

WARRANT ARTICLE HEARING REFERENCE MATERIALS

ARTICLE 31

M.G.L. c. 44B sec. 5

Section 5: Community preservation committee; members; recommendations

Section 5. (a) A city or town that accepts sections 3 to 7, inclusive, shall establish by ordinance or by-law a community preservation committee. The committee shall consist of not less than five nor more than nine members. The ordinance or by-law shall determine the composition of the committee, the length of its term and the method of selecting its members, whether by election or appointment or by a combination thereof. The committee shall include, but not be limited to, one member of the conservation commission established under section 8C of chapter 40 as designated by the commission, one member of the historical commission established under section 8D of said chapter 40 as designated by the commission, one member of the planning board established under section 81A of chapter 41 as designated by the board, one member of the board of park commissioners established under section 2 of chapter 45 as designated by the board and one member of the housing authority established under section 3 of chapter 121B as designated by the authority, or persons, as determined by the ordinance or by-law, acting in the capacity of or performing like duties of the commissions, board or authority if they have not been established in the city or town. If there are no persons acting in the capacity of or performing like duties of any such commission, board or authority, the ordinance or by-law shall designate those persons.

Arlington Town Bylaws

TITLE II: ARTICLE 12 (*Relevant Parts*) COMMUNITY PRESERVATION COMMITTEE (ART. 11 - ATM - 04/29/15)

Section 1. Establishment and Membership

- a. There is hereby established a Community Preservation Committee consisting of a total of nine (9) members pursuant to G.L. c. 44B section 5. The membership shall be composed of one member of the Conservation Commission as designated by such Commission, one member of the Historical Commission as designated by such Commission, one member of the Arlington Redevelopment Board (which serves as the Town's Planning Board) as designated by such Board, one member of the Park and Recreation Commission as designated by such Commission, one member of the Arlington Housing Authority as designated by such authority, and four (4) at-large members appointed by a joint vote of approval by the Select Board and the Town Manager as follows below in Section 1(b).

ARTICLE 32

Arlington Town Bylaws

ARTICLE 16

TREE PROTECTION AND PRESERVATION

(ART. 22, ATM - 05/02/16)(ART. 14, ATM - 04/23/18)

Section 1. Findings and Purpose

The Town of Arlington finds that preservation of the tree canopy and planting of replacement trees is essential to preserving the character and aesthetic appearance of the Town and maintaining quality of life and the environment in the Town. Trees improve air quality, protect from heat and glare, reduce noise pollution, limit topsoil erosion and storm water runoff, provide natural flood control, enhance property values, contribute to the distinct character of neighborhoods, and offer natural privacy to neighbors.

Section 2. Definitions

A. The following definitions shall apply to this By-law:

"Building Footprint" - Outline the total area covered by a building's perimeter at ground level.

"Caliper" - Diameter of a tree trunk (in inches) measured six inches above the ground for trees up to and including four-inch diameter, and 12 inches above the ground for larger trees.

"DBH (Diameter at Breast Height)" - Diameter of a tree trunk measured in inches at a height of four and a half (4 1/2) feet above the ground; or, for multiple-trunk trees, the measured in inches at a height of four and a half (4 1/2) feet above the ground; or, for multiple-trunk trees, the aggregate diameters of the multiple trunks at a height of four and a half (4 1/2) feet above ground.

"Demolition" - Any act of destroying, pulling down, removing or razing a building or commencing the work of total or substantial destruction of a building.

"Protected Tree" - Any existing healthy tree on private land with a DBH of ten (10) inches or greater, located in the setback area, which does not pose an immediate hazard to person or property or is not under imminent threat of disease or insect infestation.

"Setback Area" - The Portion of the property which constitutes the minimum depth of side, rear and front yards as per the Zoning Bylaw of the Town of Arlington.

"Tree Fund" - An existing Town account established for the purpose of buying, planting, and maintaining trees in the Town which may receive deposit of contributions in lieu of planting new trees by property owners and fines collected under this By-law.

"Tree Plan" - A site plan drawn and stamped by a certified land surveyor or engineer showing all Protected Trees in the setback areas and indicating, on the site plan or in a separate document, which

Protected Trees will be retained, which will be removed, and, as to Protected Trees which will be removed, whether mitigation will be by replacement on the property or by payment into the Tree Fund.

"Tree Removal" - The cutting down of a tree.

"Tree Warden" - The Tree Warden or his/her designee.

- B. Additional definitions may be provided in rules and regulations approved by the Select Board where consistent with intent and efficient execution of this By-law.

Section 3. Applicability

- A. The requirements of this By-law and all applicable rules and regulations apply to the following Circumstances:
 - (1) Proposed demolition of an existing residential or non-residential structure;
 - (2) Proposed construction on a developed lot which would result in an increase of 50 percent or more of the total building footprint of the new structure(s) when compared to the total footprint of pre-existing structures; or
 - (3) Proposed construction of any scope on a lot with no residential or non-residential structure on it.
- B. Sites under the jurisdiction of the Arlington Redevelopment Board ("ARB") or the ARB as the Planning Board, the Zoning Board of Appeals, or the Conservation Commission pursuant to Arlington's Wetlands Protection By-law (Title V, Article 8) may waive the requirements of this By-law in full or in part where such waiver serves the interest of the community and the reasons therefore are memorialized by such bodies.
- C. The requirements of this By-law shall not apply to trees defined as Public Shade Trees under G.L. c.87 § 1.

