

Town of Canton

Administrative Code



Town of Canton Board of Selectmen Administrative Code

Introduction:

The Board of Selectmen of the Town of Canton recognizes: the need to codify the traditional and accepted working relationships among the members of the Board, between the Board and their administrative personnel, the Board and other elected and appointed Town boards, committees, officials and citizens; the need to systemize and reduce to writing the Town's public policies and procedures; and the need for the Board to operate effectively as a unit. Toward these ends, the Board recognizes that it will be well served by a system of policies, collectively, the Administrative Code, to communicate its decisions and actions, and thus hereby undertakes to create operating procedures for the Board of Selectmen that must evolve and be created over time to best serve the community.

The policies and procedures set forth in this Administrative Code are intended to provide guidance and helpful assistance for the administration of Town affairs and are not intended to be all-inclusive. The Administrative Code is also not intended to be binding in the same manner as rules and regulations, although certain references within arise from requirements of applicable statutes, laws, rules or regulations. In the event of any conflict between the policies set forth in this Administrative Code, and any State or federal statute or law, or any local by-law, rule or regulation, such State or federal statute or law, or local by-law, rule or regulation shall govern. The Administrative Code does, however, have behind it the support and endorsement of the Board of Selectmen as the chief policymaking Board of the Town, and as such carries with it such authority as they may legally exercise.

The Executive Office, headed by a Town Administrator, is responsible for the maintenance and implementation of all policies and procedures, for updating the Administrative Code with new and amended policies, and for ensuring that copies of the Board's policies and procedures are distributed and communicated to the newly elected Board members. Copies of the Administrative Code shall be timely and conveniently made available to the public at the Executive Office, Office of the Town Clerk and the Town's web site, subject to local by-laws governing their reproduction.

Establishment of Policies and Procedures

I. General

The Select Board, acting as the chief elected officials of the Town, are responsible for the establishment of policies and procedures as guidance in the operation of the Town.

The Board may create, revise, amend and/or abolish any or all the policies according to the procedures listed below. All policies and procedures herein are subject to all applicable federal, state, and local laws, by-laws, rules, and regulations.

II. Policy Introduction, Approval, Amendment/Revision, and Deletion Process

Any new draft policy, or a proposal to amend or delete an existing policy, may be initiated by a member of the Board, designated administrative staff or by a citizen of the Town by requesting that the Chair provide for discussion of any such proposal at a public Board meeting. The Board may schedule any future hearing or meetings it deems necessary for discussion if the policy suggestion, amendment, or deletion has merit and would further serve to implement operational efficiencies and accountability within municipal departments under the Board's authority. The Board shall distribute any such draft proposal for comment to appropriate officials, as it deems necessary. It shall notify any multiple member bodies including boards, committees and/or commissions, or employees who may be affected by any final adoption of a policy. The Board shall also advertise through local media, including the Town website, any meeting introducing the possible addition of a new policy, and/or the amendment or deletion of an existing policy.

The Board shall not vote on a policy at the same meeting at which it is first introduced. A majority vote of the Board shall be required for the deletion or amendment of any existing policy or for the adoption of any new Board policy. A new or revised policy adopted by the Board shall take effect fourteen (14) calendar days after adoption and shall be carried out until it is rescinded or amended. Any deleted Board policy shall remain in effect for fourteen (14) calendar days after the vote to delete it. Any department impacted by a new or amended policy will be notified prior to implementation.

The Executive Office shall be responsible for the maintenance of all Select Board administrative policies and procedures, and distribution to the newly elected Board members and the public when requested. The policies and procedures will be posted on the Town's website.

III. Emergency Clause

Should the Chair, acting on behalf of the Board, declare a state of emergency or the existence of a hazardous situation, any relevant provision within the policies and procedures may be waived if necessary to react appropriately to the specific situation.

IV. Waiver Clause

While the Board shall strive to follow the process delineated within this policy for the amendment or deletion of an existing policy and the adoption of a new policy, the Board recognizes that there might potentially be unforeseen circumstances in the future. As such, the Board reserves the right to waive any provision or policy within the should the need arise. This may be accomplished in a legally convened Board meeting with "supermajority" or four-fifths (4/5) vote of a five-member Board.

Powers, Duties, and Obligations of the Select Board

I. Authority

The Select Board is an elected Board and derives its authority and responsibilities from the statutes of the Commonwealth of Massachusetts, the by-laws of the Town of Canton, and the voters of Canton. Board members are regular municipal employees for the purpose of MGL c.268A.

II. Election and Certification

The Board consists of five (5) duly elected members. Before assuming official duties, each newly elected member shall be duly sworn in by the Town Clerk as early as practicable after the close of any election and the winner is certified by the Town Clerk as having received the most votes, or otherwise as stated under appropriate statutory authority.

III. Vacancies on the Board

When a vacancy occurs in the membership of the Select Board, the Board's remaining members shall either call a special Town election to fill the unexpired term or leave the position vacant until the next regular election in accordance with MGL Ch. 41 §10.

IV. Select Board

The Board is responsible for general oversight, policy development and implementation, and municipal service delivery of those departments and operating agencies under its control and authority. Such authority is granted because of general statutory authority and local by-laws. The Board is responsible for oversight of municipal departments that are not otherwise supervised by the other elected officials. The authority to provide direct oversight and regular supervision of these municipal departments is delegated to the Town Administrator. For the purposes of collective bargaining the Board is recognized as the employer. The Board shall strive to refrain from involvement in day-to-day operations of the Town government. Concerns and questions about the operation of a department and/or its employees, and suggestions for improvements should be addressed to the Board via the Town Administrator.

V. Town Administrator

The Town Administrator shall work under the supervision and guidance of the Board in the formulation of policy and oversight of department personnel, service delivery, municipal operations, and adherence to Board policy. The Town Administrator shall supervise and oversee the day-to-day service areas of the Select Board.

The Town Administrator must maintain a close working relationship with all members of the Board and all municipal department heads. The Town Administrator shall brief the Board on all prominent issues either verbally and/or in writing on a regular basis.

It shall be the policy of the Board to require a super-majority vote of the Board to not renew or terminate any Town Administrator or individual Department Head engaged via an individual employment agreement.

VI. Board Code of Conduct

1. A member of the Select Board, in relation to the community should:
 - a) Uphold the Constitution of the United States of America and the Commonwealth of Massachusetts, federal and state laws, and Town policies and by-laws.

- b) Carry out their mandated responsibilities and develop Town policy related thereto, with general administration delegated to a Town Administrator and a department heads team.
 - c) Act as a member of a team. Abide by Board decisions once they are made. Each Board member reserves the right to speak from a minority position on any issue but agrees and understands that they cannot act alone inconsistent with a Board policy nor in the absence of one.
 - d) Be well-informed concerning the duties of a Board member on both the local, state, and federal levels.
 - e) Always represent the entire community when establishing policies and realize that their primary responsibility is to all Canton residents.
 - f) Accept the office of Select Board as a means of unselfish service, and to not benefit personally or politically from Board activities. Conduct official business without improper influence.
 - g) Demonstrate respect for the public that they serve.
 - h) Safeguard confidential information.
 - i) Conduct themselves to maintain public confidence in local government.
 - j) Unless specifically exempted, conduct the business of the public in a manner that promotes open and transparent government.
 - k) Avoid political patronage by judging all candidates for appointments on merit, experience, and qualifications only.
 - l) Abide by the ethics established by the state of Massachusetts
2. A member of the Select Board, in relation to Town Staff should:
- a) Endeavor to establish sound, clearly defined policies that will direct and support the administration for the benefit of residents, businesses, and organizations of the community. Recognize and support the administrative chain of command. Refrain from giving instructions to or requesting assistance from Town staff, but channel all such activities through the Town Administrator. Treat all staff as professionals and respect the abilities, experience, and dignity of everyone.
 - b) Provide department heads appropriate responsibility and authority for discharging their duties
3. A member of the Select Board, in relation to the Town Administrator should:
- a) Give the Town Administrator appropriate responsibility for discharging their responsibilities and duties as assigned by the Board and as required by the position.
 - b) Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
4. A member of the Select Board, in relation to fellow Board members should:
- a) Recognize that only action at official legal Board meetings is binding and that one member alone cannot bind the Board outside of such meetings and has no local or statutory power or authority to do so, nor shall any Board member direct the services or activities of any department as an individual member of the Board in the absence of official action.
 - b) Not make statements or promises on matters of Select Board authority until the matter is discussed at an open meeting.
 - c) Uphold the intent of Executive Session and keep confidential the privileged communication that exists in Executive Session and in all legal matters facing the Town.
 - d) Ensure confidentiality in all legal matters facing the Town once the Board decision or any such legal matter is made.
 - e) Make decisions only after all the facts on a question have been presented and discussed.
 - f) Respect the rights of all members of the Board despite differences of opinion.

The Board shall enforce the Code of Conduct. Any Select Board member violating the Code of Conduct may be removed from committee assignments by the Chair and may be subject to public censure by the Select Board. During a meeting, the Chair may, after an initial warning, remove a member from a meeting who acts in an inappropriate manner, is unruly or disorderly.

VII. Compensation

Each member of the Board shall be compensated annually as determined by the vote of the Town Meeting. Members of the Board are entitled to reimbursement of expenses that are incurred while attending meetings and conferences in carrying out their duties related to their function as Board members as provided in the Massachusetts General Laws.

VIII. Organization of the Board

The Chair shall be elected annually at the first regular meeting following the close of Annual Town Meeting, but no later than 30 days after the opening of Annual Town Meeting. If for any reason the Annual Town Meeting is not held beginning on the second Monday in May, the Board shall reorganize at the first regularly scheduled public meeting following the second Monday of May. The Chair's term shall be for one (1) year, although the Board may remove the Chair with just cause at any time by a super-majority vote. The Chair shall not serve for two consecutive years. A majority vote shall constitute an election for chair. Nominations require no second. The immediate past Chair shall preside as Chair pro tem until the new Chair is elected. If there is no immediate past Chair, the senior member in terms of current service shall serve as Chair pro tem. In the case of members with the same amount of seniority, any member receiving more votes in the most recent election shall serve as Chair pro tem. If a vacancy occurs in the office of Chair, the Board shall elect a successor within a reasonable period following the vacancy. The Board shall further appoint a Vice-Chair and Clerk under the same provisions stated for the Chair.

IX. Responsibilities of the Chair

1. The Chair of the Board shall:
 - a) Preside at all meetings of the Board, maintain order in the meeting room, recognize speakers, call for votes, and preside over the discussion of agenda items and being guided by Robert's Rules of Order, except as modified herein.
 - b) Sign official documents that require the signature of the Chair, following a vote of the Board if required.
 - c) Call special meetings in accordance with the Open Meeting Law.
 - d) Prepare agendas with the Town Administrator.
 - e) Arrange orientation for new Board members.
 - f) Represent the Board at meetings, conferences and other gatherings unless otherwise determined by the Board or delegated by the Chair.
 - g) Serve as spokesperson of the Board at Town Meetings and present the Board's position unless otherwise determined by the Board or delegated by the Chair.
 - h) Be empowered to declare a state of emergency or the existence of a hazardous situation on behalf of the Board. All Board members shall, however, be informed of all details relating to a state of emergency or any hazardous situation.

The Chair shall have the same rights and privileges as other Board members including offering motions and resolutions, discussing questions, and voting thereon.

X. Responsibilities of the Vice-Chair

The Vice-Chair of the Board shall act in the place of the Chair during their absence from meetings. Should the Chair leave the office, the Vice-Chair shall assume the duties of Chair until the Board elects a new Chair.

XI. Responsibilities of the Clerk

The primary function of the Clerk is to sign appointment cards and other official documents including meeting minutes and ensure that all are appropriately dated and signed by all Board members at the time of their signature.

XII. Regular Board Meetings

Regular Board Meetings shall be held twice monthly on Tuesday evenings. A bi-annual schedule of meetings will be set by the Board and publicly posted. The schedule will be subject to change. All meetings shall be held in the Salah Meeting Room located at 801 Washington Street, Second Floor, Memorial Hall unless otherwise specified by the Board. Meetings shall be broadcast and livestreamed when possible. The Board shall not meet on those days designated as legal holidays or when elections are held. The Board does also meet frequently in special meetings throughout the year for a variety of municipal and community purposes.

XIII. Special Meetings

A meeting called for any time other than the regular meetings shall be known as a “Special Meeting.” The same rules as those established for regular meetings shall apply. Special Meetings may be called provided that a majority of the members agree to meet, and all members of the Board are notified.

XIV. Working Meetings

The Board may conduct informal “working sessions” from time to time as the situation warrants. Such meetings shall be posted in accordance with the Open Meeting Law, and no official action/votes shall be taken. A synopsis of transactions for informal meetings shall be made as a part of the minutes of the following regular meeting.

XV. General Meeting Procedures

The Select Board may function only when acting as a Board in a legally constituted session. The Board functions as a body in all policy decisions and all other matters as required by law or determined by a vote of the Board in formal session. Select Board members are elected officials with responsibility to represent all segments of the community and there should be no restraint in the proper and reasonable exercise of this responsibility. Meetings are to be conducted in accordance with accepted rules of parliamentary procedure and the Open Meeting Law. Robert’s Rule of Order is used as a guide in matters requiring clarification of definition or procedure.

Action on critical or controversial matters and the adoption of policy or appointments shall be taken with the full Board in attendance when practical. Actions and decisions shall be by motion, second and vote. Split votes shall be recorded by Board member name. Any member of the Board reserves the right to speak from the minority position on any issue. Immediately following an official vote of the Board, any member of the minority position may present a dissenting opinion for the record. However, all members of the Board are bound by the official vote of the Board on all issues until such time as the Board subsequently votes to alter its previous decision.

The Town Administrator is expected to attend all meetings of the Board unless written notice is provided to the Board. The Town Administrator shall attend to keep the Board informed and advised and recommend all matters that fall within the authority of their position or when otherwise directed or requested by the Board. The Town Administrator shall carry out the directives of the Board as they relate to the conduct and administration of Town affairs under the Board's authority.

XVI. Executive Session

Any Executive Session meeting must be posted according to the Open Meeting Law. Only items allowed under the Open Meeting Law shall be included in the Executive Session. The Board must specify in any motion to enter Executive Session the reason the session is called. A majority of the members present must vote to enter the Executive Session by roll-call vote. The Chair must state whether the Board will reconvene into open session.

XVII. Agenda Procedures

The responsibility for coordinating, planning, scheduling, and approving agenda items for any Board meeting shall rest with the Town Administrator subject to Board approval. Each member of the Board may place items on the agenda. The Town Administrator, in consultation with the Chair, shall schedule a realistic time for each presentation, appointment, interview, conference, or other scheduled item of business.

All items for the agenda must be submitted to the Executive Office by 12:00 p.m. on the Thursday preceding any regularly scheduled meeting including any written material or references to be presented. Items of emergency or strictly routine nature that develop after closing of the agenda may be considered under "other business."

Agenda order of business shall normally include:

1. Call Meeting to Order
2. Public Hearing/Special Topic Presentations
3. Action Items - New Business (i.e., appointments)
4. Action Items - Old Business
5. Other Business (i.e., Water/Sewer Commitments or "emergency items")
6. Accept Minutes
7. Information/Public Announcements
8. Public Comment/Correspondence
9. Adjournment
10. Executive Sessions – As needed.

A public comment period is a time during a Select Board meeting when Town residents may bring matters before the Select Board that are not on the official agenda. Public comments not related to an agenda item may occur only during any time in a meeting designated by the Select Board as a public comment period.

The Select Board is not required to include a public comment period during any Select Board meeting. Total time for the public comment period shall be fifteen (15) minutes. Total time for everyone to speak during the public comment period shall be three (3) minutes. No public comment may be made until the speaker is recognized by the Chair. All public comments shall be addressed to the Chair. Each speaker recognized by the Chair to speak during the public comment period shall state their name and address. Except in emergencies, the Select Board will not normally take any action at that time on matters raised during a public comment session.

The public comment period is not intended to be a question-and-answer session. At the Select Board's discretion, matters raised during a public comment session may be directed to the Town Administrator or may be placed on a future agenda, allowing all viewpoints to be represented before the Select Board takes any action. The public comment period is asked to be conducted in an orderly and peaceable manner. All individuals wanting to speak are encouraged to maintain "order and civility" and to present their remarks in a respectful manner. No person may disrupt a speaker or other person during the public comment period. If, after a clear warning from the Chair, a person continues to disrupt the public comment period, the Chair may order the person to withdraw from the meeting. If the person does not withdraw, the Chair may authorize a constable or other officer to remove the person from the meeting.

A member of the Board should feel free to request the tabling of an item they wish to consider allowing for the careful study of the material presented or the motion proposed. Any request for additional time before "Board action" shall be granted, unless a unanimous a four-fifths majority vote of the Board decides otherwise.

An agenda shall be posted for public view at the office of the Town Clerk and on the Town website 48 hours (not including weekends and holidays) in advance of the Select Board's Meeting and in accordance with the Open Meeting Law. Every effort will be made to have copies of the minutes of the previous meeting and all-important correspondence, reports and other pertinent background materials shall be forwarded with the agenda to the Board members.

In the interest of public participation, the Board shall not begin discussion of or act on an agenda item after 10:00 p.m. of a regularly scheduled meeting. This rule may be waived by a unanimous vote of a three-member Board, or a supermajority vote of a five-member Board.

XVIII. Minutes

The Town Administrator shall ensure that there is a recording of all open meetings of the Board until transcription is completed. The Board shall record minutes of all meetings as required by MGL Ch. 39.

When possible, minutes should be circulated to members of the Board on or before any Thursday for approval at the next regular meeting of the Board. By unanimous consent, minor corrections may be made to the minutes without advance circulation of such corrections.

Minutes shall contain a full statement of all actions/votes taken by the Board and of the disposition of all proposals for action. Approved minutes shall be recorded and stored as permanent records. Minutes of Executive Sessions shall be separately kept and recorded in accordance with the above procedures. Minutes (other than those of Executive Sessions) are open for public inspection. Executive Session minutes shall be made available to the public as required by the Open Meeting Law and Public Records Law or when the purpose of the Executive Session is no longer valid.

XIX. Appointments (non-Employee)

The Board makes numerous appointments to boards and committees each year. Appointments are made for one (1) or three (3) years in length. In no case may appointments be made for more than three (3) years unless specifically allowed by State law. Each appointee shall serve the full length of their appointed term, subject to applicable local and State rules, regulations, laws, and by-laws and performance standards established by the Board. Any reappointment is at the Board's discretion. Reappointments are made on or about May 1 of each year.

Whenever possible the Board shall seek diversity, including, for example, in backgrounds, interests, ages, gender and geographic areas of residents, so that a true cross-section of the community will be reflected. Appointments should be based on merit and qualifications rather than political considerations.

When an at large /citizen seat becomes available on a board or committee, the Board will seek to fill the position as soon as practical. To attract qualified and interested people, advertisements for the vacancy should be made at the Select Board meetings, the local newspaper, Cable TV, the Town website, social media, and any other method relevant at that time. Advertisements should include a description of the committee's mission, goals and activities, preferred qualifications, approximate time commitment, current committee members and contact information for the chair for applicants to ask additional questions.

The deadline for applications should be set two (2) weeks before the date of the meeting where applications will be considered. The Board reserves the right to interview candidates upon receipt of application.

The Board shall consider reappointments of candidates on board whose terms are expiring, should they accept the reappointment. The Executive Office shall:

Provide by February 1 or sooner a list of the proposed re-appointments

Notify the chair of the appropriate board or committee to request that board's/committee's recommendations regarding reappointments to its board/committee

Contact incumbents in writing and ascertain their willingness to accept a reappointment. The failure of any appointee to notify the Executive Office in writing of their willingness to be re-appointed shall be treated by the Board as a request not to be re-appointed.

The Board may consider re-appointments to positions at their pleasure. A letter of interest and/or a resume may be requested from a candidate seeking re-appointment at the specific request of a member of the Board. The Board reserves the right to interview candidates seeking a re-appointment. Appointments shall normally be made only when all members of the Board are present. Appointments shall be made by a majority vote of the Select Board.

