

TOWN OF DALTON

SPECIAL TOWN MEETING

WAHCONAH REGIONAL HIGH SCHOOL – OCTOBER 23, 2006 – 7:00 P.M.

The Moderator, Ronald J. Marcella, Sr., called the Meeting to order at 7:00 p.m.

Judith M. Ladd and Victoria M. Sedgwick were appointed tellers and Rebecca Whitaker, Deborah Smith and Christine Derby were appointed counters. All were sworn by Town Clerk, Barbara L. Suriner. There was a total of 49 Registered Voters checked at the door as follows:

PRECINCT 1 - 30
PRECINCT 2 - 19
49

It was moved, seconded and voted that the Moderator waive the reading of the Warrant.

CARRIED. UNANIMOUSLY.

ARTICLE 1. It was moved, seconded and voted that the Town authorize the Select Board to negotiate and enter into an inter-municipal agreement pursuant to the provisions of G.L. c. 40. § 4A with the Hampshire Council of Governments for the provision of electrical supply to the Town upon such terms and conditions as the Select Board deems in the best interest of the Town for a period of up to twenty-five years.

CARRIED. UNANIMOUSLY.

ARTICLE 2. It was moved, seconded and voted that the Town amend the vote taken under Article 4 at the Annual Town Meeting of May 1, 2006 by amending the “Schedule of Compensation for Elected Officials” for the fiscal year beginning July 1, 2006 by increasing two salaries as follows: Moderator (\$317) and Town Clerk (\$33,296).

TWO-THIRDS VOTE REQUIRED

CARRIED. UNANIMOUSLY.

ARTICLE 3. It was moved, seconded and voted that the Town amend the vote taken at the June 26, 2006 Special Town meeting under Article 5, Capital Improvement Program, to transfer an additional \$12,000.00 from the Capital Stabilization Fund for restoration of the Town Hall clock and further that the Town amend the description of the \$24,000.00 of approved borrowing for Transfer Station paving to also include reconstruction of the Windsor Road culvert at Johnson Road, including engineering and design costs.

TWO-THIRDS VOTE REQUIRED

CARRIED. UNANIMOUSLY.

ARTICLE 4. It was moved, seconded and voted that the Town appropriate the sum of \$64,973 from available funds to be reimbursed by a grant from the Commonwealth of Massachusetts in accordance with Chapter 90 Section 34 of the Massachusetts General Laws.

CARRIED. UNANIMOUSLY.

ARTICLE 5. It was moved, seconded and voted that the Town transfer \$10,000.00 from the Overlay Surplus Account to fund a collective bargaining agreement between the Town and the Dalton Patrol Officers Union, MCOP, Local 906 for fiscal year 2006.

CARRIED. UNANIMOUSLY.

ARTICLE 6. It was moved, seconded and voted that the Town transfer \$6,000.00 from the Overlay Surplus Account to fund a collective bargaining agreement between the Town and the Dalton Highway/Cemetery Association for fiscal year 2006.

CARRIED. UNANIMOUSLY.

ARTICLE 7. It was moved, seconded and voted that the Town transfer \$3,000.00 from the Overlay Surplus Account to fund a collective bargaining agreement between the Town and the Dalton Dispatchers Association for fiscal year 2006.

CARRIED. UNANIMOUSLY.