Section 4. Procedures and Requirements for the Preservation of Trees

- A. Removal of Protected Trees on applicable sites shall be prohibited unless such removal is authorized by a written approval of the Tree Plan and commencement of work, in accordance with this Bylaw.
- B. In all instances of construction or demolition as defined and applicable herein, the owner of the property shall submit a Tree

Plan accompanied by a fee of \$50, to the Tree Warden prior to or concurrent with an application for a building or demolition permit. Additionally, if any Protected Trees were removed during the 12 months preceding the application for a building or demolition permit, such trees shall be accounted for on the Tree Plan to the best of the owner's ability, and shall be mitigated pursuant to paragraph 4.C

- C. For each Protected Tree removed, there shall be either (1) a replacement tree planted on the property no later than 180 days after the Certificate of Occupancy is issued, of a minimum caliper of two and a half (2.5) inches and of a species native to the area and expected to reach a height of 50 feet or more at maturity; or (2) a payment made to the Tree Fund in the amount set by a mitigation schedule approved by the Select Board assigning a value per inch of DBH of Protected Tree(s) to reflect the cost of planting and caring for new public, prior to the commencement of work on the property, which the Town shall use to plant replacement trees in the vicinity of the tree removal or in other locations in the discretion of the Tree Warden.
- D. If the Tree Plan is consistent with the requirements of this Bylaw, the Tree Warden shall so certify in writing approving the Tree Plan and commencement of work. Said certification shall occur within 10 business days. If the Tree Plan as submitted does not satisfy the requirements of this By-law and associated rules and regulations, the Tree Warden shall so notify the applicant with recommendations to achieve compliance. The Tree Warden shall be permitted access to the site during normal business hours to verify and ensure compliance with the approved Tree Plan.
- E. An Owner aggrieved of the Tree Warden's determination on a Tree Plan, or with respect to the need for such a plan, may appeal such determinations to the Select Board at a public hearing. A written decision on such appeals shall be rendered with 14 business days of the close of such hearing(s).

Section 5. Enforcement and Fines

- A. Following a determination of violation by the Tree Warden, an owner shall be subject to fines for the activities listed below, to be paid into the Tree Fund, said fines to be set forth in rules and regulations issued by the Select Board.

Said activities are:

- (1) Removal of a Protected Tree on an applicable site without prior written approval of commencement of work per Section 4.D, \$300 per day of work. There shall also be a fine for each Protected Tree removed.
 - (2) Removal of a Protected Tree which is not identified for removal in the Tree Plan. There shall be a fine for each Protected Tree removed, \$300.
 - (3) Failure to mitigate tree removal within the time set forth in Section 4.C of this By-Law. There shall be a fine of \$300 for each day until mitigation is achieved.
- B. Wherever there is reasonable cause to believe that an owner or their agent willfully violates this By-Law or an approved Tree Plan, the Town may institute a civil action for injunctive relief in a court of competent jurisdiction ordering appropriate parties to correct a condition in violation, or to cease an unlawful use of the property.
- C. An owner aggrieved of the Tree Warden's determination of violation(s) may appeal such determination(s) to the Select Board at a public hearing.

Section 6. Administration

The Select Board shall establish further administrative rules and regulations for the review and approval of Tree Plans, as well as enforcement determinations. Failure to issue rules and regulations will not have the effect of suspending or invalidating this By-law.

Section 7. Severability Clause

If any provision of this By-law is declared unconstitutional or illegal by final judgment, order or decree of the Supreme Judicial Court of the Commonwealth, the validity of the remaining provisions of this By-law shall not be affected thereby.

Section 8. Relationship to Other Laws

Nothing in this By-law shall be construed to restrict, amend, repeal, or otherwise limit the application or enforcement of existing Town of Arlington By-laws or laws of the Commonwealth of Massachusetts.

ARTICLE 33

Arlington Town Bylaws

TITLE VI, ARTICLE 7: NOTICE OF DEMOLITION (ART. 20 ATM, 04/27/05)(ART. 11, ATM - 04/24/17)

A. The owner of any building or parcel who intends to have such building demolished, engage in open foundation excavation, engage in new residential construction, or build a large addition must at least seven (7) calendar days prior to the commencement of any site work (including demolition or open foundation excavation) , or within seven (7) calendar days of the filing of an application for a Building Permit, whichever date is earlier give notice by first-class mail to all abutters and current occupants (to the extent practicable) within 200 feet of such building or construction site before such demolition, construction, or open foundation excavation can commence.

B. The notice required herein shall, at a minimum, contain contact information for the developer or contractor, a site plan for any applicable residential demolition, open foundation excavation, alteration or construction project, as well as information detailing the hours of operation for the project, anticipated completion date, work schedule, and health safety, and abutting property protections, and as appropriate, noise abatement measures applied by the developer or contractor of the project.

C. "Demolition" shall be defined as the act of pulling down, destroying, removing, or razing 50 % or more of a building, or commencing the work of total or substantial destruction with the intent of completing the same.

"Open foundation excavation" shall be defined as an open and exposed excavation for the purposes of constructing or expanding a residential building foundation. Satisfaction of open foundation excavation requirements of this Article shall not be construed to satisfy any additional requirements set forth in Title V Article 3 of these bylaws.

"Large additions" shall be defined as an alteration or addition in any residential district which increases the size of a building by 750 square feet or more, or by 50% or more of the existing building's gross floor area.

D. Prior to issuance of a demolition or building permit, or commencing an open foundation excavation the applicant shall demonstrate to the satisfaction of the Inspector of Buildings that he or she has given the notice required herein, by providing a list of those notified, a copy of the notice, and an affidavit stating when it was mailed.

