



Adopted: August 8, 2006

**BOARD OF SELECTMEN  
POLICES AND PROCEDURES**

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Prepared by the Walpole Board of Selectmen  
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**Town Of Walpole**  
**Board of Selectmen**

**SECTION 101   GENERAL**

**101-001: PURPOSE**

The Board of Selectmen of the Town of Walpole, (hereinafter “the Board”), recognizing the need to codify the traditional and accepted working relationships among the members of the Board, between the Board and the Town Administrator and between the Board and other Town boards, committees, officials and citizens, and also recognizing the need to systemize and reduce to writing the Town’s public policies and procedure, here by create operating procedures for the Board of Selectmen.

**101-002: NATURE OF POLICIES and PROCEDURES**

These policies and procedures shall contain items relating to topics that cannot be addressed elsewhere. Topics that would more appropriately be addressed in a statute, by-law, regulation or Charter shall not be addressed in this format.

**101-003: PROTOCOL FOR ESTABLISHING POLICIES and PROCEDURES**

Draft policies and procedures shall be placed on the agenda for a regularly scheduled meeting of the Board. Drafts shall be in writing, and may be introduced only by a member of the Board or the Town Administrator. Upon receipt of a draft the Board may choose to discuss the policy immediately or schedule it for a future meeting. The Board may schedule any hearings or meetings they feel necessary for discussion. The Board may distribute a draft copy of the policy to the appropriate officials they feel necessary for comment.

**101-004: AUTHORITY**

The powers of the Board of Selectmen are established by state laws, the By-laws and Charter of the Town of Walpole and are granted in terms of action as a group, members of the Board have authority only when acting as a board legally in session.

**101-005: VIOLATIONS**

Any person who violates any provision of these policies & procedures shall be subject to disciplinary action by his/her appropriate appointing authority.

## **SECTION 102    ESTABLISHMENT**

### **102-001: ELECTION and QUALIFICATION**

In accordance with the Town Charter the Board shall consist of five duly elected members. An individual must be a registered voter in the Town. Upon election, the Board member must take an oath of office and be sworn to faithful performance of official responsibilities by the Town Clerk.

### **102-002: VACANCY**

If a vacancy occurs in the membership of the Board of Selectmen, the Board or its remaining members may call a special election to fill the vacancy and shall call such election upon the request of two hundred (200) registered voters of the Town, (or twenty percent of the total number of registered voters of the town, whichever number is lesser); provided that such request, is filed with such remaining Selectmen not less than one hundred (100) days prior to the date of the next annual election.

### **102-003: ROLE OF THE BOARD OF SELECTMEN, POWERS AND DUTIES**

1.     The Board of Selectmen is responsible to the people of the Town of Walpole. All executive authority of the town government shall be vested in a Board of Selectmen, hereinafter called Selectmen. The Selectmen shall have all the powers and duties conferred upon Boards of Selectmen under the Constitution and General Laws of the Commonwealth as determined by the Town By-Laws and the Walpole Charter.

The Board of Selectmen by State Law and local Charter have the powers and duties to make or rescind appointments to town boards, offices and committees, authorized or required by the General Laws, the Charter, by By-Law or by the Representative Town meeting. They are responsible for supervising the departments of the general government that are not supervised by other elected officials. This responsibility is delegated to the Town Administrator, and the Board will refrain from involvement in the day-to-day operations. Comments and questions about town departments should be addressed to the Town Administrator. The Board may be called upon to resolve disputes that are unable to be resolved on the staff level.

2.     To sign warrants for the payment of all town bills
3.     To appoint a professional town administrator and town counsel
4.     To prepare the town meeting warrant
5.     To provide executive policy and procedure to be carried out by the Town Administrator.
6.     To act with all powers and duties as Commissioners of Police, Fire, Roads and Cemeteries.

7. To make investigations of the affairs of the town and the conduct of any town department, office or agency or employee of the town, whether elected or appointed, serving with or without pay, and any claims against the town or require the Town Administrator and/or town counsel to make such and investigation.
8. To make final approval and award any contracts negotiated on behalf of the town, except for those contracts preempted by state statute.
9. To act as the Licensing Authority of the town and to issue licenses and/or permits to properly regulate the activities of business in regard to public health, safety and well-being, except as otherwise provided by state law.
10. To provide for an independent audit of the accounts of the town.
11. To require all offices and municipal agencies to administer and enforce the laws equally among the public to protect the general welfare; and to bring suit against any offices or municipal agency if necessary to carry out the rule of that law.