ARTICLE 8. It was moved, seconded and voted that the Town amend the vote taken under Article 5, "Town Operating Budget", of the May 1, 2006 Annual Town Meeting to increase the salary and expense amounts, including provisions from Sewer User Fees, appropriated thereunder as follows: Salaries – Account 114, Moderator - \$2, Account 123, Town Manager - \$553, Account 135, Town Accountant - \$199, Account 145, Town Treasurer - \$203, Account 146, Town Collector - \$256, Account 154, Recording Secretary - \$375, Account 155, Interdepartmental Clerks - \$211, Account 161, Town Clerk - \$308, Account 162, Elections - \$38, Account 163, Registrars - \$15, Account 175, Planning/Appeals - \$100, Account 196, Town Hall - \$173, Account 210, Police - \$58,275, Account 222, Communications - \$5,782, Account 240, Building Inspections - \$201, Account 244, Sealer of Weights - \$6, Account 247, Animal Inspector - \$11, Account 292, Animal Control - \$86, Account 294, Forest Warden - \$11, Account 295, Emergency Management - \$16, Account 296, Tree Warden - \$9, Account 420, Highway Department - \$767, Account 434, Transfer Station - \$9, Account 491, Cemetery - \$3,224, Account 510, Board of Health - \$132, Account 541, Council on Aging - \$413, Account 543, Veterans Services - \$30, Account 610, Library - \$620, Account 650, Parks Maintenance - \$1,002; Expenses – Account 210, Police - \$1,000, Account 320, Vocational Education - \$31,440, Account 434, Transfer Station - \$2,820, Account 449, Sewer Treatment - Offset Receipts - \$85,000, and further, that in order to meet the aforesaid salaries and expenses, \$155,287 be raised and appropriated and \$18,000 be transferred from the Overlay Surplus Account, and \$20,000 be transferred from the General Stabilization Fund.

TWO-THIRDS VOTE REQUIRED

CARRIED. UNANIMOUSLY.

ARTICLE 9. It was moved, seconded and voted that the Town adopt the following Stormwater Management Bylaw, regulating activities that result in the disturbance of land and the creation of storm water runoff for the protection of the Town of Dalton's water bodies and groundwater resources, to safeguard the health, safety, and welfare of the general public and protect the natural resources of the Town:

STORMWATER MANAGEMENT AND EROSION CONTROL BYLAW

1.0 PURPOSE

Regulation of discharges to the municipal separate storm sewer system (MS4) is necessary for the protection of Dalton's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment. Increased and contaminated stormwater runoff associated with developed land uses and the accompanying increase in impervious surface are major causes of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater.

Increased volumes of stormwater, contaminated stormwater runoff from impervious surfaces, and soil erosion and sedimentation are major causes of:

- 1) impairment of water quality and decreased flow in lakes, ponds, streams, rivers, wetlands and groundwater;
- 2) contamination of drinking water supplies;
- 3) erosion of stream channels;
- 4) alteration or destruction of aquatic and wildlife habitat;
- 5) flooding; and,
- 6) overloading or clogging of municipal catch basins and storm drainage systems.

The United States Environmental Protection Agency has identified sedimentation from land disturbance activities and polluted stormwater runoff from land development and redevelopment as major sources of water pollution, impacting drinking water supplies, natural habitats, and recreational resources. Regulation of activities that result in the disturbance of land and the creation of stormwater runoff is necessary for the protection of the Town of Dalton's water bodies and groundwater resources, to safeguard the health, safety, and welfare of the general public and protect the natural resources of the Town. Therefore, this bylaw establishes stormwater management standards for the temporary and final conditions that result from development and redevelopment projects to minimize adverse impacts offsite and downstream which would be born by abutters, townspeople and the general public.

The objectives of this Bylaw are to:

- 1) Protect ground water and surface water to prevent degradation of drinking water supply;

- 2) Require practices that eliminate soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from land disturbing activities;
- 3) Promote infiltration and the recharge of groundwater;
- 4) Ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained;
- 5) Require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at a construction site that may cause adverse impacts to water quality;
- 6) To prevent pollutants from entering the Dalton municipal separate storm sewer system (MS4) and to minimize discharge of pollutants from the MS4;
- 7) To ensure adequate long-term operation and maintenance of structural stormwater best management practices so that stormwater structures work as designed;
- 8) Comply with state and federal statutes and regulations relating to stormwater discharges; and
- 9) Establish Dalton's legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.

2.0 DEFINITIONS

The following definitions shall apply in the interpretation and implementation of this bylaw.