E. Violators of this bylaw will be subject to a fine of \$200 per day upon notification of the Building Inspector.

TITLE V, ARTICLE 16: TREE PRESERVATION AND PROTECTION

(Relevant Sections)

ART. 22, ATM - 05/02/16, ART. 14 2018 ATM

Section 3. Applicability

A. The requirements of this By-law and all applicable rules and regulations apply to the following Circumstances:

- (1) Proposed demolition of an existing residential or non-residential structure;
- (2) Proposed construction on a developed lot which would result in an increase of 50 percent or more of the total building footprint of the new structure(s) when compared to the total footprint of pre-existing structures; or
- (3) Proposed construction of any scope on a lot with no residential or non-residential structure on it.

B. Sites under the jurisdiction of the Arlington Redevelopment Board ("ARB") or the ARB as the Planning Board, the Zoning Board of Appeals, or the Conservation Commission pursuant to Arlington's Wetlands Protection By-law (Title V, Article 8) may waive the requirements of this By-law in full or in part where such waiver serves the interest of the community and the reasons therefore are memorialized by such bodies.

C. The requirements of this By-law shall not apply to trees defined as Public Shade Trees under G.L. c.87 § 1.

Section 4. Procedures and Requirements for the Preservation of Trees

A. Removal of Protected Trees on applicable sites shall be prohibited unless such removal is authorized by a written approval of the Tree Plan and commencement of work, in accordance with this Bylaw.

B. In all instances of construction or demolition as defined and applicable herein, the owner of the property shall submit a Tree Plan accompanied by a fee of \$50, to the Tree Warden prior to or concurrent with an application for a building or demolition permit. Additionally, if any Protected Trees were removed during the 12 months preceding the application for a building or demolition permit, such trees shall be accounted for on the Tree Plan to the best of the owner's ability, and shall be mitigated pursuant to paragraph 4.C

C. For each Protected Tree removed, there shall be either (1) a replacement tree planted on the property no later than 180 days after the Certificate of Occupancy is issued, of a minimum caliper of two and a half (2.5) inches and of a species native to the area and expected to reach a height of 50 feet or more at maturity; or (2) a payment made to the Tree Fund prior to commencement, in the amount set by a mitigation schedule approved by the Select Board assigning a value per inch of DBH of Protected Tree(s) to reflect the cost of planting and caring for new public trees, prior to commencement of work on the property, which the Town shall use to plant replacement trees in the vicinity of the tree removal or in other locations in the discretion of the Tree Warden.

D. If the Tree Plan is consistent with the requirements of this Bylaw, the Tree Warden shall so certify in writing approving the Tree Plan and commencement of work. Said certification shall occur within 10 business days. If the Tree Plan as submitted does not satisfy the requirements of this By-law and associated rules and regulations, the Tree Warden shall so notify the applicant with recommendations to achieve compliance. The Tree Warden shall be permitted access to the site during normal business hours to verify and ensure compliance with the approved Tree Plan.

ARTICLE 37

Chapter 19 of the Revised Laws

Chapter 78 of the Acts of 1901

Arlington Human Resources Civil Service Records

(See Attached)

CHAPTER 19.

OF THE CIVIL SERVICE.

- SECTIONS 1-5. — Civil Service Commission and Officers.
 SECTIONS 6-9. — Rules.
 SECTIONS 10, 11. — Special Provisions applicable to Boston.
 SECTION 12. — Applications.
 SECTIONS 13-15. — Examinations and Lists.
 SECTIONS 16-19. — Appointments.
 SECTIONS 20-25. — Veterans' Preference.
 SECTIONS 26-33. — Corrupt Practices.
 SECTIONS 34-37. — General Provisions.

CIVIL SERVICE COMMISSION AND OFFICERS.

Civil service
commission.
1884, 320, § 1.
138 Mass. 603.

SECTION 1. The governor shall annually, in May or June, with the advice and consent of the council, appoint a civil service commissioner for a term of three years from the first Monday of July following. All appointments shall be so made that not more than two commissioners shall at the time of any appointment be members of the same political party. Each commissioner shall be paid five dollars for each day's service and his travelling and other expenses incurred in the performance of his official duties.

Chief exam-
iner, secretary,
etc.
1884, 320, § 20.
1888, 41.
1889, 177, 351.
1895, 376.
[1 Op. A. G.
382.]

SECTION 2. The commissioners may appoint a chief examiner, who, under their direction, shall superintend any examination held under the provisions of this chapter and perform such other duties as they may prescribe. He shall receive an annual salary of three thousand dollars, and travelling expenses incurred in the performance of his official duties. They may appoint a secretary who shall receive an annual salary of two thousand dollars. They may appoint a registrar of labor, who shall, under their direction, supervise the administration of civil service rules applicable to the public labor service of the commonwealth or of any city thereof. He shall receive an annual salary of two thousand dollars, and his travelling expenses. They may incur other expenses not exceeding the annual appropriation therefor.

Witnesses and
testimony.
1891, 140.

SECTION 3. The commissioners or any of them, in an investigation by them, may summon witnesses, administer oaths and take testimony. The fees of such witnesses shall be the same as for witnesses before the superior court, and shall be paid from the appropriation for the incidental expenses of the commissioners.

Examiners.
1884, 320, § 20.

SECTION 4. They may designate persons in the official service of the commonwealth or of any city or of any town wherein this chapter is in force, who shall, with the consent of the head of department or office in which any such person serves, act as examiners of applicants for public employment. But no person shall serve as such examiner when any relative or connection by marriage, within the degree of first cousin, shall be an applicant.