#### **102-004: GOALS AND OBJECTIVES**

The Board of Selectmen will periodically establish goals and procedures. Goals, which are time specific, will be evaluated by the Board against specific objectives.

The Board will establish goals in the following areas:

1. Fiscal Management
2. Communications
3. Policy Development
4. Intergovernmental communications/relations
5. Public relations
6. Board of Selectmen/Town Administration relations
7. Board of Selectmen meeting effectiveness/efficiency

Upon review of goals, the Board will establish a new series of objectives and set dates for next evaluation.

#### **102-005: ORGANIZATION OF THE BOARD**

The Board of Selectmen shall organize annually at the first regular scheduled meeting following the annual election of Town Offices. The organizational meeting shall be called to order by the past Chairman who shall preside as Chairman pro tem until a new Chairman is elected. A majority vote shall constitute an election. If there is no immediate past Chairman, the senior member in terms of current service shall serve as Chairman pro tem. Nominations for office of Chairperson will be made from the floor. Nominations require a second. Upon the election of the Chairperson, he/she will call for the election of a Vice-Chairman and a Clerk under the same provisions stated for Chairman.

## **SECTION 103            RESPONSIBILITES**

### **103-001: RESPONSIBILITES OF THE CHAIRMAN**

The Chairman has the same powers as any other member of the Board to vote upon all measures coming before it, to offer resolutions and to discuss questions.

1. Preside at all meetings of the Board. Calling the meeting to order at the appointed time. Maintain order in the meeting room, recognize speakers, call for votes and announce the business before the Board.
2. Sign documents necessary to carry out state requirements and other documents as voted by the Board.
3. Call Special meetings in accordance with the Open Meeting Law.
4. Participate in the planning of the Board's Agenda.
5. Coordinate with the Town Administrator and Board's Administrative Secretary the scheduling of appointments before the Board.
6. Confer with the Town Administrator regarding matters that may occur between meetings.
7. Communicate with all members of the Board information relative to matters before the Board.
8. Represent the Board at meetings, conferences and other gatherings unless otherwise determined by the Board or delegated by the Chairman.
9. Serve as spokesman of the Board at Town Meetings and present the Board's position unless otherwise determined by the Board or delegated by the Chairman.
10. The Chairman shall have the same rights as other members to discuss questions and to vote thereon. In the absence of other offerings she/he may introduce motions, seconds to motions and resolutions.

### **103-002: RESPONSIBLITES OF THE VICE-CHAIRMAN**

The Vice-Chairman of the Board will act in the absence of the Chairperson as presiding officer of the Board and will perform such other duties as may be delegated or assigned to him/her.

### **103-003: RESPONSIBILITES OF THE CLERK**

The primary duties of the Clerk are to sign any official document requiring the Clerk's signature and in the absences of the Administrative Secretary, the Clerk will take minutes. The Clerk is also responsible for the preliminary review of all minutes prior to them being put forth to the Board for approval.

### **103-004: ROLE OF THE TOWN ADMINISTRATOR**

The Board of Selectmen, by an affirmative vote of the majority, shall appoint a Town Administrator who functions as the Town's Chief Administrative Officer and shall be directly responsible to the Board of Selectmen for the administration of all town affairs placed in his/her charge by or under the Charter or Town by-law. The primary duties of the

Town Administrator shall be the day-to-day administration of the general government as outlined in the position's job description.

The Town Administrator must maintain a close working relationship with all members of the Board. He/She shall regularly brief the Board members on all important issues.

In order to provide the Town with continuity of management and the Town Administrator with job security, the Board is committed to maintaining an employment agreement with the Town Administrator, as permitted by Statute.

### **103-005: BOARD ETHICS**

1. A member of the Board of Selectmen in relation to the community, should
  - a. Realize that her/his basic function is to make policy, with administration delegated to the Town Administrator.
  - b. Realize that she or he is one of the team and should abide by, and carry out, all board decisions once they are made.
  - c. Be well informed concerning the duties of a board member on both local and state levels.
  - d. Remember that she or he represents the entire community at all times.
  - e. Accept the office of Selectman, as a means of unselfish service, not benefit personally or politically from his or her board or outside activities.
  - f. In all appointments, avoid political patronage by judging all candidates on merit, experience, and qualifications only.
  - g. Abide by the ethics established by the State and not use the position to obtain inside information on matters, which may benefit someone personally.
  
