEN.
WATER MAY NOT BE USED FOR ANY PROCESSING OR MANUFACTURING PURPOSES.
WHEN THE SIXTY THOUSAND (60,000) GALLON DAILY INDUSTRIAL ALLOTMENT, AS VOTED BY THE BOARD OF SELECTMEN ON 10/13/87 AND THE SIXTY-FIVE THOUSAND (65,000) GALLONS DAILY INDUSTRIAL ALLOTMENT, AS VOTED BY THE BOARD OF SELECTMEN ON 11/21/89, ARE EXHAUSTED, NO ADDITIONAL CONNECTIONS WILL BE CONSIDERED.

OUTDOOR USE OF WATER -
THE OUTDOOR USE OF MUNICIPAL WATER FOR ANY PURPOSE SHALL ONLY BE PERMITTED BETWEEN THE HOURS OF 2:00 PM AND 6:00 PM ON TUESDAYS, THURSDAYS AND SATURDAYS.

The following amendment to the Water Policy for connections to the municipal water system was adopted by the Board of Selectmen, acting as Water Commissioners, on March 24th, 1992:

(1) APPLICATIONS FOR NEW CONNECTIONS TO THE MUNICIPAL WATER SYSTEM SHALL BE GRANTED CONTINGENT UPON PROOF TO THE SATISFACTION OF THE BOARD OF SELECTMEN, ACTING AS WATER COMMISSIONERS, THAT WATER SAVINGS OF FOUR (4) GALLONS SHALL BE MADE FOR THE MUNICIPAL SYSTEM FOR EVERY ONE GALLON OF WATER TO BE GRANTED.

TITLE: WATER - NEW CONNECTIONS

DATE ADOPTED: October 13, 1987

AMENDMENTS: November 3, 1987
March 4, 1989
October 17, 1989
May 15, 1990
March 24, 1992

MUNICIPAL WATER CONNECTION REGULATIONS

PURSUANT TO THE POLICY OF THE BOARD OF SELECTMEN TO ALLOW SOME ADDITIONAL CONNECTIONS TO THE MUNICIPAL WATER SUPPLY, THE FOLLOWING REGULATIONS ARE NOW IN EFFECT;

1. AN APPLICANT FOR COMMERCIAL OR INDUSTRIAL CONNECTION MUST SUBMIT A REPORT FORM A REGISTERED, PROFESSIONAL ENGINEER. THIS REPORT MUST INCLUDE THE FOLLOWING:
   a) THE EXACT WATER CONSUMPTION ON A DAILY BASIS.
   b) THE SIZE OF THE WATER MAIN AND/OR THE SERVICE PIPE NEEDED.
   c) WHETHER OR NOT SPRINKLER SERVICE IS REQUIRED.

2. RESIDENTIAL WATER USE WILL BE CALCULATED ON TITLE V OF THE STATE CODE WHICH INDICATES ONE HUNDRED TEN (110) GALLONS PER DAY/PER BEDROOM. UNLESS OTHERWISE REQUESTED BY A REPORT FROM A PROFESSIONAL ENGINEER, A ONE INCH MAXIMUM SERVICE PIPE WILL BE AUTHORIZED.

3. ANY DWELLING OR BUILDING CURRENTLY SERVED BY A PRIVATE WELL MUST COMPLETELY SEVER SUCH CONNECTION FROM THE PRIVATE SOURCE IN ORDER THAT THE SOLE SUPPLY OF POTABLE WATER IS FROM THE MUNICIPAL SYSTEM.
SUCH WORK MUST BE ACCOMPLISHED TO THE SATISFACTION OF THE TOWN.
PROPERTY OWNERS ARE ENCOURAGED TO USE THE PRIVATE WATER SOURCE FOR ALL OUTDOOR PURPOSES.

4. ALL GRANTINGS ARE CONTINGENT UPON THE USE OF THE MOST CURRENT WATER CONSERVATION DEVICES. SUCH DEVICES ARE REQUIRED FOR NEW CONSTRUCTION.
EXISTING STRUCTURES SHALL PROVIDE EVIDENCE THAT WATER CONSERVATION DEVICES ARE IN PLACE.

5. INSTALLATION WILL BE TO THE SATISFACTION OF THE TOWN. THE APPLICANT IS RESPONSIBLE FOR ALL COSTS INCURRED IN MAKING A CONNECTION.

6. THE APPLICANT MUST BE PRESENT WHEN THE BOARD OF SELECTMEN CONSIDERS THE APPLICATION.

7. THE APPLICANT MUST SUBMIT A DETAILED REPORT INDICATING THE

SOURCE/S AND METHOD/S WHICH SHALL BE UTILIZED TO IMPLEMENT THE WATER SAVINGS TO THE MUNICIPAL WATER SYSTEM OF FOUR GALLONS FOR EVERY ONE GALLON SOUGHT.