1 SECTION 5. They shall keep records of their proceedings and
 2 of examinations made by them or under their authority. Recom-
 3 mendations of applicants received by them or by any officer author-
 4 ized to make appointments or to employ laborers or others, within
 5 the scope of such rules, shall be preserved. Such records and
 6 recommendations shall, under regulations approved by the governor
 7 and council, be open to public inspection. The commissioners
 8 shall from time to time suggest to the general court appropriate
 9 legislation for the administration and improvement of the civil
 10 service and shall annually before the tenth day of January make
 11 a report which shall contain any rules adopted under the provisions
 12 of this chapter.

Records and
annual report.
1884, 320, § 2,
23.

RULES.

1 SECTION 6. The commissioners shall from time to time prepare
 2 rules regulating the selection of persons to fill appointive positions
 3 in the government of the commonwealth and of the several cities
 4 thereof and the selection of persons to be employed as laborers or
 5 otherwise in the service of the commonwealth and said several cities,
 6 and altering, rescinding, amending or adding to the rules now
 7 established. Such rules may be of general or limited application
 8 and shall take effect only when approved by the governor and
 9 council.

Rules.
1884, 320, § 2.
143 Mass. 589.
145 Mass. 587,
589.

1 SECTION 7. The rules heretofore prepared by the commissioners
 2 and now in force shall continue in force, and such rules and those
 3 hereafter prepared by them and approved by the governor and
 4 council, shall be administered by the commissioners. They shall
 5 not be inconsistent with law, may be of general or limited applica-
 6 tion and shall include provisions for:—

Application of
rules.
1884, 320, § 14.
1885, 501, § 1.
1890, 517, § 8.
138 Mass. 603.
145 Mass. 500.

7 The classification of the positions and employments to be filled.

8 Open competitive and other examinations to test the practical
 9 fitness of applicants.

10 The filling of vacancies in and the selection of persons for public
 11 positions and employments in accordance with the results of such
 12 examinations, or in the order of application, or otherwise.

13 Promotions, if practicable, on the basis of ascertained merit in
 14 the examination and seniority of service.

15 A period of probation before an appointment or employment is
 16 made permanent.

17 Preference to veterans in appointment and promotion.

1 SECTION 8. Changes in the rules shall forthwith, when approved,
 2 be printed for distribution, and a certified copy thereof sent to the
 3 mayor of each city and the selectmen of each town to which such
 4 changes relate, and shall be published in one or more newspapers.
 5 In such publication the date when such changes shall take effect
 6 shall be specified, which date shall be not less than sixty days sub-
 7 sequent to the date of such publication.

Printing and
distribution of
rules.
1884, 320, § 10.
1888, 253.

1 SECTION 9. Judicial officers and officers elected by the people
 2 or by a city council, or whose appointment is subject to confirma-
 3 tion by the executive council or city council of any city, officers
 4 elected by either branch of the general court and the appointees

Officers not
affected.
1884, 320, § 15.
1885, 95.
1887, 502.
[1 Ch. A. G. 72,
104.]

of such officers, heads of principal departments of the commonwealth or of a city, the employees of the treasurer and receiver general, of the board of commissioners of savings banks, and of the treasurer and collector of taxes of any city, two employees of the city clerk of any city, teachers of the public schools, the secretaries and confidential stenographers of the governor, or of the mayor of any city, police and fire commissioners and chief marshals, or chiefs of police and fire departments, shall not be affected as to their selection or appointment by any rules made as aforesaid; but, with the above exception, such rules shall apply to members of police and fire departments.

SPECIAL PROVISIONS APPLICABLE TO BOSTON.

Classification of janitors, etc., in charge of steam boilers in school buildings in Boston. 1880, 332, 1883, 233.

SECTION 10. Engineers, janitors and all persons having charge of steam boilers and furnaces in the school buildings in the city of Boston, and truant officers appointed by the school committee of said city, shall be classified and appointed pursuant to this chapter and the rules thereunder.

Qualifications of firemen in Boston. Placing on list for permanent appointment. 1886, 236, 424.

SECTION 11. Persons five feet five inches in height or over, if otherwise qualified, shall be eligible to appointment in the fire department of the city of Boston. Call members in said department who have served three or more successive years shall, upon application to the civil service commissioners, be placed upon the eligible list for appointment as permanent men without further examination, and may at the discretion of the fire commissioner be appointed at the same salary as permanent men who have served three or more years in said service.

APPLICATIONS.

Statements of applicants for examination. 1884, 320, § 17. 1889, 181, 145 Mass. 587, 589.

SECTION 12. Every application shall state under oath the full name, residence and post office address, citizenship, age, place of birth, health and physical capacity, right of preference as a veteran, previous employment in the public service, business or employment and residence for the previous five years, and education of the applicant, and such other information as may reasonably be required relative to his fitness for the public service.

Application for registry in labor service. 1897, 328.

Applicants for positions in the labor service of the commonwealth or of the cities thereof shall, to the number of five hundred, be allowed to register on the first Monday of February, May, August and November in each year, at the places appointed therefor.

EXAMINATIONS AND LISTS.

Scope of examination. 1884, 320, § 16.

SECTION 13. No question in any examination shall relate to, and no appointment to a position or selection for employment shall be affected by, political or religious opinions or affiliations. Examinations shall be practical and shall relate to matters which will fairly test the capacity and fitness of the applicants. The examination of applicants for employment as laborers shall relate to their capacity for labor and habits of sobriety and industry and to the necessities of themselves and their families.