XX. Advisory Committees of the Select Board

The Board may appoint standing or ad hoc advisory committees to aid in matters under the Board's authority. The use of such advisory committees is designed to provide greater expertise and more widespread citizen participation in the operation of government and solve community issues. All committees appointed by the Board are advisory.

The charge or mission of advisory committees shall be in writing and shall include the work and focus to be undertaken, the time in which it is to be accomplished and the procedures for reporting to the Board. The Executive Office shall send copies of all committee agendas and minutes. The Board shall discharge committees upon the completion of their work.

The mission and membership of standing advisory committees shall be reviewed periodically to assess the necessity and desirability of continuing the committee. Re-appointment of members to an advisory committee shall be based on an evaluation of the members' contribution, and the changing needs of the committee and the Town.

It is the policy of the Board to appoint qualified citizens representing all sections of the Town to all advisory committees. The Board shall normally appoint individuals to only one standing advisory committee at any given time.

Vacancies & initial appointments shall be filled in the manner described in Section XVIII.

XXI. Annual Report of Town

The Board shall annually cause to be produced an “Annual Report for the Town of Canton,” as is required by State statute to report to the citizens of Canton on the activities undertaken by the various Board agencies, committees, commissions, and officials, including a complete financial accounting.

XXII. Conflict of Interest and Code of Conduct

Board members shall avoid conflicts of interest or even the appearance of conflicts of interest in strict compliance with all applicable by-laws and State statutes, including MGL Ch. 268A.

XXIII. Relations with Other Town Boards, Committees and Commissions

On behalf of the Board, the Town Administrator is responsible for inter-board communication in the day-to-day operations of government. The Town Administrator shall develop a process for the boards, committees, and commissions with common interest, which will include but not be limited to the exchange of minutes, the establishment of a central repository for data, the creation and maintenance of a calendar of events, the conduct studies and reports and the appointment of members or staff of boards, committees or commissions as liaison with one another around common projects.

The Select Board can delegate members of the Board to actively participate in a liaison role to other Town boards, committees, and commissions.

The Select Board will hear reports from Boards, Committees and Commissions at Select Board Meetings.

XXIV. Relations with Citizens

An individual citizen or group of citizens may request an appointment before the Board by contacting the Executive Office. Participants shall be given the opportunity to make a reasonable presentation of information not yet available to the Board through a spokesperson. Citizens are required to have written materials submitted for the Board’s meeting packet in accordance with established procedures. All other citizen questions and complaints are to be referred initially to the Executive Office, or the appropriate Town department otherwise responsible for action or recommendations. The Select Board should use every means possible to keep the public informed via print media, Cable 8, and the Town website (<http://town.canton.ma.us>) and social media.

XXV. Hearings Before the Board

Notice- The Executive Office shall advertise the hearing when determined in the public interest or otherwise by law or regulation.

- The entity or person, who bears responsibility for abutter notification, when necessary, shall be determined on a case-by-case basis.
- Hearings shall be held in open session unless otherwise voted by the Board or requested by participating individuals in compliance with the Open Meeting Law.
- The Chair shall announce the nature and purpose of the hearing and identify the matter(s) to be discussed. The Clerk shall then recite the notice given. Where appropriate, the Chair will outline the procedure to be followed. All questions shall be addressed to the Chair.
- The order of presentation will be:
 1. Presentation by Proposer

2. Receipt of recommendations from any Town agency or officer
3. Statements by proponents
4. Statements of opponents
5. Where appropriate, questions may be asked of any person making a statement after the statement is finished. Questions will be accepted first from members of the Board.

The Board may permit persons not desiring to speak or unable to attend the hearing to record themselves as in favor or against the proposal by submitting written testimony.

At the conclusion of the hearing the Board may render its decision or take the matter under advisement, announcing the intended schedule of the decision.

XXVI. Town Meetings

The Town Meeting shall be conducted in accordance with the Town of Canton By-Laws including requirements of article submission.

- Annual Town Meetings

The Town Meeting warrant is to be developed, finalized, published, and distributed by the Select Board as determined by State and local by-laws. The Select Board may insert articles in the warrant on their own initiative or by written petition signed by ten (10) registered voters for any Annual Town Meeting. Local by-law requires that the Town of Canton hold its Annual Town Meeting on the second Monday of May annually.

- Special Town Meetings

The Select Board may call a Special Town Meeting if they receive a written request, signed by one hundred (100) registered voters. It is the practice of the Board to address and encourage serious issues at the Annual versus a Special Town Meeting and discourage Special Town Meetings unless an emergency or other significant community issue needs to be addressed.

Notwithstanding the above, in the interest of economy of operations and imposition on the voters the Board shall strive to limit the calling of Special Town Meetings to the minimum necessary as is otherwise in the Town's best interest. In determining whether to call a Special Town Meeting, the Board may consult with other Town committees, officials, and staff as appropriate. It is strongly recommended that the Moderator and Town Clerk be consulted prior to each Town Meeting.

Policy on Convening and Conducting Executive Session

Select Board meetings held in Executive Session are held consistent with the Massachusetts Open Meeting Law. <https://www.mass.gov/the-open-meeting-law>

I. Reasons for Convening Executive Session

1. To discuss the reputation, character, physical condition, or mental health – rather than the professional competence – of an individual or to consider the discipline or dismissal of or to hear complaints or charges brought against a public officer, employee, staff member or individual. (See Rights of Individuals below.)
2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel.
3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.
4. To discuss the deployment of security personnel or devices, or strategies with respect thereto.
5. To investigate charges of criminal misconduct or to discuss the filing of criminal complaints.
6. To consider the purchase, exchange, lease, or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.
7. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements.
8. To consider applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening.
9. To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group, or body.
10. To discuss trade secrets or confidential, competitively-sensitive or other proprietary information provided in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to section 1F of chapter 164 or in the course of activities conducted as a municipal aggregator under section 134 of said chapter 164 or in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to section 136 of said chapter 164, when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy.

II. Procedures for Convening Executive Session

1. The body has first convened in an open session pursuant to section 21;
2. a majority of members of the body have voted to go into executive session and the vote of each member is recorded by roll call and entered into the minutes;
3. before the executive session, the chair shall state the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called;
4. the chair shall publicly announce whether the open session will reconvene at the conclusion of the executive session; and
5. accurate records of the executive session shall be maintained pursuant to section 23.

III. Rights of Individuals

1. To be present at such executive session during deliberations which involve that individual;
2. to have counsel or a representative of their own choosing present and attending for the purpose of advising the individual and not for the purpose of active participation in the executive session;
3. to speak on their own behalf; and
4. to cause an independent record to be created of said executive session by audio-recording or transcription, at the individual's expense.

Policy on Communication

I. Confidentiality and Public Record

Written correspondence is subject to the Public Records Law (MGL Ch. 66 and Ch. 66A) with the exceptions noted in MGL Ch. 4 § 7 clause 26.

II. Incoming Communications

All incoming communication should be directed to the appropriate department, committee, board, agency, or other Town entity. When all appropriate entities have been contacted and the issue remains unresolved or continues to be disputed, then such communication should be directed to the Executive Office, who will then respond appropriately.

III. Written Correspondence to the Select Board

- All manual correspondence should be addressed to all members of the Select Board. All correspondence should be sent to the Executive Office at 801 Washington Street, Canton, MA 02021.
- All electronic correspondence should be addressed to all members of the Board and should be sent to bos@town.canton.ma.us
- The Executive Office staff shall respond appropriately to all written and electronic correspondence on the Board's behalf
- All mail addressed to the Board shall be made available weekly to the Select Board members via the Dropbox application on the members' tablets.

IV. Verbal Communication to the Select Board

- All verbal communication received by the Executive Office staff shall first be directed to the appropriate Town department or committee.
- Should the issue remain unresolved by the department or committee, the Executive Office staff shall attempt to follow the Town Administrator's directives in resolving the dispute.
- If an issue remains disputed, the matter shall be referred directly to the Board at their next regularly scheduled public meeting for action.
- All callers (in person or over the telephone) will be asked to submit a written description of the unresolved issue.
- The Board reserves the right to postpone discussion of or to not address any unresolved issue submitted with insufficient information. The Executive Office shall communicate to the caller what further steps must be taken before the Board will discuss/take action on any specific issue.

V. Internal Communication

- Department Heads should maintain regular communication with the Town Administrator and attend scheduled Department Head meetings.
- Department Heads should attend regularly scheduled meetings of the Select Board to provide information and update the Board on Departmental activities when necessary.
- All Department Heads shall be responsible for reporting to the Board, via the Executive Office, any important and/or emergency issues or situations that arise within the span of their control.
- Department Heads shall communicate any requests made by any individual Board member to the Executive Office prior to action to ensure both effective inter-departmental communication and consistency with Board policy and with applicable local, state, and federal laws, by-laws, and rules and regulations.
- Department Heads shall seek Select Board approval prior to responding to requests for services, pledges of support and/or allocation of other departmental resources for any project or event.

VI. Outgoing Communication

- The Executive Office shall be responsible for all official outgoing communication from the Select Board, whether in response to incoming communication or originating from the Board's directive.
- Important announcements shall be posted at the Board's directive through the local media including Canton Cable 8, the Town web site, and social media.

Policy on Hiring and Personnel Action Forms

Associated Personnel Policies: II-5, II-10M and II-5

Select Board

I. Hiring Process

When an employment position is vacant, the Human Resources Department will conduct the recruitment process consistent with Personnel Policies II-5 and II-10M. The Director of Human Resources will include the appropriate Department Head or designee in the candidate interview process. The Town Administrator shall be actively involved in the interview process of Department Heads and other senior management staff.

The Town Administrator is the hiring authority to fill vacant employment positions categorized as Grade I through Grade M as well as part-time, non-benefits eligible and seasonal positions. The Town Administrator will rely on the recommendation of the HR Director and the Department Head when considering hiring candidates for employment.

The Select Board is the hiring authority to fill vacant employment positions of Grades A through Grade H, Civil Service employees and all personal contract employees. The Select Board will rely on the recommendation of the HR Director, Department Head and the Town Administrator when considering hiring candidates for employment.

All offers of employment shall be contingent upon proof of authorization to work in the United States and upon the successful completion of the Town's post-offer physical examination (see Personnel Policy II-5.10).

II. Personnel Action Form

The Personnel Action Form shall be the official payroll document. Prior to any position being filled, the hiring authority must sign the Personnel Action Form. No changes to payroll or modification to employee status, new or existing, shall be valid until the Personnel Action Form has been signed by the hiring authority, unless the State of Massachusetts, Human Resources Division or any successor agency to Civil Service, processing and approval requirements, prevents compliance with above. (See Personnel Policy II-5.12).



Policy on Access to Town Counsel

Policy Number VI

Issue date: January 27, 2004

Type of policy: New (x) Amendment ()

Effective date: January 28, 2004

Level: Department () Division () Town Wide (x)

Policy Statement

This policy statement sets forth the procedure for Town employees, boards, committees, and commissions to access Town Counsel for legal services. The policy is intended to more fully define the right of access to and role of Town Counsel.

This policy is not intended to relieve Town employees, boards, committees and commissions from the responsibility to seek advice of Town Counsel, either directly, when allowed under this policy or through the Executive Office when required, prior to entering into any contract or agreement that creates rights or obligations to which the Town is a party. This also applies to any decision, service or action taken by any operating department under the Board of Selectmen, which could create rights, obligations and/or liabilities to which the Town would become responsible and coordinate the legal strategy of the Town.

References

None.

Special Terms

None.

Policy Description

I. General

Legal services play a role, often times a significant one, in the efficient and effective operations of the Town. However, the cost of these services continues to have an impact on the price of doing business as a municipality. With that understanding, it is the intent of this policy to place certain controls on the accessibility of Town Counsel by Town employees, boards, commissions and committees, consistent with the Town of Canton general by-laws and State law. It is not the intent of this policy to explicitly or implicitly deny anyone access to Town Counsel, but rather to control and monitor accessibility to Town Counsel, thereby controlling the costs of legal services.

II. Protocol

Accessibility to Town Counsel will be governed by the following parameters:

- The **Board of Selectmen** and **designee** shall have direct access to Town Counsel in relation to their duties as Town officials.
- Those employees of the Town requesting **Ethics Opinions** (Conflict of Interest Law) shall have direct access to Town Counsel.
- Sponsors of warrant article(s) for Special Town Meetings or the Annual Town Meeting may submit motions proposed to be offered under said warrant articles in writing to Town Counsel for review through the Executive Office per below procedures.

III. Access Procedure

- **All other requests for access to Town Counsel** must be submitted to the Executive Office for approval by the Board of Selectmen and/or designee. Requests to the Board from employees of the Town should be generated through the Department Head or Committee Chair. Requests from any multiple-member body shall be done after a majority vote to do so is recorded.
- Legal services request form (see Appendix D) shall be completely filled out and submitted to the Executive Office for review and approval.
- Any costs incurred for approved legal services obtained via the policy shall be paid for by the Executive Office/Legal Services Budget.
- All legal services requests submitted should be consistent with the Town's overall legal strategy (if known at the time of submission) and Board policy to ensure a coordinated, and consistent public policy approach.

- The Board reserves its right to deny any requests for legal services, and shall provide notification to all legal services requests not approved.

IV. Standard Contract for General Use

- The most current form of the Standard Contract for General Use (see Appendix E) shall be used in any and all contracts for supplies or services rendered for the Town.
- If the certified Procurement Officer, after complying with any and all Local, State, and Federal requirements, wishes to change and/or modify the terms of the contract, such a request shall be sent to Town Counsel through the procedure outlined above.
- Statutory and other State regulations shall determine the signatory approval process used on any contract.
- In any case where the Board of Selectmen *must* sign a contract, the contract shall be submitted to the Executive Office with any relevant information for inclusion on the agenda for the next regularly scheduled Board meeting.
- In any case where certified delegated Procurement Officers are permitted to sign the contract, they shall be empowered to do so.

V. Town Counsel Office Hours

- Office hours shall be regularly made available to multiple-member bodies and municipal and school staff on an as-needed basis.
- Regular office hours generally shall be held on Mondays between 2:00 PM and 4:00 PM or otherwise as determined by the Board.

Policy on Alcoholic Beverages

TOWN OF CANTON **RULES AND REGULATIONS GOVERNING ALCOHOLIC BEVERAGES**

By virtue of the authority contained in Chapter 138 of the Massachusetts General Laws (“Chapter 138”) the Canton Select Board, serving as the Town’s Liquor Licensing Authority (the “Board”), hereby promulgates these Rules and Regulations Governing Alcoholic Beverages (“Regulations”). The Regulations shall supersede all previous regulations or policies issued by the Town of Canton (the Town) . The Board has the power under the Ordinances and the laws of the Commonwealth of Massachusetts to amend these Regulations periodically from time to time as it sees fit. For the purposes hereof, the Regulations, Ordinances, and Chapter 138 shall be collectively referred to as the “Laws”.

Any license issued for the sale in any manner of any alcoholic beverages (a “License”) shall be issued on the condition of full compliance with these Regulations. The failure to comply with the Laws and other Ordinances or rules issued by the Town and/or the Board shall constitute sufficient cause or grounds for refusing to grant the license, or for suspending, canceling, modifying, or revoking such license or permit already granted. Any individual, organization, or company licensed by the Board pursuant to the Laws shall be referred to herein as a “Licensee”.

Any premises licensed by the Board pursuant to the Laws shall be referred to as the “Licensed Premises”.

I. Consumption of Alcoholic Beverages

Public consumption of alcoholic beverages as defined in Chapter 138, Section 1 is permitted only in accordance with an appropriate License issued by the Board. Absent an appropriate License issued by the Board, it is prohibited to drink any alcoholic beverage while on, in or upon any public way or upon any way to which the public has a right of access; any place to which members of the public have access as invitees or licensees; a park or playground. It is prohibited to drink any alcoholic beverage while on, in or upon or private land or place without consent of the owner or person in control thereof. All alcoholic beverages used in violation of this shall be seized and safely held until final adjudication of the charge against the person or persons arrested or summoned before the court, at which time they shall be returned to the person entitled to lawful possession.

II. General Provisions Regarding the Administration of Licensed Premises

1. **Licensure Requirements:** The applicant for any type of License must meet the requirements of the Laws.
2. **Alcohol Training Program:** The Licensee shall require all employees serving alcohol or viewing identifications cards to determine age to successfully complete an alcoholic beverage server training program which has been approved by the Board (the “Alcohol Training Program”). The requirement set forth in the preceding sentence shall include and apply to the Manager (as defined below), Assistant Manager, and all persons responsible for viewing identification cards to determine the age of patrons for service of alcoholic beverages.

The Alcohol Training Program may be completed on-line. The Licensee shall require all employees engaged in serving alcoholic beverages and/or viewing of identification cards to obtain Alcohol Training Program certification within thirty (30) days of employment and the Manager shall maintain a list of employee certifications. To the extent an employee serves alcohol or views identification cards prior to obtaining Alcohol Training Program certification, the Manager of Record, as defined by Chapter 138, Section 26 (the “Manager”), will be personally responsible for that employee, and any violation of these regulations committed by the employee will be treated as if the Manager and/or Licensee had committed

the violation. Managers and Assistant Managers shall obtain Alcohol Training Program certification prior to assuming the duties of Manager or Assistant Manager. The Licensee shall strongly encourage all alcohol servers to attend periodic retraining programs at least annually that reinforce the certification training described herein. The retraining programs underscore the importance of proper server training on the dangers associated with alcohol abuse on Licensed Premises.

3. **Identification of Patrons:** Licensees shall ensure that the identification of persons purchasing alcoholic beverages occurs at the point of sale or service. Wristbands, stickers, or any other kind of markings/marketing devices are prohibited as a method of identifying persons to be served alcoholic beverages unless approved by the Select Board and a special permit is issued.
4. **Prohibition Against Happy Hours and Discounted Sales:** In accordance with G.L. c. 138 (Liquor Control Act) and 204 C.M.R. 4.00 et seq., “Happy Hours” are prohibited at any Licensed Premises. As used herein, Happy Hours shall be defined as the sale of alcoholic beverages at a “two-for-one” price or any promotion or discount on the sale of alcoholic beverages. Further:
 - A. No alcoholic beverages shall be sold for less than the actual cost of the beverage to the licensee. An admission charge shall not be credited towards the purchase price of any alcoholic beverage.
 - B. All licensees shall maintain a schedule of the prices charged for all drinks to be served and consumed on the licensed premises. Prices shall be effective for not less than one calendar week.
 - C. No licensee, employee or agent of a licensee shall:
 - i. Offer or deliver any free drinks to any person or group.
 - ii. Deliver more than two drinks to one person at one time.
 - iii. Sell, offer to sell, or deliver to any person or group any drinks at a price less than the price regularly charged during the same calendar week, except at a private function that is not open to the general public.
 - iv. Sell, offer to sell, or deliver to any person an unlimited number of drinks during a set period of time for a fixed price, except at private function that is not open to the general public.
 - v. Sell, offer to sell, or deliver drinks to any person or group of persons on any one day at prices less than those charged to the general public on that day, except at a private function this is not open to the public.
 - vi. Increase the volume of alcoholic beverages contained in a drink without increasing proportionately the price regularly charged for the drink during the same calendar week.
 - vii. Encourage or permit, on the licensed premises, any game or contest which involves drinking or the awarding of drinks as prizes.
 - viii. No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under this section.
5. Nothing contained in this Section II.4 shall be construed to prohibit Licensees from offering free food or entertainment at any time; including a drink as part of a meal package; the sale or delivery of wine by the bottle or carafe when sold with meals or to more than one person; or to prohibit those licensed under Chapter 138, Section 15, from offering free tastings as allowed under Chapter 138.