2. A member of the Board of Selectmen, in her or his relations with administrative officers of the Town should:
  - a. Endeavor to establish sound, clearly defined policies that will direct and support the administration for the benefit of the people of the community.
  - b. Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
  - c. Give the Town Administrator full responsibility for discharging her or his disposition and solution.
  
3. A member of the Board of Selectmen, in her or his relations with fellow board members, should:
  - a. Recognize that action at official legal meetings is binding and that she or he alone cannot bind the Board outside of such meetings.
  - b. Not make statements or promises of how she or he will vote on matters that will come before the Board until she or he has had an opportunity to hear the pros and cons of the issue during a Board meeting.
  - c. Uphold the intent of executive session and respect the privileged communications that exists in executive session.
  - d. Make decisions only after all facts on an issue have been presented and discussed.
  - e. Treat with respect the rights of all members of the Board despite differences of opinion.

## **SECTION 104      MEETINGS AND HEARINGS**

### **104-001: REGULAR BOARD MEETINGS**

Regular Board meetings are held every other Tuesday night. The Board shall not meet on designated legal holidays.

### **104-002: SPECIAL MEETINGS**

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

### **104-003: WORKSHOP MEETINGS**

The Board may conduct informal working sessions as necessary. The meeting will be posted in accordance with the Open Meeting Law; no official action will be taken. Minutes shall be a synopsis of the transactions of the informal meeting.

### **104-004: EMERGENCY MEETINGS**

Emergency meetings may be convened when a sudden, generally unexpected occurrence or set of circumstances demanding immediate action takes place. The Chairman shall have the authority to call emergency meetings of the Board.

### **104-005: MEETING PROCEDURES**

Meetings are to be conducted in accordance with generally accepted rules of parliamentary procedure and the Open Meeting Law. It is the practice that application of such procedure be on a relatively informal basis, due to the size of the group and the desirability or flexibility in the expression of opinion, Robert's Rule of Order may be used as a guide in matters requiring clarification of definition.

A Quorum shall consist of three (3) members of the Board. As a practical courtesy, action on critical or controversial matters, the adoption of policy or appointments shall be taken whenever practicable with the full Board in Attendance. Actions and decisions shall be by motion, second and vote.

The Town Administrator is expected to be in attendance at all meetings of the Board in order to keep the Board informed and advised and recommend in all matters that fall within the jurisdiction of her/his office.

She/He shall carry out the actions of the Board as they relate to the conduct and administration of Town affairs under his jurisdiction.

### **104-006: EXECUTIVE SESSIONS**

Executive sessions other than a few minutes in duration, will be scheduled at the end or beginning of the open meeting. Only items clearly allowed under the Open Meeting Law shall be included in Executive Session. The mover must specify in the motion to enter into Executive Session the reason the session is sought. A majority of the members present must vote to enter into Executive Session by roll call vote. The Chairman must state whether or not the board will reconvene into open session.

## **SECTION 105    SELECTMEN OFFICE POLICIES**

### **105-001: AGENDA PROCEDURES**

Only items held by a Selectman may be added to the agenda.

All items for the agenda must be submitted to the Board of Selectmen office by 12:00 noon on the Thursday preceding the meeting. Items of emergency or routine nature that develop after closing of the agenda may be considered by the Chairman under Other Business.

Members of the Board, Town Administrator and staff, or others, who prepare background material for the meeting, should make an effort to have such material available Thursday morning. If background information is insufficient or complicated, or if complex memos or motions are presented at the meeting which were not in the Board's meeting packet, any member should feel free to request the tabling of the item to allow careful study of the material presented or the motion

The agenda shall be available to the public and press at the Selectmen's Office no later than Monday morning and shall be posted at the Town Hall bulletin board.

Agenda normally includes:

- I. Call To order at 7:30 p.m. in Main Meeting Room
- II. Announcements/Proclamations
- III. Sponsored Agenda & Action Items
- IV. Town Administrator's Update
- V. Review and Sign Warrants
- VI. Roundtable
  - New Business
  - Old Business
- VII Minutes
- VIII Adjournment

(Note: at the first meeting of each month the Board will reserve agenda time for the purpose of receiving public input. This agenda item shall be referred to as Open Forum, and individuals wishing to speak shall do so for not more than five (5) minutes. The Chairman shall ensure that personalities are not discussed, nor shall any unprofessional or unsubstantiated comments be accepted.)