1 SECTION 14. No person in the public service shall wilfully and
 2 corruptly defeat, deceive or obstruct any person as to his right of
 3 examination; or wilfully or corruptly make a false mark, grade,
 4 estimate or report upon the examination or proper standing of any
 5 person examined hereunder, or aid in so doing; or wilfully or
 6 corruptly make any false representation concerning the same or
 7 concerning the person examined; or wilfully or corruptly furnish to
 8 a person special or secret information, for the purpose of improving
 9 or injuring the prospects or chances of appointment, employment
 10 or promotion of any person so examined or to be examined.

Obstruction of
 right of ex-
 amination for-
 bidden.
 1884, § 20, § 18.

1 SECTION 15. The commissioners, within five days after the re-
 2 sults of an examination have been ascertained, shall prepare a list
 3 of the applicants who have passed the examination, with the stand-
 4 ing of each; and, within five days after certification of persons for
 5 appointment or employment, prepare a list of the persons so certi-
 6 fied which shall be open to public inspection.

List of names
 of successful
 applicants.
 1885, § 51, § 4.
 1890, § 17, § 4.

APPOINTMENTS.

1 SECTION 16. No person habitually using intoxicating liquors
 2 to excess and no vendor of intoxicating liquors shall be appointed
 3 to or retained in any office, appointment or employment to which
 4 the provisions of this chapter apply.

Vendor or
 user of liquor
 ineligible.
 1884, § 20, § 8.

1 SECTION 17. No person shall be appointed to or employed in
 2 any office to which the provisions of this chapter apply within one
 3 year after his conviction of any crime against the laws of this
 4 commonwealth.

Convicts in-
 eligible for one
 year.
 1884, § 20, § 4.
 1888, § 34.
 [1 Op. A. G.
 243.]

1 SECTION 18. No recommendation of an applicant for a position
 2 or employment under the provisions of this chapter given by any
 3 member of the general court, alderman or councilman, except as to
 4 the character or residence of the applicant, shall be received or
 5 considered by any person concerned in making the appointment
 6 under this chapter.

Recommendations of public
 officers re-
 stricted.
 1884, § 20, § 5.

1 SECTION 19. The name and residence of every person, except
 2 laborers, appointed to, promoted or employed in a position coming
 3 within the rules governing the civil service, the designation of such
 4 position and the rejection or discharge of every such person, shall
 5 forthwith be reported to the commissioners by the officer making
 6 such appointment, promotion, rejection or discharge, or providing
 7 such employment.

Name, etc., of
 appointees
 to be reported
 to commis-
 sioners.
 1884, § 20, § 22.

VETERANS' PREFERENCE.

1 SECTION 20. The word "veteran" in this chapter shall mean a
 2 person who served in the army or navy of the United States in
 3 the war of the rebellion and was honorably discharged therefrom,
 4 or a citizen of this commonwealth who distinguished himself by
 5 gallant and heroic conduct while serving in the army or navy of
 6 the United States and has received a medal of honor from the
 7 president of the United States.

Definition of
 "veteran."
 1890, § 17, §§ 1, 6.

Application of
veterans for
examination.
1887, 437.
1890, 473.
1895, 501, §§ 1-3,
6.
1896, 517, § 2.
145 Mass. 587.
166 Mass. 14,
589.
[1 Op. A. G.
243, 340.]

SECTION 21. A veteran may apply for examination under the rules, and if he passes the examination, shall be preferred in appointment and employment to all persons not veterans. The commissioners shall cause the names of the veterans who pass the examination to be placed upon the eligible list in the order of their respective standing, above the names of all other applicants, and to be certified to the appointing officers for appointment and employment in preference to other applicants, and the appointment or employment shall be made from the list so certified. But nothing herein shall prevent the certification and employment of women.

— for employ-
ment.
1896, 517, § 3.
166 Mass. 589.

SECTION 22. A veteran may apply for appointment to or for employment in the classified public service without examination. In such application, he shall state under oath the facts required by the rules. Age, loss of limb or other disability which does not in fact incapacitate shall not disqualify him for appointment or employment under the provisions of this section. Appointing officers may make requisition for the names of any or all such veterans and appoint or employ any of them.

Removal of
veteran only
after hearing.
1894, 519.
1896, 517, § 5.
1901, 339.
175 Mass. 489.

SECTION 23. No veteran who holds an office or employment in the public service of the commonwealth, or of any city or town therein, shall be removed or suspended, or shall, without his consent, be transferred from such office or employment, nor shall his office be abolished, except after a full hearing of which he shall have at least seventy-two hours' written notice, with a statement of the reasons for the contemplated removal, suspension, transfer or abolition. The hearing shall be before the state board of conciliation and arbitration, if the veteran is a state employee, or before the mayor of the city or selectmen of the town of which he is an employee, and the veteran shall have the right to be present and to be represented by counsel. Such removal, suspension or transfer, or such abolition of an office, shall be made only upon a written order stating fully and specifically the cause or causes therefor, and signed by said board, mayor or selectmen, after a hearing as aforesaid.

Rules for
veterans.
1896, 517, § 6.
166 Mass. 589.
179 Mass. 58.

SECTION 24. The rules shall provide for the employment of veterans in the labor service of the commonwealth and of the cities and towns thereof, in the class for which they make application, in preference to all other persons except women. If the appointing officer certifies in his requisition for laborers that the work to be performed requires young and vigorous men, and, upon investigation, the commissioners are satisfied that such certificate is true, they may fix a limit of age and certify only those whose age falls within such limit. In cities and towns in which the provisions of this chapter and the rules governing the civil service have not been applied to the labor service, the selectmen and the city councils shall take any necessary action to secure the employment of veterans in the labor service of their respective cities and towns in preference to all other persons except women.

Reinstatement
of certain per-
sons.
1898, 454.