ABUTTER: The owner(s) of land abutting the activity.

APPLICANT: Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government to the extent permitted by law requesting a soil erosion and sediment control permit for proposed land-disturbance activity.

AUTHORITY: The Dalton Stormwater Management Commission or its authorized agent(s) are responsible for coordinating the review, approval and permit process as defined in this Regulation. Other Boards and/or departments of the Town of Dalton, including (but not limited to) the Conservation Commission, Board of Health, and Highway Department, may participate in the review process as defined herein.

BEST MANAGEMENT PRACTICES: Structural, non-structural, and managerial techniques that are recognized to be the most effective and practical means to prevent and reduce nonpoint sources of pollution.

CLEARING: Removal or causing to be removed, through either direct or indirect actions, trees, shrubs, or topsoil from a site, or any material change in the use or appearance of the land. Actions considered to be clearing include, but are not limited to: causing irreversible damage to roots or trunks; destroying the structural integrity of vegetation; or any filling, excavation, grading, or trenching in the root area of a tree which causes irreversible damage.

DETERMINATION: A written finding by the Stormwater Management Commission as to whether a site or the work proposed thereon is subject to the jurisdiction of the *Stormwater Management and Erosion Control Bylaw of the Town of Dalton*.

DETERMINATION OF SIGNIFICANCE: A written finding by the Stormwater Management Commission that the area on which the proposed work is to be done, or which the proposed work will alter, is significant to one or more of the interests identified in the *Stormwater Management and Erosion Control Bylaw of the Town of Dalton*.

DEVELOPMENT: The modification of land to accommodate a new use, revised use, or expansion of use, usually involving construction.

DISTURBANCE OF LAND: Any action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material.

EROSION: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

EROSION AND SEDIMENTATION CONTROL PLAN: A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best

management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbing activity activities.

GRADING: Changing the level or shape of the ground surface.

IMPERVIOUS SURFACE: Land covering, such as concrete or asphalt, that does not allow water to pass through it into the ground.

LAND-DISTURBING ACTIVITY: Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material and meets or exceeds 43,560 square feet, or 200 square feet of land disturbance on existing or proposed slopes greater than or equal to 15 percent.

LAND DISTURBANCE PERMIT: A permit issued by the Stormwater Management Commission, after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious affects of increased volumes of stormwater, contaminated stormwater runoff from impervious surfaces, and soil erosion and sedimentation.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): Any pipe, ditch or gully, or system of pipes, ditches, or gullies, that is owned or operated by a governmental entity and used for collecting and conveying storm water.

NOTIFICATION OF NON-SIGNIFICANCE: A written finding by the Stormwater Management Commission that the area on which the proposed work is to be done, or which the proposed work will alter, is not significant to any of the interests of the *Stormwater Management and Erosion Control Bylaw of the Town of Dalton*.

ONE HUNDRED YEAR FLOODPLAIN: An area delineated under the Federal Emergency Management Act (FEMA) indicating the extent of flooding as a result of a 100 year flood.

OPERATION AND MAINTENANCE PLAN: A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to insure that it continues to function as designed.

OWNER: A person with a legal or equitable interest in property.

PERMEABILITY: The property or condition of being permeable; especially having pores or openings that permit liquids or gases to pass through.

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

PRE-CONSTRUCTION: All activity in preparation for construction.

REDEVELOPMENT: Any development, construction, alteration, rehabilitation, improvement expansion, demolition or phased projects that meets or exceeds 200 square feet of land disturbance on existing or proposed slopes equal to or greater than 15 % and where the existing land has been subject to previous development or that meets or exceeds 43,560 square feet and where the existing land has been subject to previous development.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION: The process or act of deposition of sediment.

SITE: Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance e.g. twenty (20) percent.

SOIL: Any earth, sand, rock, gravel, clay or similar material.

STORMWATER: Stormwater runoff, snow melt runoff, and surface water runoff and drainage.