6. **Cover Charges:** Cover charges are not permitted except in compliance with Massachusetts General Law Chapter 140, Section 183D and Alcoholic Beverages Control Commission 204 CMR 2.16.
7. **Public Need; Discretion of the Board:** The licensing of establishments and vendors serving and selling alcoholic beverages, and the determination of public need and convenience in the Town is subject to the informed discretion of the Board, consistent with the Laws.
8. **Inspection of Licensed Premises:**
 - A. The Licensed Premises shall be subject, at all times, to inspection by the Enforcement Agents, the Board of Health or its designee, the Building Commissioner or designee, Police, Fire, or any other department or official of the Town of Canton.
 - B. The Police Department shall have the authority to investigate potential violations of the Laws on or about the Licensed Premises on behalf of the Board, and to conduct other such enforcement as the Chief of Police deems appropriate, including the use of plainclothes police officers for the purposes of ensuring compliance with the Laws.
 - C. The Board shall have the authority to refer potential violations of any Laws to the Canton Police Department, which shall be handled in accordance with subsection 8B above.
9. **No Employee Consumption of Alcohol:** No employee or person holding an ownership interest in the Licensee, or any employee acting in any type of management capacity shall consume alcohol on the Licensed Premises prior to going on duty or during their respective on duty hours.
10. **Common Victualer; Prohibition Against Keeping Alcoholic Beverages Onsite:** Common Victualer Licensees operating without a duly authorized alcoholic beverages license are not permitted to keep alcoholic beverages on its Licensed Premises, except for a commercially reasonable quantity used exclusively in preparation of certain specialty foods. Licensees are not permitted to keep alcoholic beverages on the premises except for a reasonably small quantity that is used in the preparation of certain specialty foods.

III. Hours of Operation

1. In accordance with Chapter 138, Section 12 the times during which alcohol can be consumed on the premises are those which are designated on the Licensee's alcoholic beverages License. "Last call" for alcoholic beverages shall be at least fifteen (15) minutes before the Licensee's close of business but no later than 12:45 a.m.
2. No alcoholic beverages may be served after close of business.
3. With the exception of any Licensee primarily operating as a movie theater, all tables and bars must be cleared of all glasses, bottles, and containers of alcoholic beverages within thirty (30) minutes after the "Official Closing Hour" and all customers must be off the Licensed Premises by the "Official Closing Hour". Subject to Article III Section 5 of these Regulations, owners and employees of the Licensee must be off the Licensed Premises no later than sixty (60) minutes after the Licensee's "Official Closing Hour."
4. For any Licensee primarily operating as a movie theater, all tables and bars must be cleared of all glasses, bottles and containers of alcoholic beverages and all customers must be off the Licensed Premises within thirty (30) minutes after the conclusion of any movies in progress at the time of the Licensee's "Official

Closing Hour.”

5. Owners and their employees and contractors may be on the Licensed Premises at any time for the purpose of cleaning, making emergency repairs, providing security for the Licensed Premises, or preparing food for the next day’s business, or opening or closing the business in an orderly manner.
6. No alcoholic beverage shall be served or consumed on the Licensed Premise before the Licensee’s approved and official opening hours or after approved and “Official Closing Hours.” Patrons of any Licensed Premises are not permitted to bring alcoholic beverages on the Licensed Premises.
7. A violation of any of the restrictions contained in this Article III shall constitute a violation of the Regulations and shall subject the Licensee to possible discipline and/or penalties by the Board in accordance with the procedure set forth in Article XIV herein.

IV. Change of Manager

1. **Timeline Requirements for Filing a Change of Manager Application:** An application for Change of Manager of Record or Assistant Manager must be filed with the Board at least two (2) weeks before the proposed effective date of the change (“Change of Management Notice Deadline”), unless the Manager of Record has terminated his or her employment without prior notice to the Licensee or is terminated by Licensee under circumstances which do not reasonably allow for advance Change of Management Deadline Notice (“Early Management Termination”). In the event of Early Management Termination, the Licensee must, within thirty (30) days of such termination, notify the Board of: (a) the basic facts surrounding such termination; (ii) the name of the person who will discharge the duties of Manager pending selection and approval of a new Manager of Record; and (iii) shall file the application for a Change of Manager no more than thirty (30) days after the departure of the approved Manager of Record. If the Board finds that the circumstances justify the noncompliance with the Change of Manager Notice Timeline, no penalty will be imposed so long as the Licensee complies with subsections (i) through (iii) above. If the circumstances for the delay are not found to be sufficient, or if the application for a Change of Manager is filed more than thirty (30) days after the departure of the Manager of Record, the Board may impose a penalty or suspension of up to one (1) day of suspension for each day of unjustified non-compliance or for each day that passes beyond the passage of thirty (30) days after departure of the Manager of Record before the application for a new manager is filed, or such other penalty permitted by Article XIV herein. In addition to the foregoing, the Board shall also have the right to impose penalties for the failure to provide timely notification of the departure of an Assistant Manager. When submitting an application for change of Manager or Assistant Manager, the Manager or Assistant Manager shall be certified as an alcohol server and registered with the Police Department prior to submitting the application. Further, approval of a change in Manager may be conditioned upon proof of payment of all outstanding local, state, and federal taxes and fees.
2. **Manager Background Checks:** Upon receipt of an application for an original License, or, in the case of a new Manager of Record or Assistant Manager, upon being advised of the new Manager of Record or Assistant Manager’s identity, the Canton Police Department will conduct a background check of any proposed Licensee, Manager of Record or Assistant Manager, and such check will include a review of any existing criminal record. The Board may reject any application where the Licensee’s, Manager of Record’s or Assistant Manager’s criminal record indicates, theft, unlawful drug offense(s) (with the exception of any criminal arrest or conviction relating to possession of marijuana which predate the enactment of Massachusetts General Laws Chapter 94G), alcohol-related offenses, a propensity for violence, or other behavior, that, in the opinion of the Board, might disqualify the individual from responsibly carrying out their duties as Manager of Record or would otherwise put the public at risk.

3. **Violations:** A violation of any of subsection 1 regarding change of Manager shall constitute a violation of these Regulations and shall subject the Licensee to possible discipline and/or penalties in accordance with this section or with Article XIV herein.

V. Responsibilities of Manager of Record

1. **Authority & Control of Licensed Premises:** The Board regards the Manager of Record of Licensed Premises as the principal representative of the Licensee and as having full authority and control of the Licensed Premises and of the conduct of all business therein relative to alcoholic beverages, all as provided in the Laws. An Assistant Manager or other suitable managerial employee capable of fulfilling the duties of Manager of Record must be listed on the License by the Licensee. This will allow for continuity of the Manager position should either the Manager of Record or Assistant Manager positions become vacant during the course of the year.
2. **Responsibilities:** Without limiting the scope of the previous subsection, the Board will hold the Manager of Record responsible for the following:
 - A. Careful selection of qualified employees of the licensed business, including servers, clerks and persons who are engaged with the public in any capacity;
 - B. Training of employees in all matters relating to the sale and service of alcoholic beverages;
 - C. Assuring those employees serving alcohol to the public have successfully completed an alcoholic beverage training program for serving alcohol responsibly and strongly encourage continual training of employees engaged in serving and selling alcoholic beverages;
 - D. Ensuring that no criminal activity, including the sale and distribution of narcotic drugs, takes place on the Licensed Premises, including within any parking area ancillary to or serving the Licensed Premises;
 - E. Promptly reporting to the Police Department all instances of attempted purchases or procurement of service of alcoholic beverages by minors, including attempts to gain access to premises upon which alcoholic beverages are served and from which minors are excluded, and appropriate action taken by the Licensee in response thereto. Such appropriate action shall include (1) Reporting to the Registry of Motor Vehicles instances involving possession or use of a false, forged, or counterfeit license to operate motor vehicles or identification card issued by the Registry of Motor Vehicles; (2) confiscation of liquor identification cards or motor vehicle operator's license presented by the minor; and (3) if a purchase was made or service was procured, the name of the Licensee's employee participating therein;
 - F. Enforcement of the Laws with respect to the operation of the licensed business;
 - G. Ensuring that the Licensed Premises, including the exterior, are kept clean, neat, and sanitary at all times; and
3. **Hours on Licensed Premises:** Except as provided herein, the Manager of Record must be a full-time employee or a corporate officer of the Licensee, must be engaged exclusively in the management of the licensed business, and must be a qualified seller or server of alcoholic beverages registered with the Canton Police Department. The Manager of Record shall not undertake any non- managerial position(s) (i.e., bartender, server, cook) or any other role which interferes with the Manager of Record's oversight of the Licensed Premises. The Manager of Record must be on the Licensed Premises at least forty (40) hours per week in the course of business, consistent with the permitted hours of operation. When the Manager of

Record is not upon the Licensed Premises, the person in charge of the business must be an Assistant Manager or a qualified seller or server of alcoholic beverages registered with the Canton Police Department and designated by the approved Manager of Record to have charge of the business in the Manager's absence. The Manager of Record shall be responsible for the operation of the business whether or not on the Licensed Premises. When the Manager of Record is not upon the Licensed Premises, a method of contacting the Manager of Record promptly must be arranged with the Town as well as the establishment so that the Manager of Record can be reached at all times by the person designated to be in charge of the Licensed Premises as well as Town Officials. The provisions of the first sentence of this subsection shall not apply to any Licensee holding a license issued under Chapter 138, Section 12 to a veterans' organization or to a Licensee holding a license issued to a club under Chapter 138, Section 17.

4. Failure of the Manager of Record to comply with this policy or to properly discharge the duties of manager may result in removal as Manager or suspension or revocation of the License as may be appropriate to the circumstances.

VI. Procedure for Obtaining Liquor Licenses

The applicant for a License of any type should submit a letter to the Board outlining the proposal with a completed application and include a request for a hearing with the Board. Select Board administrative staff will schedule and advertise the hearing in the local newspaper. The applicant will be responsible for payment of the invoice to the local newspaper for the advertisement. At a duly noticed public hearing, the Board will consider the application for a License and the input of any interested members of the public. The Board will then consider the application and respond in a timely manner to the applicant. The Board shall provide a copy of these Regulations to each Licensee at the time when they pick up their annual license. The Licensee shall sign a receipt to be maintained by the Board evidencing their receipt of a copy of these Regulations.

Pursuant to Chapter 138, Section 15A, where there are no premises actually in existence at the time the application for a License is made, the applicant shall file a plan showing the actual dimensions of premises which are to be constructed on which the License is to be exercised. A License granted under this provision shall be upon the condition that such License shall not be issued until completion of the Licensed Premises in accordance with the plan, and the decision of the Board as to whether the plan has been complied with shall be final. The Board may include as a condition of such License that the Licensed Premises be completed in accordance with the plan by a date certain or the License shall be deemed null and void. Said specified completion date may be extended by the Board in its sole discretion upon written request by the applicant submitted to the Board at least 45 days prior to the expiration of the initial anticipated completion date as stated in the License.

VII. Considerations for Approval of New License or Transfer:

The Board will consider any or all of the following that can be reasonably offered in support of a particular License application:

1. The applicant is a qualified Veterans' organization and seeks a club license.
2. Subject to applicable zoning requirements, the applicant proposes an establishment that offers a regular forum for music and musicians to play and obtain exposure for their work.
3. The applicant offers variety, or uniqueness, in its proposed establishment or shop, in contrast to what exists in the Town of Canton at the time of the application.
4. The applicant demonstrates the elements for public need for the License particular location.
5. The applicant proposes an establishment that offers a substantial economic benefit to the Town of Canton.

6. Where the application pertains to a License to be issued pursuant to Chapter 138, Section 12, the applicant offers, in addition to alcoholic beverages, a variety of non-alcoholic beverages (or beverages containing only trace amounts of alcohol), such as mocktails, craft sodas, teas, kombucha, and non-alcoholic beer and wine, which are distinct from traditional non-alcoholic beverages (water, soda, juice, etc.).
7. Proposals for off-premises retail establishments to be located in high- density retail areas, either as new Licenses or transfers, are discouraged if the applicant's proposed License application duplicates or is similar to Licensed Premises presently located in the area.

VIII. Modifications to Licensed Premises

Once a License is issued, no material physical changes to the Licensed Premises shall be made without the prior approval of the Board. For the purpose of these Regulations, a material physical change shall be considered a change in location or number of seats, location of bar, addition or reduction in square footage, or any other change sufficient to require a building permit from the Town of Canton. The Licensee must submit an application to the Select Board for alteration of premises accompanied by a \$200 fee.

IX. Transfers of License

Licensees, other than Special Legislation Licensees, may request that their License be transferred to a third party. A \$200 fee shall accompany each application for ownership or transfer of location. Applications for transfer of ownership or location shall be processed similarly to an original License application and the Board is not required to grant such transfer requests. Approval of a transfer of majority ownership further may be conditioned upon the proof of payment of all outstanding local, state, and federal taxes including, without limiting, the following: receipts showing remittance to the proper taxing authorities of sales taxes, excise taxes and withheld federal and state income taxes. Transfers of ownership to trustees in Bankruptcy, court-appointed receivers, or to assignees for the benefit of the creditors and those taking title or possession of the Licensed Premises by, through or under them will not be deemed to transfer or convey any rights to the license or the renewal or transfer of such license, unless provided by contrary superior law. Bona fide mortgagees in possession who are listed in the application as holding such interest shall be treated in the same manner as the original majority ownership license. A public hearing shall be required for any transfers of ownership or location, including, but not limited to transfers to mortgagees. Special Legislation licenses are not transferable.

X. Distribution of Regulations

These Regulations, in their most updated form, shall be provided to all Licensees upon issuance of their License and, further, shall be regularly available at the Town of Canton Select Board office and online at the Town of Canton Select Board webpage. These Regulations shall be appended to each annual license issued by the Board. The Licensee may not pick up his/her annual license until the Licensee has signed a receipt acknowledging that a copy of these Regulations has been received. A copy of the most updated Regulations shall be maintained on the Licensed Premises at all times and shall be available for inspection upon request.

XI. Filing Fees and Annual Licensing Fees

Filing Fees and Annual Licensing Fees shall be determined by the Board and made publicly available at the administrative offices of the Select Board

XII. Miscellaneous Operating Provisions

1. **Exterior Doors:** Exterior doors to the Licensed Premises must remain closed, but not locked, during all times that the Licensed Premises are open for business.
2. **Access to Licensed Premises:** The Licensee shall ensure that the Canton Police Department, the Canton Fire Department, and authorized agents of the Board shall have immediate access to the Licensed Premises at all times and under all circumstances.
3. **Underage Service:** No alcoholic beverages shall be sold to anyone under the age of 21 years. It shall be a defense to any alleged claim of sale of alcohol to a minor if the Licensee can show that the patron produced a valid Massachusetts driver's license, a valid Massachusetts Liquor Identification Card, a valid Passport issued by the United States or by a government of a foreign country recognized by the United States government, or a valid U.S. issued Military ID card or a valid U.S. Passport Card. Licensees may accept out of state licenses as proof of age but Licensees shall bear the risk that such licenses are real and valid.
4. **Responsible Operations:** The Licensee shall ensure that all business within the Licensed Premises, and within areas under the Licensee's control that abut the Licensed Premises, is conducted in a responsible manner so that no activity shall detract from the quality of life in the Town generally, or in the neighborhood in which the Licensed Premises is located. This shall include, but not be limited to, ensuring that there shall be no disorder, unlawful use or sale of drugs, indecency, prostitution, assaults, lewdness, or gambling on or about the Licensed Premises.
5. **Sale to Intoxicated Persons:** No alcoholic beverages shall be sold or delivered to an intoxicated person.
6. **Off-Premises Alcoholic Beverages Prohibited:** No patron may remove any alcoholic beverage from Chapter 138, Section 12 on-premises Licensed Premises, unless the patron is taking off the premises of a restaurant or hotel a resealed bottle of partially consumed wine as regulated by Chapter 138, Section 12 and the Rules and Regulations of the Alcoholic Beverages Control Commission.
7. **Entertainment:** No Licensee shall provide or allow entertainment unless an entertainment license has been obtained from the Zoning Board and Select Board
8. **No Discrimination:** No Licensee shall make any distinction, discrimination, or restriction on account of race, color, creed, sex, sexual/gender orientation or designation, or ancestry relative to the admission or treatment of any person.
9. **Bottle Service:** "Bottle Service" (i.e., the sale and/or service of an entire bottle of hard alcohol or spirits) shall be strictly prohibited unless expressly authorized in advance by the Board. Any licensee authorized for Bottle Service shall have the term "Bottle Service," along with any relevant conditions included on the physical License displayed at the Licensed Premises. The Board shall have the authority to deny or condition an application for Bottle Service in its sole discretion.

XIII. One-Day Licenses

Individuals holding social events and the following types of organizations are eligible for one-day alcoholic beverage licenses under these Regulations:

1. Civic or municipal organizations;
2. Commercial establishments;
3. Fraternal organizations;

4. Non-profit organizations;
5. Non-profit unincorporated associations;
6. Unincorporated groups or organizations not engaged in the sale of alcoholic beverages for profit;
7. Service clubs; and
8. Veteran's organizations

Other organizations or individuals may submit applications for consideration.

Criteria for Approval for One-Day Licenses:

1. The following matters will be taken into account in approving one-day licenses:
 - A. **Admission age:** The Board will not deny a one-day license for a function at which individuals to whom alcoholic beverages may not be supplied are present, but the Board will require that a sufficient number of trained servers be present to assure compliance with the laws governing the sale of furnishing of alcoholic beverages to such persons.
 - B. **Frequency:** One-day licenses are intended to be issued primarily to applicants sponsoring functions that are not held more than once annually but may be issued more than once annually at the Board's discretion. One-day licenses are not intended as an alternative to an annual license.
2. **Acceptance of Conditions:** Acceptance of a one-day license under this policy will be deemed to be an acceptance of the following conditions of the license and an agreement with the Town of Canton to be bound thereby:
 - A. **Certification of Servers:**

All persons engaged in furnishing alcoholic beverages at a licensed function, whether by sale or without charge, are required to be certified servers. All servers must be certified as having completed an approved alcoholic beverage training program and have evidence of such valid certification in their possession. Commercial caterers and accommodators must be registered with the Canton Police Department.
 - B. **Number of Service Providers:**

The number of bartenders and servers shall be recommended to the Board by the officer of the Canton Police Department designated to review applications for one day licenses and shall be determined by the Board as appropriate for the number of persons estimated to be in attendance and the nature of the event. For functions at which attendance is by invitation only, the number of persons included in the invitations shall be used.
 - C. **Hours of Service of Alcoholic Beverages:**

The hours of sale and service for all one-day licenses shall be no later than 12:300 a.m. The "last call" for all such licenses shall be no later than 12:15 a.m. The function shall conclude at 12:30a.m., at the same hour as the license.
 - D. **Number of Persons on Premises:**

The number of persons may not exceed the occupancy limits allowed by law for the premises on which the license will be exercised.

E. Police Detail:

The number of officers, if any, and the hours during which a police detail will be required within the Licensed Premises and, if required, for orderly parking and traffic control will be recommended by the Police Department. Generally, those hours will include the entire duration of the function, including after service hours. The factors to be considered include the location of the premises, availability of on-site parking, the number of persons estimated to be in attendance and the time and duration of the function.

F. Insurance:

When a one-day license is granted to be exercised on Town owned land or a Town owned facility, the Licensee shall procure policies of insurance as provided herein. The Licensee shall furnish certificates in form and substance satisfactory to the Town evidencing each such insurance coverage to the Town prior to the issuance of the license.