TITLE: WATER - NEW CONNECTIONS

DATE ADOPTED: October 13, 1987

AMENDMENTS: November 3, 1987
March 4, 1989
October 17, 1989
May 15, 1990
March 24, 1992

Date: January 6, 1988

To: Zoning Board Applicants

From: Zoning Board of Appeal

Re: Water Use

At the January 5, 1988 Board of Selectmen's regularly scheduled meeting, the following was approved to become effective JANUARY 5, 1988.

An applicant seeking a variance/special permit for a NEW STRUCTURE, if said permit or variance will result in an INCREASE in water usage, must present to the Zoning board a letter from the board of Selectmen stating the source of water to the structure and any restrictions that might be placed on that source.

It is the applicant's responsibility to obtain said letter and present it to the Zoning board NO LATER THAN THE HEARING DATE.

Municipal Water Connection Application

Application date: _____

Applicant's Name: _____

Address: _____

City or Town & Zip: _____

Telephone Number: _____

Water Connection request is for property located at: _____

_____

Owner's name & Address (if different from Applicant): _____

_____

Assessor's Map _____ Lot _____ Plot _____

Check One: Residential____ Commercial____ Industrial _____

If Residential, total number of bedrooms ____

Unless otherwise requested by report from a professional engineer, a maximum one inch service will be authorized.

If Commercial or Industrial:

Maximum number of gallons per day requested ____

Size of service requested ____

Fire protection requested ____ ('yes', 'no' or 'only')

The undersigned applicant acknowledges and agrees that, if this application is approved, it is for the maximum gallons per day requested above or the maximum number of bedrooms listed above, if the application is for residential purposes. The applicant further acknowledges that, if usage is in excess of that authorized, the Town reserves the right to terminate the water connection.

_____ _____

Signature of Applicant Signature of Owner (if different)

_____

DO NOT WRITE BELOW LINE

Date of action by Selectmen _____

____ Approval ____ Disapproval

TITLE: WATER - OUTDOOR USE OF

DATE ADOPTED: November 3, 1987

AMENDMENTS: March 14, 1989
October 17, 1989
May 15, 1990

The outdoor use of municipal water for any purpose shall be permitted between the hours of 2:00 p.m. and 6:00 p.m. on Tuesdays, Thursdays and Saturdays only.

TITLE: WATER - RATES - SENIOR CITIZEN DISCOUNTS

DATE ADOPTED: October 17, 1989

The Board then reviewed Mr. Farrington's memo of 10/11/89 (on file) concerning water rate discounts for senior citizens. This memo indicated that, while the Board has broad discretion in the issue of water rates, sewer rates can only be discounted for low income households per the requirements of the EPA and that any discount on an income basis would be an administrative nightmare in light of the expertise and staffing requirements which would be required. The memo further advised the Board that they may choose to vote a discount of water rates for senior citizens and that he did recommend a fixed percentage discount for all customers over a certain age; that no trusts, etc. would be eligible. He noted that a fifteen (15%) percent discount for all customers over age seventy could reduce revenue by thirty thousand ($30,000.00) dollars or less. The memo further indicated that, in order to implement a discount for bills issued in January (at the higher rates), the decision must be made at this time and, if a discount is voted, the bills would probably be issued at the regular rate and senior citizens requested to write for a rebate since the existing database does not contain age. The memo reported that, for the first billing cycles, a lot of work would be created but, once the necessary information is assembled, subsequent bills would be discounted by the computer.
Discussion of the recommendation resulted in a motion by Mrs. Blomstrom to establish a fifteen (15%) percent discount of the municipal water rates for senior homeowners over seventy (70) years of age who are water customers of the Town. Mr. Yaitanes seconded the motion which, after discussion, PASSED with Mr. Kowalczyk in opposition.

TITLE: WELLS - CONTAMINATED - CONNECT TO MUNICIPAL SYSTEM

DATE ADOPTED: December 2, 1986

Mr. Starkowsky and I have had several discussion on this issue. In addition, Mr. Starkowsky has discussed this informally with several members of the Board of Health. We suggest that the following policy in cases where potable wells are suspected of being unfit:

A request to connect to the municipal water supply because a well has become unfit for consumption or information that has been received that suggests a well could be unfit for consumption will be referred to the Board of Health for review and recommendation. The property owner will be responsible for the costs of testing, but the Board of health may order its own tests if it so desires.

The decision to connect to the municipal water supply is solely that of the Board of Selectmen.

Pending final action by the Board of Health and the Board of Selectmen, the Public Works Superintendent is authorized to provide a temporary connection if, in his judgement, such a temporary connection is needed.

APPROVED BY THE BOARD OF SELECTMEN ON 12/2/86.