STORMWATER MANAGEMENT PLAN: A plan showing existing and proposed features on a site. This is required as part of the application for a Land Disturbance Permit.

WETLANDS: Areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-based) and aquatic (water-based) environments, including freshwater marshes around ponds and channels (rivers and streams), common names include marshes, swamps and bogs.

3.0 AUTHORITY

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the regulations of the Federal Clean Water Act found at 40 CFR 122.34.

4.0 APPLICABILITY

This Bylaw shall apply to all land-disturbing activities within the jurisdiction of the Town of Dalton. Except as permitted by the *Stormwater Management Commission* in a Land Disturbance Permit or as otherwise provided in this Bylaw, no person shall perform any activity that results in land disturbance as detailed in Section 4A.

A. Regulated Activities

Regulated activities shall include, but not be limited to:

- 1) Land disturbance equal to or greater than 43,560 square feet, associated with construction or reconstruction of structures;
- 2) Development or redevelopment involving multiple separate activities in discontinuous locations or on different schedules if the activities are part of a larger common plan of development that all together disturbs 43,560 square feet or more of land;
- 3) Paving or other change in surface material over an area of 43,560 square feet or more causing a significant reduction of permeability or increase in runoff;
- 4) Construction of a new drainage system or alteration of an existing drainage system or conveyance serving a drainage area of more than 43,560 square feet;
- 5) Any other activity altering the surface of an area equal to or greater than 43,560 square feet that will, or may, result in increased stormwater runoff flowing from the property into a public way or the municipal storm drain system; OR
- 6) Land disturbance where there is a 15% or greater slope and where the land disturbance is greater than or equal to 200 square feet within the sloped area.

B. Exempt Activities

The following activities are exempt from the requirements of this Bylaw:

- 1) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04;
- 2) Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling;
- 3) The construction of fencing that will not substantially alter existing terrain or drainage patterns;
- 4) Land disturbance activities that are wholly subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Stormwater Management Policy as reflected in an Order of Conditions issued by the Conservation Commission;
- 5) Construction of utilities (gas, water, electric, telephone, etc.) other than drainage, which will not alter terrain, ground cover, or drainage patterns, the reconstruction of or resurfacing of any public way; the construction and associated grading of a street that has been approved by the Planning Board;
- 6) For the removal of earth products undertaken in connection with a sand, gravel or similar enterprise where such activity is allowed by zoning;
- 7) Any logging operation with a cutting plan approved by the state forester;

- 8) Emergency repairs to any utilities (gas, water, electric, telephone, etc.), stormwater management facility or practice that poses a threat to public health or safety, or as deemed necessary by the Planning Board;
- 9) Any work or projects for which all necessary approvals and permits have been issued before the effective date of this Bylaw.

5.0 RESPONSIBILITIES FOR ADMINISTRATION

A. Responsibility

A Stormwater Management Commission shall be established to administer and enforce this bylaw. The Stormwater Management Commission shall consist of nine members. The Building Inspector, and the Highway Department Superintendent shall serve ex-officio. Seven additional members shall be recommended for appointment by the Town Manager and subject to the Select Board's ratification: a member of the Conservation Commission, a member of the Planning Board, a member of the Select Board, a member of the Board of Health, and three other members. The Commission shall annually vote for a Chair, who shall preside at meetings, a Vice-Chair who shall preside at meetings in the absence of the Chair and Clerk or Recording Secretary who shall record minutes of the of the Commission meetings. The Clerk need not be a member of the Commission. Any powers granted to or duties imposed upon the Stormwater Management Commission may be delegated to its employees and/or agents.

B. Rules and Regulations

The Stormwater Management Commission may adopt, and periodically amend rules and regulations relating to receipt and content of Land Disturbance permit applications; review time periods, permit terms, conditions, additional definitions, enforcement, fees, procedures and administration of this Bylaw, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least fourteen (14) days prior to the hearing date. After public notice and hearing, the Stormwater Management Commission may adopt by majority vote rules and regulations. Failure by the Commission to promulgate such rules and regulations shall not have the effect of suspending or invalidating this Bylaw.