- i. A Comprehensive General Liability policy on an occurrence basis endorsed to include broad form comprehensive general liability including coverage for service of alcoholic beverages with a combined single limit of liability of not less than \$1,000,000.00. The policy shall name the Town, and its officers, agents, servants, officials, representatives, employees, and consultants as additionally insured parties.
- ii. The Licensee shall provide Workers' Compensation Insurance as required by law.
- iii. An Umbrella/Excess Liability insurance policy on an occurrence basis "following form" of the primary coverage with a limit of liability of \$5,000,000.00. The Umbrella/Excess Liability insurance policy shall include but not be limited to the following coverage for bodily injury, property damage and personal injury: (i) Premises - Operations Liability; (ii) Contractual Liability; (iii) Automobile Liability for owned, non-owned and hired vehicles. The City, its officers, agents, servants, officials, representatives, consultants, and employees shall be named as additional insureds.
- iv. All insurance shall be issued by insurance companies authorized to do insurance business in Massachusetts and rated not less than A-VIII in Best's Insurance Guide and will not be subject to cancellation or modification without thirty days prior written notice to the City.
- v. Each policy of insurance obtained by Licensee hereunder shall contain a clause denying the insurer any right of subrogation against the City.

3. Additional Provisions: The following additional provisions shall apply to one day licenses.

A. Departmental Approvals:

The Board of Health and the Inspectional Services Department must approve the Licensed Premises, including, where applicable, food service equipment. For any function to which the general public will be admitted, the Inspectional Services Department must approve the Licensed Premises as meeting handicap accessibility requirements.

B. Neighborhood Impact:

The applicant or such other person designated by name, address and local telephone number in the application will be responsible for the orderly conduct of the function for which the license is issued.

Consumption of alcoholic beverage outside of the structure within which the Licensed Premises, i.e., where the function is held will not be permitted. Music, noise, or other function- related activities must not create an undue imposition upon any adjacent residences. Police detail officers will be instructed to respond appropriately to complaints. Such response may include an order to terminate the event or otherwise limit the offending activity.

C. Submission of Applications:

One-day License applications must be complete and submitted to the Licensing Office no later than noon, twenty-one days prior to the date of the function

After submission, each application will be reviewed by the Inspectional Services (including issues of handicap accessibility, if required), Fire Department, and the Police Department (as to police detail required and number recommended of bar tenders and servers).

D. License Application Fee:

- i. One-day licenses for all events will be charged a fee of \$50.00 for each license application.

XIV. Penalties, Procedure and Structure for Violations of the Ordinance and Regulations

1. Purpose

The purpose of this penalty structure is to improve the ability of the Board to prevent alcohol abuse and violation of the Laws. This Article XIV will help to achieve reasonable uniformity in the imposition of penalties and to avoid confusion in the minds of the public, patrons, and Licensees due to a lack of understanding of the consequences of violating the Laws and License terms. This Article XIV is intended to empower the Board to consider the circumstances of each case and provide a mechanism by which Licensees can improve their compliance with the Laws in the future.

2. General Provisions

- A. **No Illegality on Premises:** No Licensee shall permit any illegality to occur on the Licensed Premises, regardless of whether such illegality relates to the sale and service of alcoholic beverages. The Manager of Record shall at all times maintain order and decorum on the premises and in the immediately surrounding area of the premises and shall cooperate with City officials in ensuring safe and orderly facilities.
- B. **Reporting of Incidents:** All violations of the Laws are to be reported to the Canton Police Department by the owner, Manager, Assistant Manager, or any employee of the Licensee that becomes aware of an offense involving the Licensed Premises within twenty-four hours of said violation unless the incident is serious enough to comprise public safety and needs immediate attention at which time Canton Police shall be notified forthwith. Failure to report a violation involving the Licensed Premises constitutes a violation of these Regulations and will subject the Licensee to appropriate discipline in accordance with the procedure set forth herein.
- C. **Penalties; Generally:** Penalties for offenses shall be in line with the Town's general goals of protecting public safety and the general welfare. Penalties will also be imposed with the goal of preventing future offenses. A violation of these Regulations alone (rather than state law or the Ordinances) may give rise to the issuance of penalties pursuant to this Article to the extent permitted under law. The nature and severity of the penalties imposed will be decided according to the nature of

the offense and the presence of mitigating or aggravating circumstances as further described herein. All offenses by Licensees will result in the imposition of a penalty of some degree. This will impress upon Licensees, managers, and servers their responsibility for ensuring compliance with these Regulations, for prevention of offenses and for compliance with the terms of licenses and the liquor laws of the Commonwealth.

- i. **Types/Categories of License Penalties.** Penalties by the Board may consist of any one or more of the following as appropriate: (a) Revocation of License; (b) Suspension of License; (c) Modification of License; (d) Imposition of New Conditions on the License; (e) Mandatory Participation in Alcohol Abuse and Offense Prevention Programs; and/or (f) any other reasonable penalty, in the Board's reasonable discretion.
 - ii. **Penalty Guidelines.** The penalty guidelines stated in these Regulations are intended to provide indication of the range of penalties the Board will impose if a hearing is held on any offense. The Board will refer to these guidelines by deciding whether to approve a negotiated recommended resolution.
- D. **Police Department Recommendation; Negotiation Procedure; Record Keeping.** The Police Department is authorized to negotiate with any authorized representative of the Licensee the terms upon which the Police Department will recommend to the Board that an offense be resolved.
- i. Any such negotiated recommended resolution must be in writing, signed by the Manager of Record or designated representative of the Licensee charged with the offense and approved by the Police Chief. The recommendation must include a statement detailing the facts determined in the Police Department investigation. The recommended resolution is not binding upon the Town unless and until approved by the Board.
 - ii. If the Police Department and the Manager of Record and/or an authorized representative of the Licensee cannot agree on a recommended resolution, the Police Department will make any additional investigation it deems necessary for a complete presentation of the facts and will file a written report with the Board.
 - iii. The Board may consider, but is not required to accept, a negotiated resolution recommended by the Police Department. The Board is empowered to consider alternative penalties consistent with this Article XIV and the Laws.
 - iv. The Police Department and the Board will maintain a public record of offenses and their disposition that will be indexed according to the Licensee, Manager or Assistant Manager, server and purchaser involved.
- E. **Notice to Licensee.** Written notice shall be provided to a Licensee of an alleged violation of the Laws. The notice provided to Licensee may contain the Police Department's recommendation to the Board concerning the punishment for the alleged violation. The notice will include the date of the event giving rise to the possible disciplinary action, a description of the event, and a clear identification of the Laws that are alleged to have been violated as a result of the event. Said notice will also provide Licensee with the date upon which the Board will hold a hearing concerning the Licensee's alleged violation. A notice containing the above-mentioned information shall be sent to Licensee via certified mail return receipt requested no less than ten (10) days prior to the date of the hearing before the Board. Licensees are entitled to retain counsel to represent them at the hearing if they so desire.
- F. **Written Statement of Disciplinary Action.** If the Board decides to take disciplinary action against the Licensee for a violation of the Laws, the Board will provide the Licensee with a statement of reasons why disciplinary action was taken against Licensee. The above-mentioned statement of

reasons will be included with the notice of the Board's disciplinary action.

3. Determination of Penalties

Penalties will be determined according to the following procedure.

- A. The base level offense(s) will be determined from those offenses described in Article XIV, Section 4.
- B. Adjustments according to the presence of factors that warrant an increase in the penalty described in Article XIV, Section 5 ("aggravating factors") or decrease described in Article XIV, Section 6 ("mitigating factors") will be considered.
- C. Adjustments according to the number of violations involved in the particular offense will be considered.
- D. Adjustments according to the offender's acceptance of responsibility described in Article XIV, Section 6 will be considered.
- E. Increases according to the number and circumstances of prior violations and penalties previously imposed upon the offender described in Article XIV, Section 7 will be considered. The Board is entitled to consider fines or suspensions issued by the Alcoholic Beverages Control Commission in evaluating said prior violations and penalties.
- F. Increases based on any previous written warnings given by the Town to the Licensee will be considered. Such increases will consider the date(s) of the written warning(s), the reasons therefore, and the similarity of the incident resulting in the warning with the incident at issue.
- G. Adjustments according to the consequential misconduct described in Article XIV, Section 8 that is related to the base level violation will be considered.

4. Base level offenses

All references in this subsection are to sections of Chapter 138 unless otherwise noted.

- A. Sale outside of permitted hours (Chapter 138, Sections 12 and 15);
- B. Purchase by person under age 21 (Chapter 138, Section 34A);
- C. Employment by Licensee of person under age 18 for direct handling or selling of alcohol;
- D. Sale or delivery to a person under age 21 for own use or for use of another (Chapter 138, Section 34);
- E. Sale to an intoxicated person (Chapter 138, Section 69);
- F. Hindering or delaying investigation (Chapter 138, Section 63A);
- G. Failure to post notice of penalty for driving under the influence and driving while drinking from open container of alcoholic beverage (Chapter 138, Section 34D);
- H. Failure to comply with section 204 CMR 4.03 ("Prohibition Against Happy Hours and Discounted Sales") of the Alcoholic Beverages Control Commission regulations;

5. Aggravating Factors

- A. Failure to request identification card, operator's license, or passport;
- B. Juvenile appearance of purchaser;
- C. Use of altered identification;
- D. Refusal to cooperate in investigation;
- E. Multiple sales on same occasion;
- F. Quantity of beverage sold;
- G. Staff not suitably trained;
- H. Unregistered server;
- I. Server unable to provide Server ID card upon request;
- J. Underage server;
- K. Violations of other laws such as: prostitution, solicitation, drugs gambling, disorderly conduct, cigarette sales to minor;
- L. Concealing violation(s);
- M. Furnishing false information to investigator;
- N. Exceeding lawful capacity of premises;
- O. Intimidating or coercing witnesses or attempting to do so;
- P. Offense occurring while under suspension of penalty;
- Q. Sale occurring while license suspended; and/or
- R. The occurrence of any personal injuries or fatalities related to the underlying violation.

6. Mitigating Factors

- A. Reasonable reliance upon an identification card or operator's license for proof of identity or age. (Chapter 138, Section 34B);
- B. Acceptance of responsibility as shown by:
 - i. Substantial and voluntary assistance offered in investigation
 - ii. Public acknowledgment of responsibility
 - iii. Agreement to participate in training program by Licensee, manager, and servers
 - iv. Prompt notice of decision not to contest charge and agreement to proposed recommended resolution.

- v. Agreement to participate in an effective program to detect and prevent future offenses.
- C. Successful passing of alcohol compliance stings.
- D. Random compliance checks without violations.

7. Previous Violations

- A. Same offense.
- B. Different offense.
- C. Recent prior offense.
- D. Same Manager.
- E. Same server.
- F. Severity of prior penalty.
- G. Offense while under suspension of prior penalty.

8. Consequential Misconduct Related to an Underlying Violation

- A. Operating under the influence.
- B. Causing personal injury or death.
- C. Causing property damage.
- D. Disturbance of the peace.
- E. Domestic violence.

9. Imposition of Penalties or Other Outcomes

The Board will impose penalties for offenses consistent with this policy.

Offenders may expect one or more of the following consequences as appropriate in the judgment of the Board.

Suspension of license for a stated number of days and specified dates. Licensees are advised that the following chart only represents guidelines for use by the Chief of Police and the Board when making their respective recommendation and decision in response to a License violation. The Board, in accordance with the mitigating and aggravating factors presented above, retain the authority to deviate from these penalty guidelines where the circumstances are appropriate.

- First Violation: Letter of reprimand and /or suspension up to 5 days of both. Optional: with liquor closing hours of 11:00 p.m. for ten (10) days.
- Second Violation: Suspension of license from 3 to 10 days with liquor closing hours of 11:00 p.m. for 30 days.
- Third Violation: Suspension of license from 10 to 30 days with liquor closing hours of 11:00 p.m. for 30 days.
- Fourth Violation: Revocation of license.

For the purpose of counting Violations, prior actions on other occasions by the Alcoholic Beverage Control Commission taken against the license holder will be counted as Violations that will be applied to the guidelines above.

If the Board finds at a hearing that the license holder's actions were grievous, the Board may add an

additional Violation to the number of Violations being applied to these guidelines.

The Board will consider the longevity of a Licensee when determining suspensions and penalties based on the following chart:

Years Without a Violation	Relief
Less than 3 Years	Subject to the Rules and Regulations of the Board
3 to 5 years	One day relief (i.e., from three days to two)
5 to 7 years	Two days' relief (i.e., from three days to one)
7 or more years	Three or more days' relief

Suspension of License for a stated number of days and specified dates, with a portion of the suspension deferred upon condition that no further offenses occur within a specified period of time and that Licensee waives right to hearing upon such further offense.

Revocation of License or suspension of registration of server for a specified period of time after a due process hearing for cause, and thereby limiting or preventing the employment of a server by a Licensee within the Town.

Mandatory participation in prevention programs by Licensee, Manager, Assistant Manager, and server as appropriate.

10. Appropriate publicity of offense and disposition.

While the Board will endeavor to impose penalties upon Licensees in a manner consistent with these Regulations and this Article XIV, where exigent or special circumstances warrant, such as a violation of these regulations resulting in serious personal injury or death, the Board retains the authority in such circumstances to immediately order a full hearing, provide a Licensee an opportunity to present evidence, and to revoke a license where the evidence so warrants a revocation.

11. Reporting of Violations and Penalties Imposed

The Board shall receive semiannual reports from the Police Department and/or Licensing Administrator detailing violations of these Regulations from the date of the previous reporting period, and the penalties imposed by the Board for said violations. Reports shall be submitted to the Board no later than May 1st and November 1st of each year. The Board will use these reports to analyze the factors are commonly associated with violations, such as over serving, underage serving, failure of serving training or registration, etc. This process will allow the Board to periodically review this policy and recommend any areas of the policy that need to be amended, and/or updated.

Town of Canton Rules and Regulations Governing Alcoholic Beverages Acknowledgment

I hereby attest and acknowledge that I have reviewed and understand the policies, procedures, rules and regulations contained in the Town of Canton Rules and Regulations Governing Alcoholic Beverages. I understand that it is my responsibility to comply with all of the policies and procedures included in the document.

Signature of Manager

Date

Signature of Owner/Principal

Date

Name and Address of Establishment



Policy for Common Victualler Licenses

Policy Number VIII

Issue date: January 27, 2004

Type of policy: New (x) Amended ()

Effective date: January 28, 2004

Level: Department () Division () Town Wide (x)

Policy Statement

This policy statement sets forth the requirements and application process for a Common Victualler license. A copy of the application can be found in the Appendix (Appendix H), and has been made a part of this policy.

References

None.

Special Terms

None.

Policy Description

- A. REQUIREMENTS – New Applications (new locations)

1. Fill out and sign application form.
2. Submit one-time seventy-five dollars (\$75.00) processing fee.
3. Submit a set of floor plans, site plan and description.
4. Submit a copy of Bill of Sale or Lease Agreement. If a corporation, submit a copy of Articles of Organization.
5. Check with Building Inspection Department to see if properly zoned (or if a special permit is required from Zoning Board of Appeals or site plan review from the Planning Board). Have Building Department confirm building occupancy limits. Submit a set of floor plans and other required applications and information. (Compliance with AAB/ADA guidelines)
6. Check with the Fire Department for required applications and permits, and submit floor plans.
7. Check with Board of Health for required applications, permits, and submit floor plans.
8. Check with Department of Public Works (if external grease trap is required).

Prior to the issuing of a license, either new or a license being transferred to a new owner, inspection reports (sign-offs) will be required from the Board of Health, Fire Department, and Building Inspection Department; a sign-off from the Public Works Department (if necessary); a sign-off from the Finance Department that "ALL TAXES, FEES, FINES, ETC." have been paid to the Town is required; and a Business Certificate, if required, from the Town Clerk's Office.

B. RENEWALS – Prior to any renewal of a Common Victualler license, the applicant must obtain confirmation from the Building Department, Board of Health, Fire Department, and Department of Public Works that there are no current code violations. These confirmations must be submitted in writing to the Executive Office as part of the application for a renewal of license.

C. FLOOR PLAN AND DESCRIPTION (SAMPLE)

1. Address
2. Type of Building
3. Entrance and Exits
4. Number of Rooms
5. Number of Tables and Chairs
6. Bar Area: Number of Seats
7. Storage Area (Square Feet)
8. Kitchen Area (Square Feet)
9. Dance Area / Band Area
10. Outside Serving Area
11. Fire Protection Equipment including:
 - a. Fire alarm system
 - b. Sprinkler system
 - c. Fire extinguishers

EXAMPLE:

228 Main St., Canton, MA. Wood frame building with two entrances on Main St. Two exits rear of building. Tables and chairs with seating for 96 people. One bar with seating for 15 people. A basement storage area with 1000 square feet. Kitchen area has 750 square feet. No dance floor. No outside serving area.

Floor plan will not be required for annual renewals as long as no changes have been made or requested.

D. COST AND PROPOSED DATE OF OPENING

The applicant shall submit an estimated cost of the project and projected date of opening to the Board of Selectmen.

E. PROCEDURE FOR REVIEW OF APPLICATIONS FOR COMMON VICTUALLER'S LICENSE BY BOARD OF SELECTMEN

1. If an applicant appears before the Board of Selectmen for a Common Victualler License, on premises that require renovation with a Building Permit but the applicant does not yet have approved plans or a Building Permit, the Board may refuse to process the application or deny it until such time as the applicant has the appropriate Building Permit and plans approved by the Fire Department.
2. A Building Permit with approved plans for construction, reconstruction or renovation of a facility for a restaurant or inn, does not guarantee that a Common Victualler License will be approved.

If an applicant appears before the Board of Selectmen for a Common Victualler License, the Board may grant the License subject to completing the construction work in accordance with the approved plans. The License would not, however, be issued to the applicant until the Board received verification that the construction has been completed in accordance with the approved plans.

F. PUBLIC HEARING WITH THE BOARD OF SELECTMEN

The applicant will be scheduled to have a public hearing with the Board of Selectmen when the Executive Office has received notification from the Building Department, the Board of Health and the Fire Department that the application is in compliance with their regulations. The Board of Selectmen shall determine if a Common Victualler License is issued after conducting a public hearing.

If the application is approved by the Board of Selectmen, a license will be issued after payment of the seventy-five dollars (\$75.00) license fee to the Town of Canton, upon the completion of the premises according to the plans submitted, the payment of all taxes, fees, fines, etc., to the Town, and the receipt of a Business Certificate, if required, from the Town Clerk.

G. IMPORTANT TELEPHONE NUMBERS FOR LICENSING /INSPECTIONS

<u>TOWN OFFICE</u>	<u>ROOM</u>	<u>TELEPHONE #</u>
Executive Office	Memorial Hall Floor 2	781-821-5000
Board of Health	Pequitside Farm – 79 Pleasant St.	781-821-5021
Board of Selectmen	Memorial Hall Floor 2	781-821-5000
Building Department	Memorial Hall Basement	781-821-5003
Fire Department	99 Revere St.	781-828-1315
Fire Department/Fire Prevention	99 Revere St.	781-828-1315
Planning Board	Memorial Hall Floor 2	781-821-5019
Police Department	1492 Washington St.	781-821-5090
Public Works Department	Memorial Hall Basement	781-821-5023
Finance Department - Collections	Memorial Hall Floor 1	781-821-5006
Zoning Board of Appeals	Memorial Hall Basement	781-575-6589

All Town offices relevant to licensing/inspection are located at 801 Washington Street (Memorial Hall) with the exception of the Board of Health, Police and Fire departments, which are found at the following locations:

Fire Department	Administrative Offices	99 Revere St.
Police Department	Administrative Offices	1492 Washington St.
Board of Health	Pequitside Farm	79 Pleasant St.



Policy on Utility Company Petitions

Policy Number IX

Issue date: January 27, 2004

Type of policy: New (x) Amendment ()

Effective date: January 28, 2004

Level: Department () Division () Town Wide (x)

Policy Statement

This policy establishes and standardizes the guidelines for the procedure relating to Utility Company petitions.

References

None.

Special Terms

None.

Policy Description

I. Procedure

The Executive Office will first receive a petition or joint petition from a Utility Company (UC) or Utility Companies. The petition should include: an overview of the proposal including the notification and hearing requirements; a formal petition to be signed by the Board upon a vote to grant the petition; a map of the area involved.

Upon receipt of this petition, a designated employee of the Executive Office (designee) shall send complete copies of the petition to the Engineering Division and the Department of Public Works (DPW) to confirm that there will be no impact upon the Town's infrastructure, including Water/Sewer, drainage, *et al.* The designee shall also send a complete copy to the Board of Assessors requesting a list of abutters, if required.