### **105-002: MEETING POSTINGS**

The Board of Selectmen will post a blanket notice with the time, date and location of the meeting, the principal official bulletin board of the Town will be the glass case on the first floor hallway, and that the Board provide the agenda as a public service on the bulletin board closest to the Town Clerk's office.

### **105-003: MINUTES**

The Administrative Secretary to the Board of Selectmen shall record open meetings of the Board. Draft minutes are forwarded to the Clerk of the Board for their review. The Minutes shall then be circulated to members of the Board and shall be considered for approval at the next meeting of the Board.

The Minutes shall contain as required by the Open Meeting Law the date, time, place, members present or absent and action taken at each meeting, including executive session. The minutes shall record exactly the votes and other official actions taken by the Board. The records of each meeting shall become public record and be available to the public; provided however, that the records of any executive session may remain secret as long as publication may defeat the lawful purposes of the executive sessions, but no longer. No Votes taken in open session shall be by secret ballot.

Approved minutes are recorded in a Minutes Book, which shall be bound when filled to capacity. Minutes of Executive Sessions are kept separately and recorded in accordance with the above procedures.

### **105-004: CORRESPONDENCE**

All correspondence is opened and date stamped, unless it is addressed to a specific Selectman and marked "Personal" or "Confidential". It is the policy of the Board that member's review the incoming mail and initial either; hold, copy, file, distribute or dispose. The Town Administrator and Secretary will review all incoming mail and place any items on the Agenda that require action by the Board of Selectmen. The Agenda closes on Thursday at noon in order to give the Secretary sufficient time to prepare Agenda. Only the Chairman can allow documents to be placed on the Agenda that are received after noon.

The correspondence will be filed after a period of one week.

### **105-005: BOARD MEMBER EXPENSE REIMBURSEMENT**

Board of Selectmen members shall be entitled to reimbursement of expenses incurred in the execution of their official duties subject to appropriation and production of valid receipts/vouchers.

## **SECTION 106 COMMITTEES, BOARDS, COMMISSIONS**

### **106-001: COMMITTEE APPOINTMENTS**

1. Committee appointments are made by the Selectmen

2. When people submit applications or resumes to be considered for a vacancy on a committee, they must meet with the Board before the Board will take action. Hold all applications and have them come in at one time, when the Board will be making appointments.

3. Regular members are generally appointed for a three year term. The terms of most regular members expire on April 1<sup>st</sup>.

4. Associate members are generally appointed for a one year term to expire on April 1<sup>st</sup>.

5. If a person is appointed to fill the un-expired term of someone who has resigned, their committee term expires at the same time that it did for the person they are replacing.

6 The Administrative Secretary sends letters out to members whose terms expire February asking them if they wish to be re-appointed.

7. People who are scheduled for reappointment do not need to meet with the Board. Prepare list for the Board to vote on before their expiration of their term.

8. Vacancies should be advertised on Cable TV and the Walpole Web Page.

### **106-002: ADVISORY COMMITTEES OF THE BOARD OF SELECTMEN**

The Board of Selectmen may appoint ad hoc advisory committees to aid on matters under the Board's jurisdiction. The use of such advisory committees provides greater expertise and more widespread citizen participation in the operation of government.

Charges to advisory committees shall be in writing and shall include the work to be undertaken, the time in which it is to be accomplished, and the procedures for reporting to the Selectmen. Each committee must report in writing at least annually to the Selectmen. The Board will discharge committees upon the completion of their work.

### **106-003: RELATIONS WITH TOWN BOARDS, COMMITTEE AND COMMISSIONS**

The Board of Selectmen, in their relationship with and to other boards, committees and commissions, shall at all times:

1. Set Town-wide goals and priorities
2. Identify problems and work together towards a resolution
3. Develop a process for dealing with State and County government

To carry out these functions, the Selectmen shall:

1. Schedule meetings with the Chairman of the Major Boards, Committees and Commissions to carry out the functions outlined.
2. Schedule "All Boards" meetings.
3. Meet with State Legislators to discuss issues, which affect Walpole.

The Board of Selectmen shall meet not less than once annually with each committee, board or commission that it appoints to receive progress updates and reports. Other elected boards and commissions shall be invited to meet with the Board, as the Selectmen shall deem appropriate.