SECTION 25. Any person in the classified public service of the commonwealth or of any city or town thereof who resigns such office or leaves such service for the purpose of enlisting and serv-

4 ing in the army or navy of the United States or in the militia of
5 this commonwealth in time of war and so enlists and serves, may
6 at any time within one year after his honorable discharge from such
7 military or naval service be appointed to or employed in his former
8 or a similar position or employment, without application or exam-
9 ination.

CORRUPT PRACTICES.

1 SECTION 26. No councillor, member of the general court, alder-
2 man or councilman, or any officer or employee of any of said
3 bodies, and no executive or judicial officer of the commonwealth,
4 no clerk or employee of any department or branch of the govern-
5 ment of the commonwealth and no executive officer, clerk or em-
6 ployee of any department of a city shall personally solicit or receive,
7 directly or indirectly, or be concerned in soliciting or receiving,
8 any assessment, subscription or contribution for any political pur-
9 pose whatever; but this shall not forbid such persons to be mem-
10 bers of political organizations or committees.

Public officers
not to solicit
contributions
for political
purposes.
1884, 320, § 6.

1 SECTION 27. No person shall solicit in any manner whatever or
2 receive any contribution of money or other thing of value for any
3 political purpose whatever in a room or building occupied for the
4 performance of official duties by an officer or employee of the com-
5 monwealth or of any city herein.

Solicitations
forbidden in
official build-
ings.
1884, 320, § 7.

1 SECTION 28. No officer or employee of the commonwealth or of
2 any city or town wherein this chapter is in force, shall discharge,
3 promote, or degrade an officer or employee, or change his official
4 rank or compensation, or promise or threaten so to do, for giving,
5 withholding or neglecting to make a contribution of money or other
6 valuable thing for a political purpose.

Public officers,
etc., not to be
affected by
refusal to
contribute.
1884, 320, § 8.
142 Mass. 10, 15.

1 SECTION 29. No officer, clerk or other person in the service of
2 the commonwealth or of any city or town wherein this chapter is in
3 force shall, directly or indirectly, give or deliver to an officer, clerk
4 or person in said service, or to any councillor, member of the
5 general court, alderman, councilman or commissioner, any money
6 or other valuable thing on account of, or to be applied to, the pro-
7 motion of any political object whatever.

Gifts for
political object
forbidden.
1884, 320, § 9.

1 SECTION 30. No person in the service of the commonwealth or
2 of any city or town wherein this chapter is in force shall use his
3 official authority or influence to coerce the political action of any
4 person or body, or to interfere with any election.

Coercion of
political action
forbidden.
1884, 320, § 10.

1 SECTION 31. No person in the public service shall, for that reason,
2 be under obligation to contribute to any political fund, or to render
3 any political service, and shall not be removed or otherwise preju-
4 diced for refusing to do so.

Public officers,
etc., not re-
quired to con-
tribute to
political fund.
1884, 320, § 11.
142 Mass. 10, 15.

1 SECTION 32. No person holding a public office or in nomina-
2 tion for, or seeking a nomination for, or appointment to, an office,
3 shall corruptly use or promise to use, directly or indirectly, any
4 official authority or influence to confer upon any person, or to aid a

Corrupt meth-
ods of procur-
ing nomina-
tions, etc.,
prohibited.
1884, 320, § 12.

person to obtain, an office or public employment, or a nomination, confirmation, promotion or increase of salary, upon the consideration or condition that the vote, political influence or action of any person shall be given or used in behalf of a candidate, officer or party, or upon any other corrupt condition or consideration.

Refreshments
at public ex-
pense regu-
lated.
1884, 320, § 13.

SECTION 33. No city shall pay a bill incurred by any official thereof for wines, liquors or cigars; nor shall a city pay a bill for refreshments furnished to an official of said city if the amount for any one day exceeds one dollar for each member of the government of said city who certifies over his own signature to the correctness of the bill.

GENERAL PROVISIONS.

Enforcement
of rules.
1901, 512.

SECTION 34. If, in the opinion of the civil service commissioners, a person is appointed or employed in the public service classified under civil service rules in violation of any of such rules, the commissioners shall, after written notice mailed to the appointing or employing officer or officers and to such person, notify in writing the treasurer, auditor or other disbursing officer of the commonwealth, city or town in whose service such person is so employed, and the payment of any compensation to such person shall be illegal and shall cease at the expiration of one week after the mailing of the latter notice, until the legality of such appointment or employment is duly established. The attorney general may, within thirty days after said notice to such treasurer, auditor or other disbursing officer, file in the superior court, sitting in equity for the county in which such appointee or employee was appointed or employed, an information in the nature of a quo warranto against such appointee or employee, and the superior court or any justice thereof shall have jurisdiction to hear and determine the same. At any time after the beginning of such proceedings the court may, if it is of opinion that there is reasonable doubt whether the employment of such person is in violation of such rules, order that the compensation accruing to the person notified shall be paid to him until otherwise ordered by said court. If the attorney general shall fail within said thirty days to file such information, the said notice shall be regarded as null and void.

Penalties.
1884, 320, § 24.
1895, 591, § 5.
1896, 517, § 7.
143 Mass. 589.

SECTION 35. Whoever makes an appointment to office or selects a person for employment contrary to, or wilfully refuses or otherwise neglects to comply with, the provisions of this chapter or of any rule hereunder shall, unless some other penalty is specifically provided, be punished by a fine of not less than one hundred nor more than one thousand dollars for each offence.

Application of
chapter.
1894, 267.
1896, 449.