Once the approval of the Engineering Division, the DPW, and the Assessors has been received in writing, the designee shall schedule a public hearing two (2) weeks from the receipt of approval. If abutter notification is necessary, a letter informing all abutters of the hearing, with a copy to the UC(s) shall be mailed out immediately.

Conduct of the public hearing shall follow the guidelines outlined in the Policy on Powers, Duties, and Obligations of the Board of Selectmen.

Following a vote of the Board to grant the petition, the original signed copy of the petition shall be given to the Town Clerk. The Executive Office shall retain a copy of the signed petition and all written correspondence pertaining to the petition for filing purposes.

II. Cases of Emergency

In the event of an emergency or a case where an unsafe condition will result, when the normal process for utility petitions will undermine the Town's ability to consider and act upon such petition, the Board reserves its right to expedite the decision-making process.



Policy on Telephone Protocol

Policy Number X

Issue date: January 27, 2004

Type of policy: New (x) Amendment ()

Effective date: January 28, 2004

Level: Department () Division () Town Wide (x)

Policy Statement

This policy statement sets forth the procedures and protocol for Town employees relative to telephone calls.

References

None.

Special Terms

None.

Policy Description

I. General

The Board has prided itself on heretofore not utilizing an automated answering system, but rather providing direct customer assistance to all callers. Moreover, the Board recognizes that professional and efficient service begins with excellent telephone etiquette at all levels, and thus commits to writing its goals and expectations for Town employees when answering telephones.

II. Purposes and Goals

The purposes of telephone procedures include, but are not limited to:

- Maintaining a positive image of Town employees in the eyes of the public.
- Showing pride in one's work.
- Allowing callers to hear a friendly, helpful voice when they have a problem.
- Maintaining a consistent level of helpfulness and friendliness throughout the entire workforce.

III. Expectations

Town employees are expected to always be courteous, friendly, and exude a positive manner when answering telephone calls. Moreover, they are expected to stop all prior conversations and tasks, and devote his/her complete attention to the call. Employees should answer all ringing phones in four (4) rings or less, regardless of whose responsibility it is to answer that particular phone line.

For specific suggestions and guidelines when answering a call, putting callers on hold, transferring a call, and taking messages employees are asked to refer to the full list Town of Canton Telephone Procedures (see Appendix I).

Employees are expected to keep the Town Directory readily available to transfer calls to the correct department/individual. Employees are expected to communicate with co-workers when taking breaks to ensure phone coverage is not adversely impacted.



Policy on Employee Use of E-mail, Internet, and Other Electronic Systems

Policy Number XI

Issue date: January 27, 2004

Type of policy: New (☒) Amendment ()

Effective date: January 28, 2004

Level: Department () Division () Town Wide (☒)

Policy Statement

Among other things, this policy is intended to guide Town of Canton employees, volunteers, and contractors in the performance of their duties.

This policy serves as notice to the employees, volunteers, and contractors of the Town of Canton that all data, including any that is stored or printed as a document, is subject to audit and review. There is no expectation of personal privacy in the use of the Internet and e-mail systems when using computers or services provided by the Town of Canton.

Finally, this policy serves to delineate acceptable uses of the Internet and e-mail systems by Town of Canton employees, volunteers, and contractors [collectively also referred to as “users” or “employees”] while using government-owned/leased equipment, facilities, Internet addresses, domain names, and/or e-mail services registered to or provided by the Town of Canton. It seeks to ensure that the use of the Internet and e-mail systems by Town of Canton employees, volunteers, or contractors while conducting work for the Town of Canton and/or while using Town of Canton provided systems is consistent with the Town of Canton policies, all applicable laws, and the individual user's job responsibilities.

References

None.

Special Terms

None.

Policy Description

I. Purposes

The purposes of the Town of Canton's computer and other electronic systems, including, but not limited to, electronic mail ["e-mail"] and the Internet, are to provide an efficient and effective means of internal and external communications, and to improve work productivity and work product. This policy addresses access to and the disclosure of information from such electronic systems.

II. General

The Town of Canton promotes Internet and e-mail use that enables employees, volunteers and, contractors to perform Town of Canton missions and encourages its employees, volunteers, and contractor personnel to develop Internet and e-mail skills and knowledge. It is expected that employees will use the Internet and e-mail to improve their job knowledge; to access scientific, technical, and other information on topics which have relevance to the Town of Canton; and to communicate with their peers in other government agencies, academia and industry on matters of relevance to their work for the Town of Canton.

(a) *Responsible Use:* Users are advised not to use the Internet or e-mail systems for any purpose which would reflect negatively on the Town of Canton or its employees.

(b) *Property of the Town of Canton:* The Town of Canton's electronic mail and Internet systems are business tools. These systems shall be used in a professional manner for legitimate business purposes only and, at all times, remain the property of the Town of Canton.

(c) *Scope:* This policy applies to:

(1) All technical resources that are owned or leased by the Town of Canton that are used on or accessed from Town of Canton premises, or that are used for Town of Canton business. This policy also applies to all activities using any Town of Canton-paid accounts, subscriptions, or other technical services, such as Internet access

and e-mail, whether or not the activities are conducted from Town of Canton premises;
and

(2) All full-time or part-time employees of the Town of Canton and volunteers and contractors who are authorized by their supervisors to use Town of Canton resources.

(d) *Information is Not Private:* The Town of Canton computers and the data stored on them are, and remain at all times, the property of the Town of Canton. As such, all messages created, sent, or retrieved over the Internet or the Town's electronic mail systems are the property of the Town of Canton, and should not be considered private information. Employees have no right to privacy as to any information or file transmitted through or stored on the Town of Canton's computer systems, electronic mail, or other technical resources.

(e) *Use With Respect for Others:* Access to the Internet via Town of Canton resources and use of Town of Canton provided e-mail must only be for Town of Canton purposes. To that end, the use shall not disrupt or interfere with the work of other network users, adversely affect the operation of the Internet or the Town of Canton's own internal network, or misrepresent the interests of the Town of Canton.

(f) *Monitoring and Disclosure:* The Town of Canton reserves the right to access, retrieve, read and disclose any data, messages or files stored on Town of Canton-funded systems for any purpose. Employees should be aware that, even when a message is erased or a visit to a web site is closed, it is still possible to recreate the message or locate the web site. The Town of Canton reserves the right to monitor use of these systems to prevent abuse, enforce other policies, and access information. Access may occur in, but is not limited to, situations indicating: (1) impropriety, (2) violation of Town of Canton policy, (3) legal requirements, (4) suspected criminal activities, (5) breach of system security, or (6) to locate substantive information or monitor employee performance and conduct. The contents of these systems may be disclosed by Town of Canton Management within or outside of the Town of Canton without employee permission. Furthermore all communications including text and images may be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver. The Town of Canton has unlimited access to protect the security of these systems or the Town of Canton's property rights.

(g) *Consent:* All Town of Canton employees, who are provided with access to the Town of Canton's e-mail system, Internet, or other electronic systems are required to abide by the Town of Canton's policy contained here and in other relevant documents.

III. Use of the Internet

The Town of Canton provides Internet access to employees for their use in performing their duties for the Town of Canton. All employees of the Town of Canton

are responsible for using Internet resources in an effective, ethical, and lawful manner. It is the Town of Canton's policy that the Internet resources, like other Town of Canton assets, be used for the benefit of the Town of Canton. All Internet use should be congruent with the Town of Canton's overall government policies. The Town of Canton reserves the right to monitor and/or log all network activity with or without notice, including all web site communications, and therefore, users should have no expectations of privacy in the use of these resources. Use of the system in violation of this or other Town of Canton policies is prohibited and may lead to disciplinary action, up to and including termination.

(a) *Uses that are acceptable and encouraged:*

- (1) Communications and information exchanges directly relating to the mission, charter and work tasks of the Town of Canton,
- (2) Announcements of Town of Canton procedures, meetings, policies, services, or activities;
- (3) Use for advisory, standards, research, analysis, and professional society or development activities related to the user's Town of Canton job-related duties; and
- (4) Use in applying for or administering grants or contracts for Town of Canton research programs.

(b) *Uses that are unacceptable:* It is unacceptable for a user to access, use, submit, publish, display, download, save, or transmit on the network, or on any computer system, any information which:

- (1) Violates or infringes on the rights of any other person, including the right to privacy;
- (2) Contains defamatory, false, inaccurate, abusive, obscene, pornographic, profane, sexually oriented, threatening, racially offensive, or otherwise biased, discriminatory, or illegal material;
- (3) Violates Town of Canton regulations prohibiting sexual harassment;
- (4) Restricts or inhibits other users from using the system, or the efficiency of the computer systems,
- (5) Encourages the use of controlled substances or uses the system for the purpose of criminal intent; or
- (6) Uses the system for any other illegal purpose.

(c) It is also unacceptable for a user to use the facilities and capabilities of the system to:

- (1) Conduct any non-approved business;
- (2) Solicit the performance of any activity that is prohibited by law;
- (3) Transmit material, information or software in violation of any local, State or federal law;
- (4) Conduct any political activity;
- (5) Conduct any non-Town of Canton-related fund raising or public relations activities;
- (6) Engage in any activity for personal gain or personal business transactions, or
- (7) Make any unauthorized purchases.

(d) *Copyrighted Material*: Users may download copyrighted material, but its use must be strictly within the agreement as posted by the author or current copyright law. The federal Copyright Act at 17 U. S. C. 101 *et seq.* (1988), protects and prohibits misuse of all original works of authorship in any tangible medium of expression. This includes a prohibition on plagiarism (using someone else's ideas or writing and passing it on as one's own).

(e) *E-Mail*: Internet e-mail is considered network activity, thus, it is subject to all policies regarding acceptable/unacceptable uses of the Internet as well as the Town of Canton's e-mail policy. Users should not consider Internet e-mail to be either private or secure.

(f) *Passwords*: Access to the Internet may require a password and authorized employees are prohibited from giving their password to any other person, except as provided in this policy. The password remains the property of the Town of Canton, and all passwords must be disclosed to the Information Systems Manager.

IV. Uses of E-mail System

The Town of Canton provides an e-mail system to employees for their use in performing their duties for the Town of Canton. All employees of the Town of Canton are responsible for using the e-mail system in an effective, ethical, and lawful manner. It is the Town of Canton policy that the e-mail system, like other Town of Canton assets, be used for the benefit of the Town of Canton. All e-mail use should be congruent with the Town of Canton's overall government policies. The Town of Canton reserves the right to

monitor and/or log all network activity with or without notice, including all web site communications, and therefore, users should have no expectations of privacy in the use of these resources. Use of the system in violation of this or other Town of Canton policies is prohibited and may lead to disciplinary action, up to and including termination.

(a) The Town of Canton's e-mail system is for official Town of Canton business and it shall be unacceptable to use the system for unrelated purposes, including but not limited to, the following:

(1) To send or receive "chain" or similar type "letters."

(2) To send or receive documents in violation of copyright or other laws.

(3) To knowingly open mail not directed to you. Except to the extent that Town of Canton reserves the right to access and review all electronic uses and records, e-mail messages are confidential.

(4) To send messages in violation of the Town of Canton's security policies.

(5) To forward electronic messages without a legitimate business purpose under circumstances likely to lead to embarrassment of the sender or to violate the clearly expressed desire of the sender to restrict additional dissemination.

(6) To send messages that are false or misleading, inaccurate, abusive, obscene, pornographic, profane, sexually oriented, threatening, offensive, discriminatory, or illegal, including but not limited to sending messages under an assumed name or with the intent to obscure the origin of the message.

(7) To solicit or proselytize for commercial ventures, religious or political causes, outside organizations or other non-job related solicitations.

(b) Avoid "carbon copying" individuals who have no direct involvement or "need-to-know." Likewise, e-mail to all users should only be used on very rare occasions when every person on the system has a direct need to know.

(c) Avoid "forwarding" e-mail to a third party unless necessary (see "carbon copying"). When forwarding, explain the reason for the forwarding action and edit out any potentially inappropriate contents. If in doubt about the appropriateness of forwarding a given piece of mail, check with the originator for guidance.

(d) When sending an e-mail requiring "action," be sure to indicate which "TO" addressee(s) is/are to take the action.

(e) Do not “say” anything in an e-mail message that could prove embarrassing or compromising to you or others. Each employee is responsible for the content of all text, audio, or images they transmit.

(f) Avoid potentially contentious exchanges through e-mail.

(g) Confidential and sensitive information, such as performance reviews, disciplinary and/or corrective actions, attorney-client privileged information, personnel information, and health or medical information should not be communicated via e-mail.

(h) Communications that would be inappropriate under other Town of Canton policies are equally unacceptable if delivered via electronic communication. These communications may include, but are not limited to, harassing or discriminatory comments, breaches of confidentiality, and insubordinate statements.

(i) Use your common sense in determining when to use e-mail, in what is said, and to whom. Remember that no electronic communication is private and the Town of Canton reserves the right to monitor and review all communications originating from or entering its computer systems.

V. Security and Virus Protection

(a) E-mail and/or Internet access may utilize passwords for security; however employees should be aware that the reliability of such tools for maintaining confidentiality cannot be guaranteed. Additionally all passwords must be made known to the Town of Canton, through the Information Systems Manager.

(b) To prevent computer viruses from being transmitted through the system, employees are not permitted to download any software onto their computer or any drive in that computer or on the network. When downloading a file or opening an e-mail attachment, users must scan all materials with Town of Canton provided virus protection software. Additional consideration of policies established by the Information Systems Manager should be used in determining how to handle potentially damaging e-mails or files.

VI. Enforcement

This policy is intended to be illustrative of the range of acceptable and unacceptable uses of the Internet and e-mail systems provided by the Town of Canton and is not necessarily exhaustive. Questions about specific uses should be directed to the user’s supervisor. The supervisor shall consult the Information Systems Manager to determine if any policy violation has occurred.

Immediately upon implementation of this policy, supervisors will be responsible to provide a copy of this policy to, and collect signed consent forms from, all employees who currently have access to the Town of Canton’s Internet or e-mail systems.

Prior to authorizing new access, the supervisor is responsible to provide a copy of this policy to, and collect signed consent forms from all employees who will have access to the Town of Canton's Internet or e-mail systems.

The supervisor will review alleged or suspected violations of the policy and clear violations may result in disciplinary actions. Any user violating these provisions or applicable local, State or federal laws is subject to immediate loss or restrictions of Internet/e-mail privileges, additional disciplinary actions, up to and including termination of employment, and/or criminal prosecution.

VII. Consent Agreement

As a condition of employment, all Town of Canton employees must acknowledge that all computer and electronic systems, including but not limited to, electronic mail and Internet network activity are the property of the Town of Canton, and therefore, they should not consider any activity to be private. Current users of the Town of Canton's Internet or e-mail systems must sign the consent form provided, within thirty (30) days of receiving a copy of this policy. Prior to obtaining new access to Internet or e-mail systems provided by the Town of Canton, employees must sign the consent form provided (see Appendix J). By signing the consent form, users acknowledge that they have received a copy of the policy, read it, and understand the Town of Canton's Policy and the potential penalties for non-compliance.



Policy on Mail Handling

Policy Number XII

Issue date: January 27, 2004

Type of policy: New (☒) Amendment ()

Effective date: January 28, 2004

Level: Department () Division () Town Wide (☒)

Policy Statement

This policy is written not only in response to recent national concerns of so-called “mail tampering,” but also in an attempt to standardize the procedure for mail handling.

References

None.

Special Terms

None.

Policy Description

I. General Information

- The mailroom is located on the first floor of Memorial Hall, 801 Washington Street.
- Both the postage meter and the copier/printer require the use of the relevant department’s authorization code.
- The postage meter is not to be used for personal mailings.

II. Procedure

- The United States Postal Service will daily deliver a container of mail to the mail sorting room.
- A designated Town employee will then sort and place the mail for each department in the appropriate mail slots.
- Each department will obtain its mail from the mail sorting room and transport it to their offices.
- Inter-office mail handling protocol does not require mail to be delivered to individual departments/offices or to be opened by the employee(s) sorting the mail.
- It is advised that all Town employees read the FBI Advisory relative to evaluating suspicious letters or packages (see Appendix K).



Policy on Amending the Traffic Rules and Regulations

Policy Number XIV

Issue date: January 27, 2004

Type of policy: New (x) Amendment ()

Effective date: August 13, 2010

Level: Department () Division () Town Wide (x)

Policy Statement

This policy codifies as part of the Administrative Code the methods and procedures for adding Traffic Rules and Regulations or amending those already adopted by the Town (Board of Selectmen). For a comprehensive list of the Traffic Rules and Regulations, please contact the Executive Office. A copy of this policy will be provided to all inquiring traffic concern form applicants.

References

None.

Special Terms

None.

Policy Description

I. General

The Board shall endeavor to ensure that the Traffic Rules and Regulations are kept updated and modernized on an as-needed basis to best serve an interest in public safety. The Board shall endeavor to balance both public safety concerns and to allow for the improvement of traffic efficiency, and the improvement of Town roads relating to it.

II. Procedure

All requests or petitions to add or amend the existing Traffic Rules and Regulations should be addressed to the Department of Public Works at 801 Washington Street, Canton, MA, 02021. Upon the receipt of a written request or petition for an addition or amendment to the existing Traffic Rules and Regulations, including, but not limited to the placement of additional signage and traffic control devices, the Department of Public Works will send a letter of acknowledgement to the applicant, copied to the Executive Office within three (3) business days.

Traffic Concern Forms upon review of the Department of Public Works, will be placed within one (1) of the two (2) procedural paths to be determined by estimated project cost. Traffic Concern Forms with an estimated project cost of one thousand (1,000) dollars and under, regarding signage, replacement, maintenance and other related materials, will be placed within path one (1) to provide an expedited process and will be approved directly by the Superintendent of Public Works. Traffic Concern Forms with an estimated project cost of one thousand (1,000) dollars and one (1) cent and above, will be placed in path two (2) and will require the Traffic Study Committee (recommendation) and the Board of Selectmen review and approval.

Traffic Concern Form Path 1: The Department of Public Works, will make a full investigation into the request, using information documented in Appendix A and review all pertinent regulations as it pertains to MassHighway's 2003 Manual on Uniform Traffic Control Devices and the Standard Municipal Traffic Code, October 2006, within ten (10) business days. If the Department of Public Works, finds the request to be practicable, the Department of Public Works will endeavor to schedule and complete required work to fulfill the request within ten (10) business days.

Traffic Concern Form Path 2: The Department of Public Works, will make a full investigation into the request, using information documented in Appendix A and review all pertinent regulations as it pertains to MassHighway's 2003 Manual on Uniform Traffic Control Devices and the Standard Municipal Traffic Code, October 2006, in addition determine whether an engineering study and/or consultation services are needed. The Department of Public Works, upon investigation will create a letter report and determine whether or not to send it to the Traffic Study Committee, within ten (10) business days. The Traffic Study Committee, who meets as needed, has up to ten (10) business days to do a full review of all pertinent information and alternatives, given to them by the Department of Public Works. Within such time, the Traffic Study Committee will make a recommendation to the Board for decision-making.

It shall be the policy of the Board to defer to the Traffic Study Committee for their opinion and guidance concerning any matter relating to an addition, amendment or change to the existing Traffic Rules and Regulations prior to making a final decision if practicable. In all such policy matters, the Police Chief, the Fire Chief (if applicable), the Superintendent of Public Works, and any other designated elected or appointed officials that the Board feels should be consulted prior to any final decision shall submit their advice and professional guidance concerning any request.

It shall be the policy of the Board to require an advertised public hearing when discussing the adoption of the amendment of or addition to the Traffic Rules and Regulations. Upon the receipt of the written opinion of the Traffic Study Committee, the Executive Office shall schedule the requisite public hearing for the next scheduled Board meeting that meets the advertisement requirements. The Executive Office may advertise the hearing in a local newspaper prior to the public hearing. Public hearings shall be held in conformance with the procedures for hearings before the Board outlined in Policy II, Section XXV.