#### **106-004: RESIDENTIAL REQUIREMENT**

It shall be the policy of the Board that residency within the Town of Walpole shall be required of any individual who shall serve on any town committee or board so appointed by the Board of Selectmen.

#### **106-005: RELATION TO CITIZENS**

The Board recognizes that it represents and is accountable to all the citizens of Walpole. It is the Boards policy to make every effort to strengthen communications with citizens.

1. An individual or group may request an appointment before the Board to the Chairman of the Board through their Secretary. The Board requests that they state the reason for the appearance and the action desired. Citizens are encouraged to have written material submitted in advance to allow the Board Members the opportunity to review prior to their next meeting. Appointment requests must be presented to the Chair for his/her approval/denial prior to the close of the agenda.
2. As stipulated herein, at the first meeting of each month, the Board shall allocate time for an OPEN FORUM, which provides an opportunity for citizens to voice their concerns. Any questions raised by a citizen during this time will not generally be answered unless the Board and or Town Administrator are able to respond with an appropriate answer. The Town Administrator will investigate any questions or concerns raised by a citizen and respond to the citizen promptly.

**Town Of Walpole**  
**Board of Selectmen**

**200 GENERAL GOVERNMENT**

**SECTION 201: EMPLOYEE POLICIES**

**201-001: COMMEMORATION OF EMPLOYEE**

Upon receipt of notice of the death of a current or retired employee of the Town of Walpole, the relevant Town facility (Town Hall, Police Station or Fire Station) shall display the appropriate bunting on the exterior of the building and all flags on Town property shall be lowered to half-mast to commemorate the passing of a colleague in public service for the duration defined as follows:

Line of duty death: from the notice through thirty (30) days after the funeral  
Current or Retired employee: from the notice through seven (7) days after the funeral

Should the closest relative (s) (parents, spouse, children) desire not to implement this policy, the Town shall honor their wishes.

**201-002: APPOINTMENTS/HIRING**

1. Selectmen Appointments

In accordance with the Walpole Home Rule Charter, Section 3-2 (4), the Selectmen appoint the following positions:

(a) For Fixed terms:

Constables, (after notice having been duly advertised for one month prior to said appointments), Town Counsel and a Dog Officer.

(b) For Indefinite Terms:

A Town Administrator, Town Clerk, Veteran's Agent, Chief of the Police Department, a Chief of the Fire Department, a Civil Defense Director, and a Sealer of Weights and Measures.

In addition, the Selectmen appoint sworn Police and Fire Personnel.

2. Employment

The Board of Selectmen Policy is as follows:

(a) Recruitment

A Department with a vacancy or a newly budgeted position shall notify Town Administration and the Personnel Department of such position.

(b) Job Posting and Advertising

- All positions must be posted and/or advertised for at least 7 calendar days before being filled.
- Job posting is a centralized process coordinated through the Personnel Department. The position will be posted at specified locations in the Town hall and the Library.
- Advertising of a position will be in the local paper at least one week prior to deadline. Positions requiring unusual skills or talents may be advertised in State wide or national newspapers or professional journals.

(c) Interviewing/hiring

- A Screening Committee may be created by Town Administration or designee. A representative from the applicable Department should be included (if applicable).
- Screening Committee generates a list of finalists of 3 to 5 with ranking for the appointing authority's consideration, except for the specific Civil Service List generated for Police positions covered there under. The appointing authority will then conduct final interview(s) and may appoint a successful candidate, subject to completion of a pre-employment physical, and ratification by the Board of Selectmen if so required.
- The Walpole Fire Department positions of Captains, Lieutenants, and Fire Fighters will be required to take an examination (for promotion or appointment) to be administered by an approved testing company for the creation of a listing of eligible candidates. Said list shall be valid for two years. The applicant must pass a standard physical exam.
- The Walpole Police Department positions of Patrolman, Sergeant and Lieutenant are covered by Mass. General Laws, Chapter 31 Civil Service, whereas a list of candidates is requested by Chief and recommendation of ranking candidates is offered to the Board for their consideration.

(d) Appointment Process

- The Board of Selectmen interview finalists for positions so appointed by the Board in open session at a special session of the Board.
- The successful applicant will be presented a job offer by the Board contingent upon successful completion of a Town physical examination.
- Town Administration, Selectmen and Personnel Board sign Personnel Action Form to formalize hiring.
- Persons becomes employed.