SECTION 36. This chapter shall be in force in any town of more than twelve thousand inhabitants when accepted by it. So much of this chapter and the rules established under it as relate to the employment of laborers, designated as the "Labor Service," shall not be in force in any city of less than one hundred thousand inhabitants until the city council, with the approval of the mayor, accepts the same.

1 SECTION 37. In a town which by a vote of a majority of the
2 voters voting thereon at an annual or special town meeting accepts
3 the provisions of this section or has accepted the corresponding
4 provisions of earlier laws, the provisions of this chapter and the
5 rules made under the authority thereof which relate to the police
6 and fire forces of cities except Boston shall apply to all members
7 of the regular or permanent police and fire forces, or to the call
8 fire force, or to either of said forces, of a town. Such vote may
9 limit the application of the provisions of this chapter and of the
10 rules made thereunder either to the police force or to the fire force
11 of such town, or it may extend such application to both of said
12 forces. Upon such vote of acceptance, each member of the force
13 or forces included therein and within the classified civil service shall
14 continue to hold his office until his death, resignation or removal.
15 He shall not be removed except for cause shown after a full hearing
16 before the board or officer of the town having power to make
17 removals, and such member shall have the right to be present at
18 such hearing and to be represented by counsel.

Application to
fire and police
forces in
towns.
1901, 78.

Chapter 19. — Of the Civil Service.

Extensions of the provisions of this chapter. St. 1903, 102; 1904, 143; 1907, 292; 1909, 382; 1910, 624 § 1; 1911, 468. Limitations. St. 1902, 413; 1904, 430; 1908, 185; 1909, 311, 432 § 1, 453 § 2; 1911, 550 § 19. Res. 1911, 142.

Removals and suspensions regulated. St. 1904, 314; 1905, 243; 1906, 210; 1907, 272; 1911, 624. (See 1900, 69 § 3; 1904, 288; 1907, 245, 458; 1909, 405 § 1.)

Acts to establish pension systems. St. 1911, 532, 553, 634.

Act relative to posting notices of examinations. St. 1906, 277.

Provision for publicity in certain cases. St. 1906, 306.

No public officer or body, or member thereof, shall interfere with employment in public service corporations. St. 1903, 320; 1908, 228. (See 1904, 343 § 1.)

A board of publication is established. St. 1902, 438.

SECT. 1 amended. St. 1906, 150 § 1; 1907, 341; 1910, 608.

SECT. 2 amended. St. 1907, 451. Additional employees. St. 1906, 465 § 1; 1910, 184, 204. (See 1908, 195.)

SECT. 4 *et seq.* See St. 1906, 277.

SECT. 5 amended. St. 1902, 308.

SECT. 6 *et seq.* Acts relative to civil service rules and regulations. St. 1904, 198; 1909, 382. (See also 1904, 191.)

SECT. 9. Exemptions. St. 1907, 245.

SECTS. 10, 11. See St. 1908, 210; 1909, 332.

SECT. 12 amended. St. 1911, 119.

SECT. 13 amended. St. 1911, 63. (See 1911, 119.)

SECTS. 21, 22 limited. St. 1902, 413; 1904, 430; 1908, 185; 1909, 311, 432 § 1.

SECT. 23 extended. St. 1904, 314. Amended. St. 1905, 150; 1910, 560. Limited. St. 1909, 311, 453 § 2. Retirement pension of veterans. St. 1907, 458; 1909, 398; 1910, 459. (See 1911, 725.)

SECT. 26 *et seq.* See St. 1907, 560 §§ 119-126; 1908, 88.

SECT. 30 *et seq.* See St. 1907, 581.

SECT. 34 revised. St. 1910, 359.

SECT. 36 amended. St. 1902, 541 § 3.

SECT. 37. See St. 1903, 102; 1904, 143, 288.

Chapter 20. — Of Counties and County Commissioners.

Retirement system for county employees. St. 1911, 634.

County commissioners authorized to kill sheep-worrying dogs in certain cases. St. 1902, 226; 1904, 127. Provision for bounty for killing a wild-cat or Canada lynx. St. 1903, 344 § 1. Damages caused by wild deer. St. 1903, 407; 1909, 396.

SECT. 1. Muskeget and Gravelly islands annexed to Nantucket. St. 1887, 88.

SECT. 7. See St. 1909, 271.

Chap. 0078 An Act to extend the provisions of the civil service law to the police and fire forces of towns.

Be it enacted, etc., as follows:

Section 1. The provisions of chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four, entitled "An Act to improve the civil service of the Commonwealth and the cities thereof", and all acts in amendment thereof, and the civil service rules thereunder which relate to the police and fire forces of cities of the Commonwealth other than the city of Boston, are hereby extended and made applicable to all members of the regular or permanent police and fire forces, or to the call fire force, or to either of said forces, in every town in the Commonwealth in which this act shall be accepted by a majority of the legal voters present and voting thereon at an annual town meeting or at any special meeting called for the purpose.

Section 2. Any town shall have the right in any such vote to limit the application of said chapter three hundred and twenty and of the civil service rules thereunder to the police force or to the fire force of such town, or to require the application thereof to both of said forces.

Section 3. Upon such vote each member of the force or forces included in it, and within the classified civil service, shall continue to hold his respective office until death, resignation or removal.

Section 4. No member of either of said forces so included by vote of the town, and within the civil service law and rules, shall be removed except for cause shown after a full hearing before the board or official of said town having power to make removals, at which hearing the member in question shall have the right to be present and to be represented by counsel.

Section 5. This act shall be submitted to the voters of any town at any annual town meeting or at any special meeting called therefor; and shall take effect in any town upon its acceptance by a majority of the voters voting thereon in such town.