The Board will receive all pertinent information and reports from the Traffic Study Committee and the Department of Public Works. Upon the decision of the Board, the Department of Public Works, will endeavor to schedule and complete required work to fulfill the request for non-engineering study inquiries no latter then two (2) month from the decision date of the Board.

Department of Public Works, upon Board approval for engineering study required projects will schedule all necessary engineering consultations, review and planning assessments and complete such work no latter then two (2) month from the decision date of the Board. Once completed Department of Public Works, will provide full report to the Board for project final decision. Upon the decision of the Board, the Department of Public Works, will endeavor to schedule and complete inquiries no latter then two (2) month from the decision date of the Board.

At any time during this process, as define in Appendix B and C, the Department of Public Works, the Traffic Study Committee and/or the Board may find the request is not practicable and a letter of explanation from the Department of Public Works, as to why the request could not be met will be mailed to the applicant, copied to the Executive Office and the Board. The applicant can appeal the decision directly to the Executive Office, with the Board reserving the authority of appellate review.

Upon a vote of the Board to amend or add to the Traffic Rules and Regulations, the Executive Office shall publish their decision, if favorable, in one more local newspaper and Town website for two consecutive weeks indicating the effective date of any amendment or addition.

III. The County of Norfolk

The Town of Canton will seek approval from the County of Norfolk via The County Commissioners as required by law, when necessary.

IV. Projected Timetable

All listed timeframes found within are projected timeframes to establish an estimated range of decision-making and approved project completion. Traffic Concern Form projects that require an engineering study, consultation services and/or MassDOT approval will take significant time to complete. Projects requiring MassDOT, after the Town submits all required documentation, it is understood that the decision, is MassDOT to make on the final determination of the requested approval, in accordance to MassDOT internal scheduling.

V. Emergency Clause

The Board has the sole discretion to waive the provisions of this policy should an emergency or situation of urgency warrant immediate action.

APPENDIX A

REGULATION AND BY-LAWS RELATIVE TO WAYS AND BRIDGES AND MOTOR VEHICLES SPEED AND USE

ARTICLE I

AUTHORITY TO ACT

Section 1-1. In accordance to the laws and regulations of the M.G.L. c. 85, section 2, the MassDOT will erect and maintain on state highways and ways leading thereto and therefrom and on all main highways between cities and towns such direction signs, warning signs or lights, curb, street or other traffic markings, mechanical traffic signal systems, traffic devices, or parking meters as it may deem necessary for promoting the public safety and convenience and to make rules and regulations relative thereto.

Section 1-2. Any rule, regulation, order, ordinance or by-law, by the Town of Canton, hereafter made or promulgated relative to or in connection with the erection or maintenance of signs, traffic control signals, traffic devices, school zones, parking meters or markings on any way within its control shall take effect without MassDOT's written approval provided such signs, traffic control signals, traffic devices, parking meters, school zones or markings in conformance with MassDOT's current manual on uniform traffic control devices and MassDOT's sample regulation for a standard municipal traffic code.

Section 1-3. The Town of Canton must seek written approval from MassDOT for:

- (1) any way at its intersection or junction with a state highway;
- (2) any project which is or was federally aided, in whole or in part;
- (3) any traffic signal or flasher in any city or town which does not employ a registered professional engineer in the commonwealth to design, redesign or change the timing and sequence of signal or flasher;
- (4) any sign excluding heavy commercial vehicles;
- (5) any school zone establishment or signing in relation to which the city or town intends to seek reimbursement from the commonwealth;
- (6) any one-way street sign which would prohibit the free flow of two-way traffic between adjoining cities or towns on a through way or main way, as determined by the department, or any one-way street signs which would not be placed at an intersection of public ways.
- (7) any rule, regulation, order, ordinance or by-law of a city or town which when made or promulgated would exclude motor vehicle travel on any existing way which connects one city or town with another.
- (8) Notwithstanding the foregoing, speed control signs may be established only in accordance with the provisions of section eighteen of chapter ninety.

Section 1-4. The Town of Canton has the authority to act via the Board to investigate all traffic concern requests, and act upon the recommendation of the Department of Public Works and/or the Traffic Study Committee, as it is deemed, to best serve public safety.

ARTICLE II

SPEED CONTROL

Section 2-1. Of the special regulations adopted by municipalities under the provisions of the M.G.L. c. 90, Section 18, the most commonly used is the special regulation of the speed of motor vehicles. Municipal officials, usually the Police Department, must obtain considerable data including speed observations and trial runs. The final determination is based upon the 85- percentile method, which is that speed at or below which 85% of the vehicles observed were actually traveling. MassDOT representatives are available to demonstrate the proper method for conducting the necessary studies and drafting the covering regulation, upon written request of local officials.

Section 2-2. Procedure for Establishment of Legal Speed Zones:

- (1) Municipality to make proper studies and submit data to MassDOT.
(Municipalities usually accept the available services of MassDOT in conducting studies and assembling the data).
- (2) After MassDOT reviews the speed zones, proposed by the local authorities, they are returned to the municipality for formal adoption by the rule-making body.
- (3) Upon receipt of notice of formal adoption by municipality, MassDOT, acting jointly with the Registry, will certify and approve.
- (4) Certified regulation is returned to municipality.
- (5) Official Speed Limit signs may then be installed in accordance with the specific provisions of the approved speed regulation.
- (6) The Speed Regulation is then enforceable against violators.

Section 2-3. In accordance with M.G.L. c. 90, Section 18, any changes to the Town of Canton's Speed Limit signs, will be published in one or more newspapers in the town or county, in which the town is situated, before the change in the Speed Limit sign, can take affect.

ARTICLE III

HEAVY COMMERCIAL VEHICLE EXCLUSION

Section 3-1. In accordance with M.G.L. c. 85, Section 30, a commercial vehicle exclusion, (for commercial vehicles or objects weighing more then ten (10) thousand pounds) from a municipal way may be authorized provided a suitable alternate route is available. The alternate route shall have an effective width and pavement structure, which can safely accommodate the additional truck traffic. In addition, the alternate route must meet one of the following conditions:

- (1) Lie wholly within the community making application,
- (2) Lie partially in an adjacent community but only on State Highway, or
- (3) Lie partially in an adjacent community but have the adjacent community's written approval.

Section 3-2. An engineering study, as outlined in the Data requested below, must be made. In addition, one or more of the following may be sufficient justification for truck exclusion:

1. Warrants

- A. A volume of heavy commercial vehicles, which usually is in the range of five (5) to eight (8) percent, reduces the utilization of the facility and is cause for a substantial reduction in capacity or safety.
- B. The condition of the pavement structure of the route to be excluded indicates that further repeated heavy wheel loads will result in severe deterioration of the roadway. (Subject to MassDOT review)
- C. Notwithstanding the foregoing, in certain instances where land use is primarily residential in nature and a municipality has requested exclusion only during hours of darkness, a specific night exclusion may be granted.

2. Data

Before MassDOT can consider a heavy commercial vehicles exclusion proposal, the municipality or another authorized entity as determined by the Town of Canton must submit the following data:

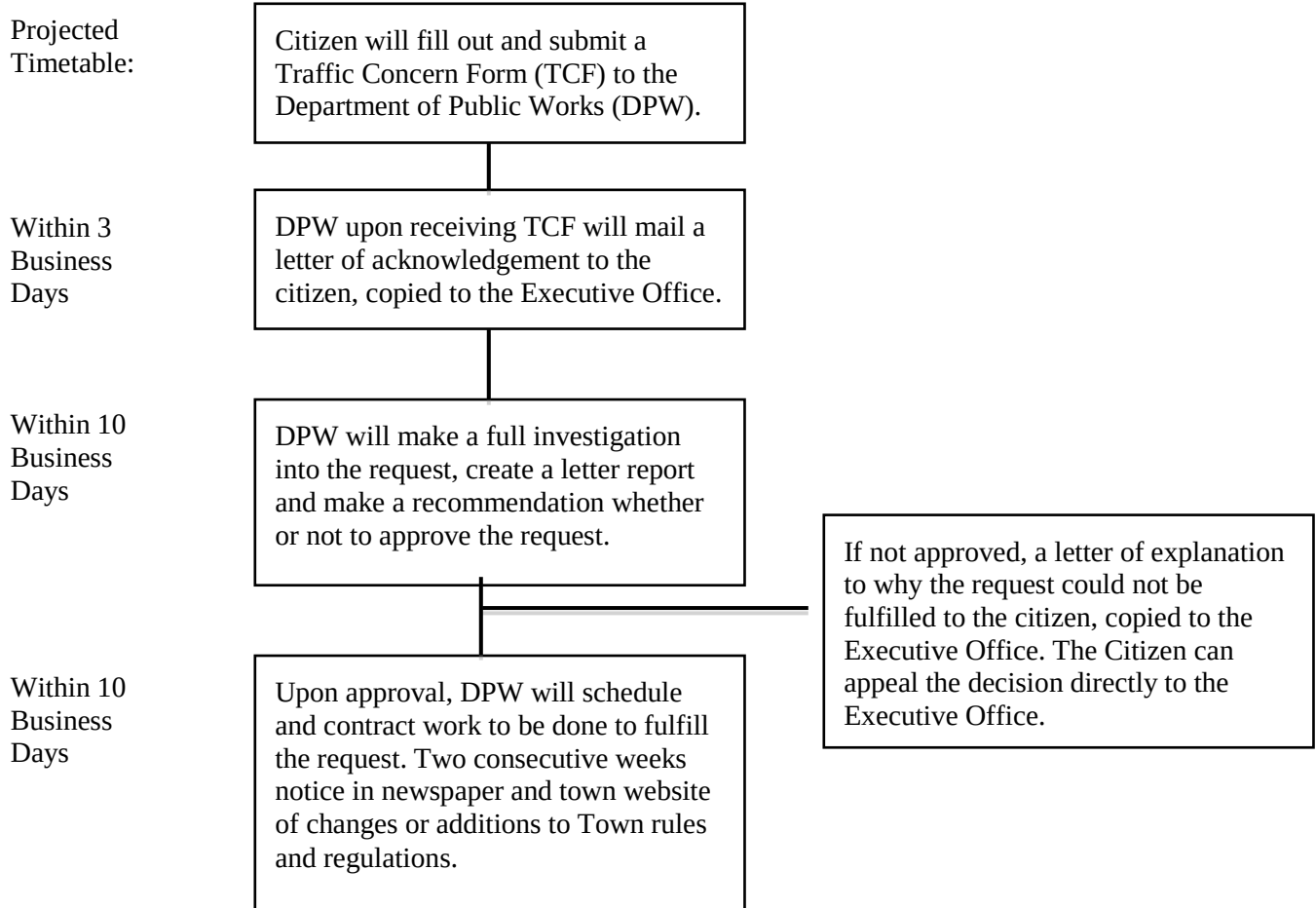
- A. A twenty-four hour consecutive count of all vehicles using the subject street. (If the exclusion is requested for only twelve hours, a twelve-hour count will suffice.) The count shall be broken into one-half hour intervals showing:
 - (1) Commercial vehicles with a carrying capacity over 2½ tons
 - (2) Other vehicles
- B. Map of the area, with the excluded street marked in red, the alternate route in green.
- C. Physical characteristics of excluded and alternate streets in question, i.e, length, width, type and condition of surface and sidewalk.
- D. Types of buildings or property abutting street (Residential, Business, School, Playground, etc).
- E. Zoning of Street (Residential, Industrial, etc.).
- F. Proximity of probable alternate route to the proposed excluded route and the additional distance to be traveled using the alternate route.
- G. Types of traffic control existing on street.
- H. Hours during which exclusion is to be in effect.
- I. A written statement from the municipality as to the need for the exclusion.

Section 3-3. Once the Town submits all required documentation and data, it is solely the decision of MassDOT to make the final determination on the requested approval. If

approved the Town will publish such new regulations and post proper signage in a conspicuous place at both ends of the part of said way from which traffic is prohibited, in accordance with MassDOT regulations and M.G.L. c. 85, Section 30.

APPENDIX B

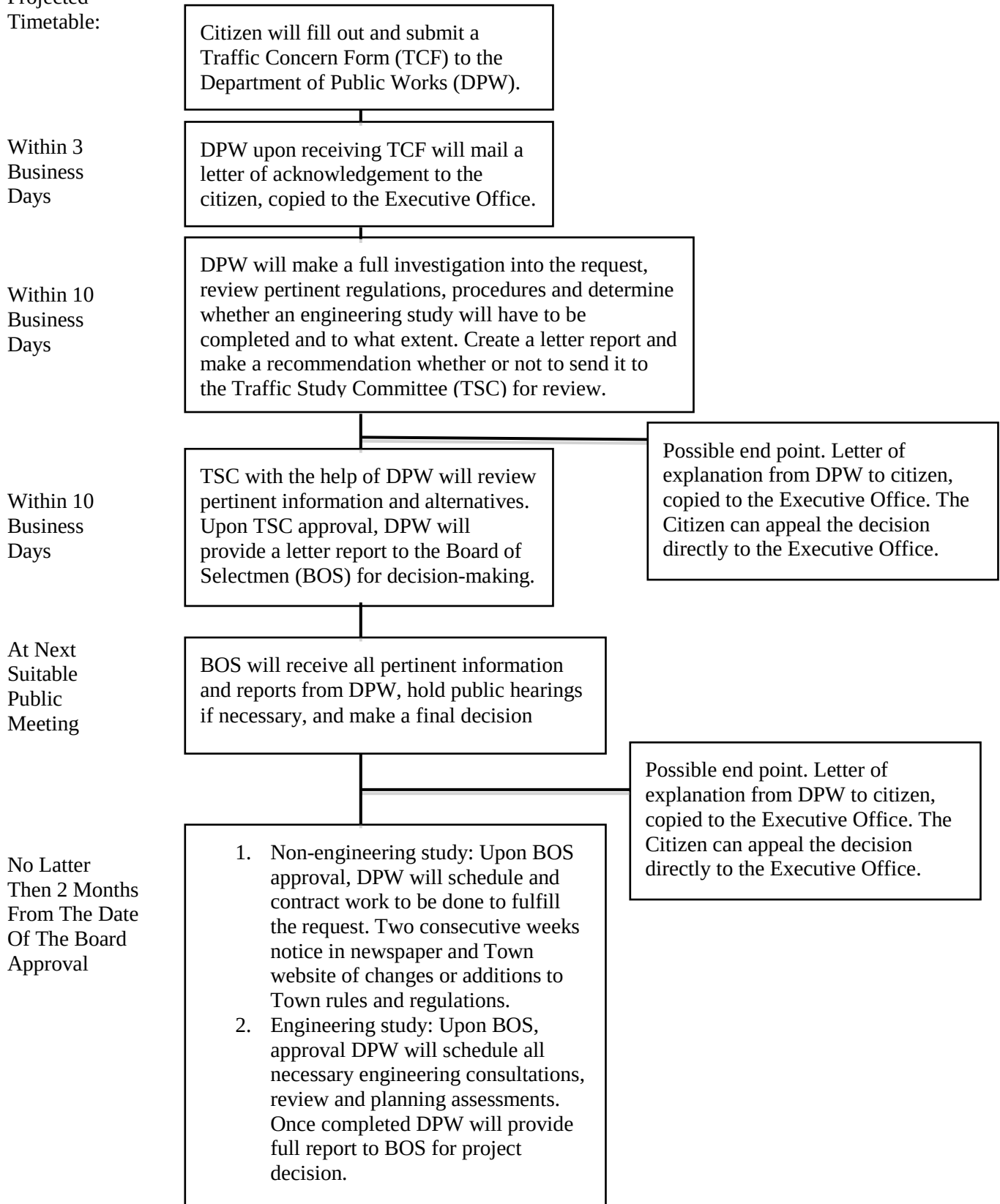
TCF Procedural Path 1 Flow Chart
(TCF Projects \$1000 and Below)



APPENDIX C

TCF Procedural Path 2 Flow Chart
(TCF Projects \$1000.01 and Above)

Projected
Timetable:



(Flow Chart Continued)

At Next
Suitable
Public
Meeting

BOS will receive all pertinent information, reports from DPW and engineering reports. Hold public hearing if necessary, and make final decision.

No Letter
Then 2 Months
From The Date
Of The Board
Approval

Upon BOS approval, DPW will schedule and contract, work to be done to fulfill the request. Two consecutive weeks notice in newspaper and Town website of changes or additions to Town rules and regulations.

Possible end point. Letter of explanation from DPW to citizen, copied to the Executive Office. The Citizen can appeal the decision directly to the Executive Office.



Policy on Authorizing Work or Services Performed by Any Municipal Department for Town and School Departments and Other Agencies or Entities

Policy Number XV

Issue date:

Type of policy: New (☒) Amendment (☐)

Effective date:

Level: Department (☐) Division (☐) Town Wide (☒)

Policy Statement

The purpose of this policy is to provide a mechanism for the Executive Office to monitor and approve the external use of various municipal staff, equipment and materials by any Town/School Agency, Department or Entity (public or private) hereafter “entities.”

References

None.

Special Terms

Internal Use – The usage of any municipal department’s staff, equipment and materials authorized and organized by the department itself.

External Use – The usage of any municipal department’s staff, equipment and materials by any entity outside of the department, public or private. Please note: this policy refers strictly to the External Use of departmental staff, equipment and materials.

Policy Description

I. General

A systematic communication and services monitoring system will enable the Town to more effectively track the use of municipal staff and to better evaluate current and future municipal service levels and support systems. A monitoring system will also enable the various municipal departments to more effectively and efficiently support and provide services to these entities and ensure that requests made by these entities are promptly and fairly evaluated. Routine departmental functions and services shall not be compromised to accomplish any special request made.

II. Procedure for Assignment of Work to DPW Personnel

The following procedure shall be followed whenever any external entity seeks to have any employee(s) of any municipal department perform any task or function on behalf of any external entity.

1. Before requesting municipal personnel to perform a task, the agency shall forward a copy of the proposed description of work that will require involvement of municipal personnel and equipment to the relevant Department Head. He/she shall review the proposal in order to determine whether said department will be able to perform the task. The Department Head's evaluation shall include whether the department has the technical capability to perform the tasks requested and whether the present workload of the department will enable them to perform the task in the time frame requested. The Department Head shall report the results of this evaluation to the Executive Office as soon as possible. Such report shall include a brief summary of the scope of the requested task, and the Department Head's recommendation to either perform or not perform the task. In the event that the Department Head does not approve the initial request, he shall immediately contact the Executive Office to advise why the department will not undertake any such request.
2. If approved, the Department Head or his/her designee shall prepare a project schedule and assign the appropriate personnel, equipment, and materials to accomplish the request.
3. If disagreement results related to project approval, denial or approach between the Department Head and any requesting entity shall be brought to the attention of the Executive Office. If it cannot be worked out to the satisfaction of all at that level, such appeal shall be brought to the Board of Selectmen. The Board shall then render a final and binding decision.

III. Oversight of Approved Projects

- A. The Department Head shall establish a formal system for monitoring the timely completion of any agreed upon tasks that have been assigned under Section II of this policy (the projects), and for tracking the performance of departmental

- employees in these tasks. The Department Head shall also estimate the cost of the personnel, materials and equipment.
- B. The Department Head shall, in his/her quarterly report to the Board, include a section pertaining to the monitoring of the projects. This section shall include a status report and a timetable relating to progress on major assignments.
 - C. The Department Head shall report to the Executive Office whenever tasks are creating an unexpected, unreasonable or excessive workload for said department.



Policy on Street Opening Petitions

Policy Number XVI

Issue date: January 27, 2004

Type of policy: New (☒) Amendment ()

Effective date: January 28, 2004

Level: Department () Division () Town Wide (☒)

Policy Statement

This policy statement sets forth the procedure to be followed with regard to any request made in the Town of Canton for all street excavations.

References

None.

Special Terms

None.