6.0 PERMITS & PROCEDURES

Permit Procedures and Requirements shall be defined and included as part of any rules and regulations promulgated as permitted under Section 5B of this Bylaw.

- A. The Stormwater Management Commission and its agents shall review all applications for a land disturbance permit, conduct inspections, issue a final permit and conduct any necessary enforcement action.
- B. The Stormwater Management Commission will refer to the policy, criteria and information including specifications and standards of the latest edition of the Massachusetts Stormwater Management Policy.
- C. Any applicant may submit a request for a determination of non-significance. Such a request shall be accompanied by an explanation or documentation supporting a request for a determination of non-significance and demonstrating that the proposed work is not significant to any of the interests of the *Stormwater Management and Erosion Control Bylaw of the Town of Dalton* and that strict application of the by-law does not further the purposes or objectives of this bylaw.
 - 1) All requests for determination of non-significance shall be discussed and a decision will be made by the Stormwater Management Commission within 14 days of receiving the request in writing.
 - 2) If in the Stormwater Management Commission's opinion, additional time or information is required for review of request for determination of non-significance, the Stormwater Management Commission may continue a consideration of the request by an additional 7 days. In the event the applicant objects to a continuance, or fails to provide requested information, the request shall be denied.
 - 3) The Stormwater Management Commission will prepare a written finding that the area on which the proposed work is to be done, or which the proposed work will alter, is either significant or not significant to one or more of the interests identified in the *Stormwater Management and Erosion Control Bylaw of the Town of Dalton*. If a project is deemed significant by the Stormwater Management Commission the applicant must file for a full land disturbance permit.

- D. A completed application for a Land Disturbance Permit shall be filed with the Stormwater Management Commission. A permit must be obtained prior to the commencement of land disturbing activity as described under Section 4A of this Bylaw. The Land Disturbance Permit Application shall include:
- 1) A completed Application Form with original signatures of all owners;
 - 2) A list of abutters, certified by the Assessors Office;
 - 3) Payment of the application and review fees; and
 - 4) One (1) copy each of the Application Form and the list of abutters filed with the Town Clerk.
- E. A public hearing shall be held by the Stormwater Management Commission within 21 days of the receipt of the minimal submission requirements as established under Section 6D of this bylaw.
- F. The Stormwater Management Commission shall publish a notice of the time and place of said hearing at the expense of the applicant, not less than five days prior to the public hearing, by publication in a newspaper of general circulation in the Town of Dalton.
- G. The Land Disturbance Permit application shall be available for inspection by the public during normal business hours at the Town Hall for a minimum of 5 business days from the notice. The public may submit their comments within the time that the Land Disturbance Permit is available for inspection. Comments may be submitted to the Town Hall during regular business hours.
- H. The Stormwater Management Commission shall take final action on an Application within 21 days of the close of the public hearing if review from Conservation Commission or Planning Board is not required. Failure to take action shall be deemed to be constructive approval of said Application. Upon certification by the Town Clerk that the allowed time has passed without the Stormwater Management Commission's action, the Land Disturbance Permit shall be issued by the Stormwater Management Commission.
- I. No permit shall be issued by the Stormwater Management Commission for projects that are actively under review or pending decisions from the Conservation Commission or the Planning Board until those decisions have been concluded.
- J. The Stormwater Management Commission shall take final action on an Application within 21 days of receiving final written decision(s) from Conservation Commission and/or Planning Board if the project was under review by the Conservation Commission and/or the Planning Board. Failure to take action shall be deemed to be constructive approval of said Application. Upon certification by the Town Clerk that the allowed time has passed without the Stormwater Management Commission's action, the Land Disturbance Permit shall be issued by the Stormwater Management Commission.
- K. Filing an application for a land disturbance permit grants the Stormwater Management Commission or its agents, permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.
- L. The Stormwater Management Commission may:
- 1) Approve the Application and issue a permit if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this Bylaw;
 - 2) Approve the Application and issue a permit with conditions, modifications, requirements for operation and maintenance requirements of permanent structural BMPs, designation of responsible party, or restrictions that the Stormwater Management Commission determines are required to ensure that the project will protect water resources and will meet the objectives and requirements of this Bylaw; or
 - 3) Disapprove the application and deny a permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives and requirements of this Bylaw. If the Stormwater Management Commission finds that the applicant has submitted insufficient information to describe the site, the work, or the effect of the work on water quality and runoff volume, the Stormwater Management Commission may disapprove the application, denying a permit.