Section 0. This act, except as otherwise provided herein, shall take effect upon its passage.

Approved February 21, 1901.

[illegible]

ARTICLE 42

From the Town Manager Act

Section 8. Election of Other Officers.

The election of Town Clerk, treasurer and town collector, and assessors shall continue as presently provided. Notwithstanding the election of the officers named in this section, by voters of the town, they shall be subject to the call of the manager for consultation, conference and discussion on matters relating to their respective offices.

Section 15. Powers and Duties of Manager.

Amended by Chapter 101 of the Acts of 2016

In addition to the specific powers and duties provided in this act the Town Manager shall have the general powers and duties enumerated in this section:

- (a) The Town Manager shall supervise and direct the administration of all departments, commissions, boards and offices, except the Select Board, the School Committee, Moderator, Town Clerk, Town Treasurer and Collector, Board of Assessors, Registrars of Voters, Election Officers, Boards of Appeal, the Finance Committee, the Capital Budget Committee and the Personnel Review and Appeals Board.

While the town manager shall not supervise the board of assessors as an elected body, the town manager shall supervise and direct the administration of the assessors' office and appoint the director of assessments in accordance with subsection (c). The director of assessments and all other assessors' office personnel, except for the board of assessors, employed or in office when this act takes effect shall continue in their respective positions subject to chapter 31 or 150E of the General Laws, or both such chapters, if applicable, but otherwise subject to removal by the town manager as provided in this section.

Nothing in this section shall otherwise abridge the authorities or responsibilities of the board of assessors as set forth in chapter 41 of the General Laws or any other general law.

- (b) The Town Manager, in accordance with the provisions of this act and except as otherwise expressly prohibited by the General Laws, may reorganize, consolidate or abolish departments, commissions, boards or offices under their direction and supervision, in whole or in part, may establish such new departments, commissions, boards and offices as they deems necessary and make appointments to such boards, subject to the approval of the Select Board. The Town Manager may in connection with such transfer of such powers or duties transfer the duties and powers of one department, commission, board or office to another and may, with the approval and consent of the finance committee, transfer the appropriation of such one department, commission, board or office to another. The Town Manager may temporarily establish such new positions, as they deems necessary and appoint temporary employees thereto. Such positions shall be placed under the Classification and Pay Plans at the next succeeding special or annual town meeting.

- (c) Subject to the provisions of chapter thirty-one of the General Laws where applicable, and except as otherwise provided by this act, the Town Manager shall appoint upon merit and fitness alone, and may transfer and remove all officers and employees of the town, including maintenance employees of the school department and school custodians, but excluding other employees of the school department. Town officers and full-time employees not subject to said chapter thirty-one shall not be removed by the Town Manager except on ten working days' notice in writing to said officer or employee, setting forth the cause of such removal.

The town manager shall also appoint upon merit and fitness alone, the Town's Comptroller (also vested with the authorities of a "Town Accountant") subject to the approval of the Select Board. Appointment of the Comptroller shall become effective upon the approval of the Select Board. If the Select Board fails to act by approving, rejecting, or requesting additional reasonable time to consider a candidate however, appointment shall become effective on the thirtieth day following the day on which notice of the proposed appointment is filed with the Board. For the purposes of this section, notice of appointment shall be considered filed with the board when such notice is filed at an open meeting of the Select Board.

The Comptroller may be removed by the town manager subject to the approval of the Select Board. Removal of the Comptroller shall become effective upon approval of the Select Board. If the Select Board shall fail to act, by approving, rejecting, or requesting additional reasonable time to consider a termination however, removals made by the town manager shall become effective on the fifteenth day following the day on which notice of the proposed removal is filed with the Select Board. For the purposes of this section, notice of removal shall be considered filed with the Board when such notice is filed at an open meeting of the Select Board. Nothing in this paragraph shall supersede or abridge the Comptroller's employment rights afforded by state law.

Notwithstanding the foregoing section (c), the Comptroller shall be authorized to report directly to the Chairperson of the Select Board, or any Member of the Board, on any matter in the Town at any time, without the necessity of prior approval from the Town manager or any other official.

ARTICLE 46

From the General Laws

Section 22G: Funds received from fines for handicap parking violations; deposits in account; expenditures

Section 22G. Any city or town which has accepted the provisions of section eight J is hereby authorized to allocate all funds received from fines assessed for violations of handicap parking in said city or town to the commission on disabilities.

Funds so received shall be deposited by the city or town treasurer in a separate account and shall be used solely for the benefit of persons with disabilities. Said account shall be established by the city or town treasurer and shall be kept separate and apart from all other monies. Expenditures from said account, including accrued interest, if any, shall be made upon the recommendation of the commission on disabilities in accordance with the accepted procedures of the city or town for the disbursement of funds, including the approval of the mayor and city council or the town manager or board of selectmen. The city

or town accountant shall submit annually a report of said account to the mayor and city council or the town manager and board of selectmen for review and a copy of said report shall be forwarded to the bureau of accounts.

ARTICLE 47

From the General Laws

Section 53F3/4: PEG Access and Cable Related Fund

Section 53F3/4. Notwithstanding section 53 or any other general or special law to the contrary, a municipality that accepts this section may establish in the treasury a separate revenue account to be known as the PEG Access and Cable Related Fund, into which may be deposited funds received in connection with a franchise agreement between a cable operator and the municipality. Monies in the fund shall only be appropriated for cable-related purposes consistent with the franchise agreement, including, but not limited to: (i) support of public, educational or governmental access cable television services; (ii) monitor compliance of the cable operator with the franchise agreement; or (iii) prepare for renewal of the franchise license.