Policy Description

I. Procedure for Applying for Street Openings

Any petitioner seeking to excavate within a Town-owned layout must first submit an application for a Street Excavation Permit (see Appendix L) to the Department of Public Works (DPW), including an accurate fee schedule. Payment for the permit application may be either cash or in the form of a certified bank check made payable to the Town of Canton. Payment for all refundable deposits must be in the form of a certified bank check, made payable to the Town of Canton.

The DPW Administration Office shall follow the Street Opening Application Checklist when processing an application for street excavation (see Appendix M). The DPW Administration shall retain this checklist for filing purposes.

With the exception of utility companies the applicant must obtain a public works construction license prior to applying for any street excavation permits. If the applicant intends to do work other than curb cuts and paving for driveways, or sidewalk construction, that applicant must also obtain a utility contractor's license.

All applicants must provide a dig safe number on the application.

The applicant must notify the Water Division for water/sewer markouts prior to filing.

Minimum period for reviewing and approving a street excavation permit for the proposed opening shall be forty-eight (48) hours.

In the event that a proposed street opening is located within a scenic way, approval of the Planning Board must be provided in writing if the scope of the work invokes the Scenic Way Rules and Regulations as adopted by the Planning Board.

The application must receive the approval of the Highway Supervisor for location, and finally the Superintendent of Public Works, or the Assistant Superintendent of Public Works in his/her absence.

Applications will only be received prior to November 1. All digging must be completed by November 15, and all work must be final paved and/or brought back to as near original condition as possible by November 30. The Superintendent of Public Works reserves his/her right to alter these dates to reflect varying weather conditions.

If the scope of the work requires detours or the closing of a street, please refer to Policy XVI for the proper protocol and procedure.

Once the application is approved, the applicant must keep a signed, approved copy on site while performing the excavation.



Policy on Petitions for Street Closing and the Detouring of Traffic

Policy Number XVII

Issue date: January 27, 2004

Type of policy: New (☒) Amendment ()

Effective date: January 28, 2004

Level: Department () Division () Town Wide (☒)

Policy Statement

This policy statement sets forth the procedure to be followed with regard to any petition made in the Town of Canton for the closing of streets and roadways, and the detouring of traffic.

References

None.

Special Terms

None.

Policy Description

I. Procedure

Any person, contractor, company, or entity, hereafter “petitioner” seeking to temporarily close a street or roadway shall first submit their request in writing to both the Police and Fire Chiefs including the specific dates, times, and locations relevant to the proposal.

Any request must include a proposed detour with a statement of intent to provide signage for said detour.

Upon receiving written approval from both the Police and Fire Chiefs the petitioner must then submit in writing a request to the Executive Office. This request must include not only the information already submitted to the Police and Fire Chiefs, but also written copies of their approval. The request will then be placed on the agenda for the next regularly scheduled Board meeting, where the Board will vote on the petition. It is the policy of the Board to only grant permission for street closings when the request allows sufficient time to notify the public of the street closing via local media.

In no case, other than an emergency, shall a request be granted to a petitioner providing less than forty-eight (48) hours notice. The Board may delegate the authority to grant permission for street openings in cases of emergency to a designee including, but not limited to the Police Chief.

In accordance with local by-law, any work undertaken shall be conducted between the hours of 7:00 AM and 10:00 PM. If possible, the Board would prefer that the permit holder conduct all work between the hours of 9:00 AM and 3:30 PM.



Policy on Abatement or Adjustment of Water and Sewer Charges

Policy Number XVIII

Issue date: January 27, 2004

Type of policy: New (☒) Amendment (☐)

Effective date: January 28, 2004

Level: Department (☐) Division (☐) Town Wide (☒)

Policy Statement

The costs associated with the operation of the Town's water and sewer services are paid for by user charges pursuant to an enterprise accounting system. These charges, for the most part, are determined by the amount of the service consumed, i.e., the number of water units used or sewerage treated. Customers are also charged for miscellaneous services such as water turn on/shut off, water meter tests, meters, connection fees and other occasional services. Since errors can and do occur in recording and calculating consumption of water and sewer, it is the policy of the Town to correct such errors and to make a corresponding adjustment in customers' bills.

For billing purposes the Town assumes that sewer use equals water use. When a customer can demonstrate that a quantity of water billed to the user did not go into the sewer system, other than a toilet leak that does enter the system, the Town will make a reasonable adjustment in the user's bill. The Board reserves the right to deduct "sewer charges" when it is determined the sewer portion costs are the result of a special circumstance.

This policy establishes a formal appeal (to the Board) process by which a customer can obtain a review of a determination regarding a customer's application for abatement or request for adjustment if the user is not satisfied by the decision of the Superintendent of Public Works as recommended by the Water/Sewer Division Office, or if the user seeks

an abatement or adjustment that is not within the power of the Superintendent to grant. See the attached abatement form.

References

MGL Ch. 44 § 53½F

MGL Ch. 59 § 5

Special Terms Defined

- A) Abatement:** A change in an issued utility bill for reasons not attributable to errors made in calculating the utility bill OR demonstration of non-use of a service. (Normally performed by the Board or designee)
- B) Adjustment:** A change in an issued utility bill for reasons attributable to errors made in calculating the utility bill or because it was demonstrated that the service was not used. (Normally performed by the Water/Sewer Division of the Department of Public Works)
- C) Billing Period:** The period of time between one reading of a meter (either actual or estimated) and a second reading of a meter (either actual or estimated) when the difference between the meter readings is used to calculate consumption of a utility service.
- D) Same Cycle Billing Period:** Billing periods from the same seasonal time of year, used to reflect similar usage when determining adjustments and abatements.

Policy Description

I) AUTHORITY FOR THIS POLICY:

- A)** Board of Selectmen or designee.
- B)** MGL Ch. 44 § 53½F Enterprise Funds (Annual Town Meeting Approval)

II) FORMS:

When required under this policy, requests for abatements must be submitted to the Water/Sewer Division of the Department of Public Works in writing and the Department will supply forms to be used to provide the information needed to act upon the matter (see Appendix N). These forms, which may be revised from time to time, include the following:

- Application for Water and/or Sewer Abatement (shall include all documentation).

- Request for adjustment of Water and/or Sewer Bill
- Appeal to the Board
- Sewer Abatement Plumber's Verification

III) SPECIFIC PROVISIONS:

A) Grounds for Abatements:

1) Unexplained volume of water consumed:

If a meter records a volume of water during one billing period that is higher than the volume of water recorded for the account of the same customer during the four (4) same cycle billing periods (at a minimum) before the period of the high usage, and if the customer demonstrates that there has been no change or a detailed explanation of increased water use in the occupant(s)' customary pattern of usage, and if the excessive volume results in application of a second (or third) "block" billing rate, then, upon receipt of a written abatement request, the Water/Sewer Division of the Department of Public Works will investigate the abatement request. If the Superintendent of Public Works finds that the above conditions exist, and a test of the meter proves the meter to be inaccurate, an appropriate adjustment will be made. In determining whether the volume of water recorded is excessive, the Water/Sewer Office will compare the average monthly rate of usage during the relevant billing period with the average monthly usage rate during the prior four (4) same cycle billing periods (at a minimum). The decision of the Superintendent (whether the volume recorded is unexplained and whether it is excessive) may be appealed by the customer to the Board.

B) Grounds for adjustments:

- 1) Billing errors that entitle a customer to an adjusted bill**
- 2) Reporting of the actual meter reading is incorrect**
- 3) Recording on the inside and outside meters is different. The inside meter shall take precedence.**
- 4) Estimated bill is higher than bill based on meter reading.**
- 5) Incorrect number of units in the dwelling used to calculate bill for service at a multi-family dwelling with a single meter.**
- 6) An error or miscalculation in a bill for miscellaneous services.**
- 7) Sewer charges will be adjusted to correct for:**
 - a) Major water leaks that result in a volume of water not entering the sewer system. The customer must submit verification from a licensed plumber as to the cause of the condition, signed by a licensed plumber having personal knowledge of the facts and repairs made.**

- b) In order to avoid “sewer” charges for water used in swimming pool filling process, the customer must purchase and have installed a second meter.
- c) Customer’s premises were not connected to the sewer system during the billing period.

C) Abatements and adjustments for reasons other than those stated in this policy:

Applications for abatements or requests for adjustments for reasons other than those stated in this policy must be made in writing directly to the Water/Sewer Division of the Department of Public Works, which will determine the validity of the request and the amount of any abatement or adjustment. A customer's inability to pay a water or sewer bill may not be grounds for abatement under this policy. The Water/Sewer Division will maintain a file of all such requests, including the written request, the results of any investigation, the action taken and the reasons therefrom including a specific statement why the abatement or adjustment was granted on grounds other than those stated in this policy. The file shall be subject to the Public Records Law.

IV) SUBMISSION OF APPLICATIONS FOR ABATEMENTS AND REQUESTS FOR ADJUSTMENTS:

Applications for abatements and requests for adjustments must be submitted within two (2) months after the end of the billing period for which an abatement or adjustment is sought.

No application for abatement or adjustment will be accepted on any account unless all amounts due on that account, including interest and penalties, for all billing periods prior to the payment period covered by the abatement or adjustment application have been paid in full.

Applications for abatement and requests for adjustment that are on file at the time of adoption of this policy will be governed by this policy. Such pending applications or requests will be eligible for favorable action for all billing periods to which they relate.

V) PROCEDURE FOR SUBMISSION OF APPLICATIONS FOR ABATEMENT, REQUESTS FOR ADJUSTMENTS AND APPEALS TO THE BOARD OF SELECTMEN:

A) Administrative Review and Action (Step 1)

Customers seeking abatements or requesting adjustments must contact, the Water/Sewer Division Office as designated by the Public Works Superintendent to process abatement applications and requests for adjustments. The customer may be requested to submit in writing a completed Application for Water and Sewer Abatement or Request for Adjustment. Applications and Requests will be date stamped by the

Water/Sewer Division of the Department of Public Works on the date they are completed and filed. Upon the receipt of an abatement or adjustment request, the Water/Sewer Office shall take one of the following actions:

If the Water/Sewer Office determines that a billing adjustment as provided in Section V, B of this policy is necessary, the Water/Sewer Office will approve the adjustment and prepare a bill consistent with the adjustment. The Water/Sewer Office shall be authorized only to decide applications for requests for adjustments in amounts not to exceed one thousand dollars (\$1,000). For amounts greater than one thousand dollars (\$1,000), the Water/Sewer Office shall submit a written recommendation to the Superintendent of Public Works for approval as provided under Step 2 Section V.A of the Review process. For adjustments over one thousand dollars (\$1,000) attributable to bill processing error, the Water/Sewer Division may make an adjustment without consulting the Superintendent, provided full documentation of the adjustment is made and retained for filing purposes.

If the Water/Sewer Office determines that an abatement or adjustment as provided in Section V.C of this policy is required, the Water/Sewer Office will forward the abatement or adjustment request to the Board as provided under Step 3 of the Review process, with a copy submitted to the Superintendent.

The Water/Sewer Office will process abatement applications and requests for adjustment requiring written notice within fifteen (15) days after the date the completed application or request was received.

All abatement applications or requests for adjustment that cannot be resolved by the Water/Sewer Office within fifteen (15) days will be transferred promptly to the Superintendent of Public Works for review. The Water/Sewer Office may refer any application or request to the Superintendent of Public Works or the Board of Selectmen for initial action within the fifteen (15) days. The Water/Sewer Office shall promptly notify each customer whose application has been referred to the Board of Selectmen and/or designee and shall provide a copy of this policy to such customer.

B) Superintendent of Public Works Review: (Step 2)

The Superintendent of Public Works, will, within fifteen (15) days after receipt of an Application for Abatement or Request for Adjustment not resolved by the designee, including recommendations from the designee, decide whether to approve the requested relief. Said decision shall be in writing and include the reasons therefore. If the Superintendent of Public Works cannot resolve the abatement or adjustment within fifteen (15) days he/she shall return the application or request to the Water/Sewer Office for submission to the Board of Selectmen and/or designee.

The Superintendent of Public Works shall be authorized only to decide applications for abatement or requests for adjustments in amounts not to exceed four thousand dollars (\$4,000). For amounts greater than four thousand dollars (\$4,000), the Superintendent of Public Works shall submit a written recommendation to the Board's designee for approval.

C) The Board of Selectmen (Step 3)

The Board and/or their designee shall hear appeals from Steps 1 and 2 under the conditions stated in this policy, review abatement or adjustment decisions, and shall also act upon abatement applications and requests for adjustments that are not covered by other provisions of this policy.

Failure to submit the request for appeal to the Board of Selectmen from a determination of the Superintendent of Public Works within thirty (30) days of receipt of the Superintendent's decision can result in the customer's appeal rights being nullified.

If necessary the Board shall hear the customer and a representative of the Water/Sewer Division of the Department of Public Works and their witnesses, if any, and shall receive such documentary evidence as it deems relevant to the matter before it. The Board shall keep a record of its proceedings. Its proceedings and records are subject to the Open Meeting and Public Records laws of the Commonwealth as well as any requirements set forth in the Town's by-laws for all boards and committees. Such hearing shall not be necessary if the Board designee successfully resolves the abatement application.

The Board and/or designee shall decide any action or appeal under Step 1 or 2 within thirty (30) days after receipt of the appeal.

All decisions shall be in writing, shall state the reasons for the decision and the amount, if any, of the abatement or adjustment. Decisions of the Board are final, subject to such judicial review as may be available under the laws of the Commonwealth of Massachusetts. A copy of all decisions shall be given to the Water/Sewer Office for filing purposes.

VI) RECORD KEEPING:

The Water/Sewer Division of the Department of Public Works will maintain a log of all abatement applications and requests for adjustment that shall include the customers' name, account number, the reason for the abatement or adjustment and its resolution. Copies of this log shall be distributed each month to the Board of Selectmen. The Water/Sewer Division of the Department of Public Works will also maintain a file of all applications for adjustment or abatement that shall include the written application, the results of any investigation, the action taken and the reasons therefore. The file shall be subject to the Public Records Law.

**VII) PARTIAL PAYMENT OF CONTESTED BILLS ACCRUAL AND
REMISSION OF INTEREST AND PENALTIES:**

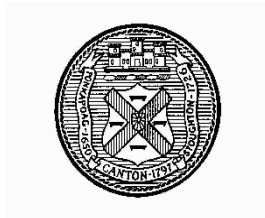
Customers who file abatement applications or requests for adjustments are required to have paid all prior bills (including penalties and interest, if applicable).

Should all or part of an abatement application or adjustment request be granted, any “reimbursement” would be credited against future bills unless otherwise determined by the Water/Sewer Office. No interest or late charges will accrue on the charges in dispute during the abatement process.

VIII) METHOD OF GIVING NOTICE:

The Water/Sewer Division of the Department of Public Works will transmit all written communications required to be given under this policy by registered or certified U.S. Mail, return receipt requested, directed to the billing address of the customer unless the customer has notified the Water/Sewer Division of the Department of Public Works in writing of a different address.

For the purpose of the time limitations in this policy, the date of the postmark on communications directed to or from the Water/Sewer Division of the Department of Public Works and for communications delivered by hand to the Water/Sewer Division of the Department of Public Works the date of receipt, shown by the date stamp of the Water/Sewer Division of the Department of Public Works will be conclusive.



Policy on Senior Citizen Tax Credit Program

Policy Number XIX

Issue date: January 27, 2004

Type of policy: New (x) Amendment ()

Effective date: January 28, 2004

Level: Department () Division () Town Wide (x)

Policy Statement

This policy seeks to codify the program through which senior citizens are compensated for aid they provide to the Town.

References

None.

Special Terms

None.

Policy Description

I. Purpose

- The purpose of this program is:
- To assist in using the expertise and skills of senior citizens.
- To increase community involvement.

- To allow senior citizens to provide services to cover part of their property taxes in support of the Town.
- Provide financial relief from property tax to Canton seniors.

II. Program Overview

The Town of Canton will offer senior citizens who are home owners and are of the age of sixty (60) the opportunity to assist the Town in specific, temporary, part-time assignments in order to reduce the amount of property tax owed as determined by MGL and Town Meeting.

A participant can work up to approximately one hundred (100) hours. All participants are considered outside service contractors and not considered Town employees for any reason.

In no instance shall the amount by which a person's property tax liability is reduced in exchange for the provision of services be considered income, wages, or employment for the purposes of taxation as outlined in MGL Ch. 62, for purposes of withholding taxes as outlined in MGL Ch. 62B, for purposes of unemployment insurance as outlined in MGL Ch. 151, for purposes of workers compensation as outlined in MGL Ch. 152, or any other applicable provisions of any law. However, IRS requirements applicable to Federal Income and Medicare Tax will apply to any amount of abatement.

Locations of assignments will be determined by the Canton Board of Selectmen with the assistance of the "requesting" Departments.

A part time coordinator, Director of Council on Aging, telephone number 781-828-1323, has been selected to manage the program. The coordinator duties include, but are not limited to the following:

- Surveying buildings and departments to identify potential assignment openings.
- Recruiting qualified seniors as program participants.
- Developing promotional materials and program forms.
- Creating a computer database and keeping it current.
- Matching applicants with program openings.
- Recommending applicants to the Board of Selectmen.
- Processing all paperwork.
- Conducting an evaluation of the program.
- Providing a year-end report to be included in the Town Report.
- Maintaining close communication with the Town Administrator on all aspects of the program to properly keep the Board of Selectmen informed.

III. Procedures

Program Coordinator selected and trained.

Board of Selectmen/Town Administrator surveys buildings and departments for appropriate program openings.

Board of Selectmen/Town Administrator publicizes program and Program Coordinator recruits qualified seniors. Each interested senior completes an application form (see Appendix O) and provides a copy of his/her tax bill.

Departments request a senior by sending an assignment request form (see Appendix P) to the Program Coordinator with copies to Executive Office/Board of Selectmen.

Program Coordinator contacts seniors qualified for the requested assignment, completes necessary forms. "Selections" will be offered to seniors by taking into consideration skills, location, transportation, physical limitations, and previous volunteer service.

Town Administrator or Department Head(s) may interview seniors before making their decision to or not to select for program, and return the interview form to the program coordinator.

When a senior is selected, the Department Head and the senior complete a contract form, which stipulates the assignment duties and hours to be worked. A copy of this form is provided to the senior and to the program coordinator. The senior keeps a program activity sheet, which is verified by his/her supervisor at the work site.

IV. Eligibility

Program participants should:

- Be 60 years of age or older, as of January 1, 2008.
- Be homeowners or current spouses of homeowners, as of January 1, 2008.
- Reside within the Town of Canton.
- Occupy the property for which taxes are paid.
- Present a copy of his/her tax notice upon application to the program.
- Provide income verification information if requested.
- Program participation will determine final eligibility requirements in any given program year.

V. Benefits

Benefits to the participants include the following:

- Greater control of their economic life.
- Opportunities to share the knowledge they have accumulated over a lifetime.
- Becoming involved in and contributing to a mutually regarding endeavor.
- Part-time, temporary positions fit nicely with busy senior's life styles.

- In some cases, participants may continue to work with the Town as volunteers or apply for other temporary openings if the opportunity arises.

Benefits to the Town include:

- It is cost effective to fill temporary, part-time positions at minimum wage requirement.
- Temporary part-time assignments are often difficult to fill with competent help. Seniors in the program will bring years of experience to this program.
- The program offers the Town a creative opportunity to provide service to its community's seniors who, in most cases, must live on a fixed income in a time of ever-rising costs.
- By working side by side with seniors, Town employees and other members of the community, the seniors will come to better understand the needs of and the services provided by the Town of Canton.

VI. Tax Rebates

When the senior's assignment is completed, his/her time sheet is turned in to the program coordinator who will verify the tax credit value of the hours worked.

Town of Canton
Supplemental Policy
Elected Officials Health Insurance

Effective 5-21-03

Amended 11-7-2023

POLICY: In an effort to properly administer and determine "eligibility" of those elected persons, who are not statutorily by matter of right, required to be included on the Town's Medical, Dental, and Life Insurance Plans, this policy is hereby amended. This amended policy also is designed to limit overall costs to the town.