M. Appeals of Action by the Stormwater Management Commission. A decision of the Stormwater Management Commission shall be final. Further relief shall be to a court of competent jurisdiction. The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

7.0 FEES

The Stormwater Management Commission shall establish fees to cover expenses connected with application review and monitoring permit compliance. The fees shall be sufficient to cover professional staff.

8.0 WAIVERS

A. The Stormwater Management Commission will determine applicability and grant a waiver to compliance with this bylaw. The Stormwater Management Commission may waive strict compliance with any requirement of this by-law or the rules and regulations promulgated hereunder, where:

- 1) such action is allowed by federal, state and local statutes and/or regulations, and
- 2) is in the public interest, and
- 3) is not inconsistent with the purpose and intent of this by-law.

9.0 ENFORCEMENT

A) The Stormwater Management Commission, or its authorized agent shall enforce this Bylaw, its regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

B) The Stormwater Management Commission, or its authorized agent may issue a written order to enforce the provisions of this Bylaw or the regulations thereunder, which may include:

- 1) a requirement to cease and desist from the land-disturbing activity until there is compliance with the Bylaw or provisions of the land-disturbance permit;
- 2) maintenance, installation or performance of additional erosion and sediment control measures;
- 3) monitoring, analyses, and reporting;
- 4) remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity;
- 5) compliance with the Operation and Maintenance Plan.

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

D) As an alternative to criminal prosecution or civil action, the Town of Dalton may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D, which has been adopted by the Town in Sec. 15.8.2 of the general bylaws, in which case the Stormwater Management Commission or authorized agent shall be the enforcing person. The penalty for each violation shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

10.0 SEVERABILITY

If any provision, paragraph, sentence, or clause of this Bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

CARRIED. UNANIMOUSLY.

ARTICLE 10. It was moved, seconded and voted that the Town amend the Non-Criminal Disposition Bylaw "Non-Criminal Disposition Schedule" to include:

"Board of Health Outdoor Wood-Burning Furnace Regulation

Fine Allowed: \$300

Fine Schedule: \$100 for the first offense

\$200 for the second offense

\$300 for the third and subsequent offenses,

And further, that the Enforcement Officer be the Health Agent, any member of the Board of Health, the Police Chief, or his designee."

CARRIED. DECLARED MAJORITY (2 "NO" VOTES)

ARTICLE 11. It was moved, seconded and voted that the Town transfer \$1,103 from the General Stabilization Fund to Account 133 Prior Year Bills, for the purpose of paying unpaid Fiscal Year 2006 bills as follows: Kopelman & Paige - \$191.80, Tighe and Bond - \$910.52

NINE-TENTHS VOTE REQUIRED.

CARRIED. UNANIMOUSLY.

ARTICLE 12. It was moved, seconded and voted that the Town appropriate the sum of \$200,000 for costs related to the widening and improving of South Street and Housatonic Street including engineering costs associated with the above projects and authorize the Town Treasurer, with the approval of the Select Board, to borrow said sum in accordance with Massachusetts General Laws, Chapter 44, Section 7.

TWO-THIRDS VOTE REQUIRED.

CARRIED. UNANIMOUSLY.

Meeting closed at 7:41 p.m.

Barbara L. Suriner, TOWN CLERK