SCOPE: This amendment to the Elected Official Health Insurance policy eliminates eligibility for medical, dental and life insurance with two exceptions:

- As a full time employee, the Town Clerk will be eligible for insurance benefits in accordance with the Town of Canton's employee benefits policy and the employees personal services contract.
- Any compensated elected official receiving insurance benefits at the time of this amendment will be eligible to continue with that insurance benefit for the duration of their service as a compensated elected official. Benefits shall terminate when the elected official ends their service to the town as an elected official. Should they return to service in the future as a compensated elected official they will not be eligible for insurance benefits.

DEFINITIONS: Eligibility for insurance benefits under this policy shall be limited to the Town Clerk and any compensated elected official receiving insurance benefits on the effective date of this policy.

PLAN ELIGIBILITY: Eligible elected officials will be eligible for insurance plans offered by the Town of Canton according to the Town of Canton policy for employees and any provisions of a personal services contract.

APPLICATION:

**TRANSITIONAL
PROVISIONS:**

ENFORCEMENT:

AUTHORITY: Consistent with GL ch 32B §2 the Select Board approvals and decisions related to this policy shall be final



Policy on the Waiving of Municipal Inspection and Permit Fees

Policy Number XXI

Issue date: January 27, 2004

Type of policy: New (x) Amendment ()

Effective date: January 28, 2004

Level: Department () Division () Town Wide (x)

Policy Statement

This policy statement sets forth the policy of the Board of Selectmen/designee on the waiving of municipal inspection and permit fees for individuals, companies, contractors and other entities, internal or external, providing services and/or permitted work otherwise benefiting the Town.

References

None.

Special Terms

None.

Policy Description

I. General

A variety of fees are normally charged for the various services provided by the Town including, but not limited to inspections and permits. In such cases, the intent of the

fee(s) is to recover the cost the Town incurs directly and indirectly for providing these services. However, when an individual, company, contractor and/or other entity, hereafter “entity,” is to render contract services to the Town, including but not limited to renovation and construction, it shall be the policy of the Board to waive such fees according to the provisions of this policy. The purpose of granting such fee exemptions is to eliminate the inclusion of such charges and/or costs as part of any Town contract.

II. Qualification for Fee Exemptions

For any entity to qualify for any fee exemption, it must first be determined to be rendering contract services for the public benefit. The Board and/or designee reserve the right to make such a determination.

III. Bidding Process

If the contract services have been determined to be for the public benefit, the contractor must then include in the bidding document or instructions an affidavit relative to fee exemptions. The affidavit must state in writing that the bid is being made with the understanding that the relevant fees will be waived, and that they have not been figured into the ultimate cost of the contract service(s) being provided.



Policy on Entertainment and Amusement Permits

Policy Number XXIII

Issue date: January 27, 2004

Type of policy: New (x) Amendment ()

Effective date: January 28, 2004

Level: Department () Division () Town Wide (x)

Policy Statement

This policy establishes and standardizes the guidelines for the procedure relating to the application for Entertainment and Amusement permits.

References

None.

Special Terms

None.

Policy Description

I. Procedure

The resident will first complete an application for either Amusement Devices (see Appendix R) or Entertainment Devices (see Appendix S), available in the Executive Office. The application shall include: date of application, the applicant's name,

applicant's address, applicants home telephone number, the number of amusement devices (if applicable), and the signature of applicant.
For amusement devices, a fee of fifty dollars (\$50.00) per amusement devices shall be included with each application when filed.

For entertainment permits, a fee of forty dollars (\$40.00) shall be included with each application filed.

Upon receipt of this request including the appropriate fees, the Executive Office/designee shall fill out the appropriate permit for the applicant, and place the request on the agenda for the next regularly scheduled Board meeting for action.

Once action is taken by the Board, the Executive Office/designee shall notify the applicant of the decision.

The Executive Office shall retain a copy of the application and all written correspondence pertaining to the request for filing purposes.



Policy on Yard Sale Permits

Policy Number XXIV

Issue date: January 27, 2004

Type of policy: New (x) Amendment ()

Effective date: January 28, 2004

Level: Department () Division () Town Wide (x)

Policy Statement

This policy establishes and standardizes the guidelines for the procedure relating to the application for Yard Sale permits.

References

Canton Town By-Laws Article XIV § 50

Special Terms

None.

Policy Description

I. Procedure

The resident will first complete an application for a yard sale permit not less than fourteen (14) days prior to the date, or dates, for which the permit is requested (see Canton Town By-Laws Article XIV § 50). Applications shall be available either at the front desk in Town Hall or at the Executive Office (see Appendix T). The application shall include: date of application, the applicant's name, applicant's address, applicants

home telephone number, dates requested for yard sale, location of yard sale, hours of yard sale and the signature of applicant.

Upon receipt of this request, the Executive Office/designee shall fill out a permit for the applicant regarding the sale of household goods for the type commonly known as “yard,” “tag,” or “garage” sales on such a premises where such a residence is located provided that no such premises may be used for such purposes on more than two (2) consecutive days twice in any one calendar year.

A fee of Fifteen Dollars (\$15.00) shall be included with each application when filed.

A copy of the application shall be filed with the Fire Department and Police Department.

The Executive Office shall retain a copy of the application and all written correspondence pertaining to the request for filing purposes.

In the event of inclement weather preventing a yard sale permit from being utilized, the permit holder shall notify the Executive Office within one (1) week of the date listed on the permit of any intent to postpone the yard sale. All postponed yard sale permits must be utilized within sixty (60) days, after which time they are subject to forfeiture.



Policy on Converting Private Streets into Public Ways

Policy Number XXV

Issue date: October 2, 2012

Type of policy: New (☒) Amendment ()

Effective date: October 15, 2012

Level: Department () Division () Town Wide (☒)

Policy Statement

This is a formal policy for the Town of Canton (“Town”) Board of Selectmen (“Board”) to consider for the handling of requests by multiple property owners to convert a private street into a public way. It is not intended as a legal memorandum to detail the various legal and procedural requirements in connection with the Town laying out a public way, which can be provided upon request.

Special Terms

None.

Policy Description

I. Response to Request for Layout of Public Way Informing Owners of Costs.

The Town’s policy is for the property owners abutting the private street to be laid out as a public way to bear all costs for the layout and improvement of that street. When the Town first receives a request to convert a private street into a public way, the Board will provide proponents and other property owners a notice outlining the property owners’ responsibilities to create the public way. A sample notice is attached as Exhibit 1.

II. A Strong Majority (approximately 75%) of Lot Owners to Confirm Assumption of Costs.

Because the property owners will be required to bear all costs for the layout and improvement of the way, a strong majority – if not all – of the owners must represent to the Town in writing that they support the project and will assume a share of the costs and obligations related to the layout and improvement of the way. One way to accomplish this is to request each property owner to sign and return the sample outline attached as Exhibit 1.

III. All Benefited Lot Owners To Bear All Engineering and Legal Costs.

The property owners will bear all engineering and legal costs to create the public way. All affected property owners will be responsible to engage and to pay: (i) an engineer for all surveying, layout design, installing surveyor monuments, and any as-built plans, and (ii) an attorney for title work and title certification to the Town. The property owners will be directly responsible for these costs per arrangements with their engineer and attorney whether or not the public way is ever finally accepted.

IV. All Benefited Lot Owners to Bear All Construction Costs.

The property owners will be responsible to pay all construction costs to improve the way to a condition, as the Board shall determine, suitable for the Town to accept it, including but not limited to full-depth reconstruction of the existing street, more temporary methods of resurfacing and installing surveyor monuments, sidewalks and drains. Depending on the construction required, the property owners may be able to pay for construction costs through a combination of upfront payment or betterment assessment for a period not to exceed 10 years or other period allowed by law or otherwise advisable based on available rates and conditions for any borrowing by the Town. To the extent the Board may assess betterments, the Board will determine the shares that each property owner will be responsible to pay.

V. The Survey Plan.

The property owners, through their engineer and at their cost, must provide to the Town at least three copies of a survey plan showing the proposed roadway with precise linear measurements, area calculations, necessary property boundaries, grade, property owner names, property owner addresses and Town map and parcel numbers. A copy of the plan should be forwarded to the Town's Engineering Department. Once the Town's Engineering Department determines that the survey is acceptable, the property owners' engineer will also be required to forward the Town a final version of the survey in mylar form.

VI. Title.

Once the Town's Engineering Department determines that the survey is acceptable, the survey must be forwarded to Town Counsel for review together with a certification by the property owners' attorney regarding ownership of the affected parcels so that Town Counsel can confirm ownership and prepare easements for execution by the property owners. Coordination by the Engineering Department and Town Counsel for review of the survey may be appropriate when the Town first receives a survey to prevent the need for further modification to the survey and unnecessary costs.

VII. All Benefited Lot Owners to Grant the Town Easements for Property Rights.

Once title is confirmed, then all affected property owners will be required to grant to the Town an easement for the Town to use their properties for public way purposes, including any rights reasonably necessary for sloping, sidewalks or drainage that might be located outside the paved portion of the street, based upon the Town's standard form easement. A sample standard form easement (with exhibits for a plan and mortgagee assent) is attached as Exhibit 2.

VIII. Collection of Signed Easements before Board of Selectmen Meeting.

The proponents of the public way must ensure that all necessary easements to the Town are executed, collected and delivered to the Town at least 60 days prior to the deadline for the submission of articles for the annual Town Meeting warrant. All necessary easements should be so delivered prior to the Board meeting to create the public way. Once executed, the easements can be delivered to the Town and held in escrow until Town Meeting votes to accept the street as a public way and to authorize the Board to acquire the easements.

IX. Referral to Planning Board for Planning Board Report.

Once all easements have been collected, the Board must forward the Planning Board the survey pursuant to G.L. c. 41, § 81I for the Planning Board to make its non-binding report to the Board regarding the proposed layout, including the dimensions, condition and characteristics of the street and its recommendation as to whether the street should become a public way.

X. Meeting to Lay Out Way.

Once all necessary easements are executed and delivered to the Board and the Planning Board has issued its report (or 45 days have passed since the Board referred the matter to the Planning Board), the Board should meet to (i) find whether common convenience and necessity support laying out the street as a public way, and (ii) vote as to whether the way should be laid out as a public way.

XI. Town Meeting Acceptance.

If the Board votes to lay out the street as a public way, then (i) Town Meeting must accept the street as a public way, and (ii) the easements (or any order of taking) must be recorded at the Registry of Deeds within 120 days of the Town Meeting, unless betterments are to be assessed, in which case the Town should record the easements together with any initial order for betterments *within 90 days* of Town Meeting acceptance. A sample warrant article is attached hereto as Exhibit 3.

XII. Betterments for Layouts.

In furtherance of a Town policy to require benefited property owners to pay for all construction costs related to the layout, the Board may order a betterment (i.e., a special tax) to be assessed against each of the benefited property owners for their proportionate share of the costs for the improvement of the way. As part of this policy, the Board has determined that all road and other improvements and associated necessary for acceptance, as determined by the Board, will be borne by the property owners as (i) a full sum payment per agreement with the Board paid to the Town before the Board votes to layout the street as a public way, (ii) a betterment assessment, or (iii) some combination thereof, as determined by the Board in the Board's sole discretion, based upon any relevant factors and all applicable laws, regulations and bylaws. The duration of any betterment assessment not to exceed 10 years or other period allowed by law or otherwise advisable based upon available rates, terms and conditions for any borrowings by the Town and to seek guidance from the Town's Finance Director with respect to the duration of the assessments.

XIII. Conveyance of Benefited Parcels of Land

Upon conveyance or refinance of any benefited individual parcel of land, the remaining amount of its proportionate share of the betterment assessment must be paid in full to the Town at the time of such conveyance and or refinance. No failure to pay the Town in full at the time of such conveyance or refinancing shall terminate or affect the responsibility of any current or prior owner of any benefitted parcel or any successors in interest to such parcel to pay the Town the full amount assessed nor the validity or enforcement of any order or lien related to or arising from a betterment assessment.

EXHIBIT 1

Sample Outline for Property Owners

NOTICE TO PROPERTY OWNER

Of Town Policy to Create a Public Way

- The creation of a public way generally requires (1) a survey to show the boundaries of the public way; (2) grants to the Town by you and your neighbors of permanent property rights for the Town to use your properties for a public way; (3) Planning Board review and report to the Board of Selectmen regarding the creation of the public way; (4) a public meeting of the Board of Selectmen to determine whether your street should be laid out as a public way; (5) acceptance by Town Meeting of your street as a public way; and (6) the recording of instruments granting property rights (easements and orders for takings or betterments) at the Registry of Deeds in the chain of title for your property.
- The Town is not guaranteeing or representing to you that a public way will ever be laid out or accepted by the Town, even if you have undertaken necessary steps toward the creation of the public way and incurred costs in doing so.
- All expenses incurred by you in connection with the creation of the public way are at your risk, even if no public way is ever created or accepted by the Town.
- You will be responsible, at your cost, for all engineering and legal work for the creation of the public way, whether or not your street is ultimately laid out or accepted street as a public way.
- You will be responsible, at your cost, for all expenses to improve your street to a suitable condition of the Town to accept as a public way through a payment, betterment assessment (i.e., a special tax) or a combination payment/betterment assessment. No betterment will be assessed until after meeting has accepted your street as a public way.
- Because you and your neighbors will be required to pay the costs to create the public way, the Town will wish to see neighborhood support to have your street accepted as a public way. To indicate neighborhood support, the Town requests that you provide the Town a written representation, signed by a strong majority (approximately 75%) of the affected property owners that you support and are willing to pay the costs for the creation of the public way.
- The work and costs will at minimum include the preparation of a survey of the street showing the boundaries of the street and title work and certification for all affected properties.
- The survey should show precise linear measurements for the boundaries of the street and all parcels comprising a portion of the street, area calculations, names of current owners, Town map and parcel IDs, and title reference information.
- The title work should include names of current owners, names of all current mortgagees and lien holders, appropriate title reference information for deeds, mortgages and liens for such parties, and a title certification by the property owners' attorney regarding ownership of the affected parcels.
- Once title is confirmed by the Town, you and all affected property owners will be required to sign the Town's standard form easement (copy attached) to grant to the Town a permanent right to use your property for the public way.
- Once all easements are signed, collected by the neighborhood and returned to the Board of Selectmen, the Board will consider holding a public meeting to lay out your street as a public way.
- The Board of Selectmen may consider not holding a public meeting to determine whether the public way should be created until all executed easements are obtained and delivered to the Board. If even one easement is not obtained, then the Town may not create the public way.

- Because the Town may elect not to consider creating the public way without a voluntary grant of all the easements, you should strongly consider whether and how all affected property owners should agree to bear the engineering, legal and construction costs required to create the public way prior to incurring any costs.
- If betterments are assessed to assist with financing improvements, it may affect your sale or refinancing of your property.

Please sign below and return this form to the Town to indicate that you have read and understand the above and that all expenses you incur are at your own risk without any warranties or representations by the Town that your street will be established as a public way, even if you have incurred expenses for such purposes.

Your signature below may have legal consequences. The layout of public ways and the ordering of betterments are legal processes that will create binding legal obligations and that will affect your rights to your property. If not understood, we recommend you consult with an attorney.

UNDERSTOOD AND AGREED:

Sign: _____
 Print: _____
 Address: _____

Date: _____

Sign: _____
 Print: _____
 Address: _____

Date: _____

EXHIBIT 2

Standard Form Easement for Public Way

GRANT OF PERMANENT EASEMENT
FOR PUBLIC WAY

[ADDRESS], Canton

[NAME] of [ADDRESS], Canton, Massachusetts ("Grantor"), for consideration given, do hereby grant to the **TOWN OF CANTON**, a body politic and corporate having an address of Memorial Hall, 801 Washington Street, Canton, Massachusetts (the "Town"), acting by and through its Board of Selectmen, with quitclaim covenants, a permanent right and easement over that portion of Grantor's Premises located at _____, Canton Massachusetts and shown as "_____" (the "Easement Area") on the plan entitled "_____" dated _____, prepared by _____ and recorded at the Norfolk County Registry of Deeds ("Registry") in Plan Book _____ as Plan No. _____ ("Plan") for the Town and the general public for access, travel and use for all other purposes for which ways are used in the Town of Canton and Commonwealth of Massachusetts, including but not limited to entering upon and traveling over the Easement Area by foot and by vehicle, installation of utilities, and the construction, maintenance, grading, sloping, repair, replacement and removal of asphalt paving, sidewalks and other such improvements.

A reduced copy of the Plan is attached hereto as Exhibit A. An assent by the current holders of a mortgage Grantor's property, if any, is recorded herewith.

For Grantor's title, see the deed dated _____ and recorded at the Registry in Book _____, Page _____.





expires:

Acceptance of Easement

The undersigned, constituting a majority of the Town of Canton Board of Selectmen, hereby accept from Grantor the rights and easements granted hereby pursuant to the Town Meeting vote on Article ____ of the Town's ____ Town Meeting.

EXECUTED under seal this _____ day of _____.

TOWN OF CANTON
By its Board of Selectmen

Chairman

Vice Chair

Clerk

Selectman

Selectman

Commonwealth of Massachusetts
Norfolk County, ss.

On this _____ day of _____, before me, the undersigned notary public, personally appeared the members of the Town of Canton Board of Selectmen and proved to me through satisfactory evidence of identification, which were ☐ photographic identification with signature issued by federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☐ personal knowledge of the undersigned, to be the person(s) whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the Town of Canton Board of Selectmen.

Notary Public
My commission expires:

Exhibit A to Easement

Copy of Street Acceptance Plan

[Insert 8.5" x 11" Copy of Plan]

Exhibit B for Use with Easement

Standard Form Assent by Mortgagee

MORTGAGEE ASSENT

[ADDRESS], Canton

[LENDER], a Massachusetts banking institution having a usual place of business at _____ and the present holder of that certain mortgage to [PROPERTY OWNER NAME] ("Owner(s)") dated _____ and recorded at the Norfolk County Registry of Deeds ("Registry") in Book _____, Page _____ (the "Mortgage"), hereby assents to the grant to the Town of Canton by Owner(s) of that certain Grant of Permanent Easement for Public Way related to the property known as _____, Canton, Massachusetts and recorded at the Registry herewith ("Easement"), and agrees for itself and its successors and assigns that the Mortgage is subordinate to the Easement and that no action or proceedings to enforce the Mortgage shall result in the termination of any rights or obligations in such Easement.

Executed as a sealed instrument on this _____ day of _____.

[LENDER]

By: _____

Name: _____

Title: _____

Duly authorized

State of _____
_____ County, ss.

On this _____ day of _____, before me, the undersigned notary public, personally appeared _____, as _____ for _____, proved to me through satisfactory evidence of identification, which were ☐ photographic identification with signature issued by federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☐ personal knowledge of the undersigned, to be the person(s) whose names are signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public

My commission expires:

EXHIBIT 3

Sample Warrant Article

Article to Lay out _____ as a Town Way.

Article _____. To see if the Town will vote to accept _____ in Canton as a public way where it intersects with _____, as recommended by the Planning Board and laid out by the Board of Selectmen pursuant to G. L. c. 41 and c. 82 more particularly described by the plan entitled “_____,” dated _____, prepared by _____ and on file with the Town of Canton Board of Selectmen; to see if the Town will authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the land or easements in all or any portions of those parcels of land abutting _____ and listed below, as shown on the above-referenced plan for access, grading, drainage, utilities, sloping, trails, public access and all purposes related to the creation and maintenance of a public way; to see if the Town will vote to appropriate, borrow pursuant to any applicable statute or transfer from available funds, a sum of money for such purposes; and further to authorize the Board of Selectmen and Town officers to take any and all related actions necessary or appropriate to carry out the purposes of this article; or to take any other action related thereto.

Property Address

Town Assessor ID

123 Some Street
456 Some Street

Map xx, Parcel yy
Map xx, Parcel zz