**201-003: DRUG FREE WORKPLACE POLICY**

The purpose of the Town of Walpole's Drug-free Workplace Policy is to emphasize prohibitions against the use or possession of illegal drugs or alcohol and to make employees and managers aware of the penalties for substance abuse on the job.

1. All employees are forbidden to use or possess illegal drugs or alcohol at any time during the work day or anywhere on the employer's premises. Workers also are forbidden to engage

in any sale, manufacture, or other transactions and activities involving illegal drugs on the employer's premises, Violators will be subject to immediate discipline (suspension or termination) consistent with existing state and federal labor laws and union-approved policies. Disciplinary action will be taken consistent with the procedures established under current collective bargaining agreements, if any. Additionally, employees who are under the influence of drugs or alcohol while on the job will be subject to discipline.

2. The employer may seek the right to search handbags, containers, or other personal effects of workers at any time in compliance with federal and state laws and collective bargaining agreements governing such actions. If deemed necessary, and allowable by law, employees may be asked to submit to physical search. At no time will any employee be searched by or in the presence of a member of the opposite sex. Refusal to cooperate may be treated as insubordination warranting immediate discipline.

3. Employees who appear to be impaired while on the job may be asked by their supervisor to submit to a test to determine whether they are under the influence of illegal drugs or alcohol. Tests that may be used include blood tests, urinalysis, or breathalyzer.

4. Any sale of illegal drugs during the work day or on the employer's premises will be treated as gross misconduct, punishable by immediate discipline (suspension or termination). Any off-duty employee convicted of selling drugs may also be subject to discipline by the employer.

5. Employees who must use a prescription drug that causes adverse side effects (e.g. drowsiness, or impaired reflexes or reaction time) should inform a supervisor that they are taking such medication or are under a physician's advice to do so. Such employees are responsible for informing supervisors of the drug's possible effect on performance and the expected duration of use. If a worker is using a drug that could cause safety problems, the supervisor may grant the employee sick leave or temporarily assign the employee different duties.

6. All employees, as a condition of employment, must notify their supervisor of any criminal drug statute conviction for a violation occurring in the work place no later than five (5) days after such conviction.

7. Certification of Drug Free Workplace: The Town of Walpole certifies that it will provide a drug-free workplace by:

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

b. Establishing a drug-free awareness program to inform employees about:

- 1) The dangers of drug abuse in the workplace;
- 2) The applicant's policy of maintaining a drug-free workplace;
- 3) Any available drug counseling, rehabilitation, and employee assistance Programs; and,

4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

c. Notifying the employee in the statement required by paragraph one (1) that, as a condition of employment the employee will:

- 1) Abide by the terms of the statement, and;
- 2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

d. Taking one of the following actions, within thirty (30) days of receiving notice under paragraph 3b, with respect to any employee who is so convicted:

- 1) Taking appropriate personnel action against such an employee, up to and including termination; or
- 2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

e. Making a good faith effort to continue to maintain a drug-free workplace through implementations of paragraphs one through four.

8. The place of performance shall be the Town of Walpole, Town Hall and all other municipally owned facilities and their immediate area.

#### **201-004: SEXUAL HARRASSMENT POLICY**

The Town of Walpole is committed to the provision of a safe and non-discriminatory work place for all of its employees. Pursuant to this commitment the Board of Selectmen and the Personnel Board endorse and adopt the following policy and its adjunct procedures to educate employees, to comply with statutory **mandates, to** address real and potential incidents and to strive to secure a harassment-free work environment.

1. It is illegal and against the policies of the Town of Walpole for any employee or Town Official, male or female, to sexually harass another employee by:

- a. Making unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature, a condition of the employee's continuing employment, or
- b. Making submission to or rejection of such conduct the basis for employment decisions affecting the employee, or
- c. Creating an intimidating, hostile or offensive working environment.

2. Examples of conduct, which may constitute sexual harassment include but are not limited to:

- a. Using one's position or authority, either implicitly or explicitly, to coerce an employee into complying with sexual favor;
- b. Unwanted touching, fondling, patting, hugging, pinching, kissing, cornering or brushing,
- c. Questions and compliments about a person's sexual behavior, sexually oriented jokes, or comments about a person's body or conversations filled

- with sexual innuendo and double meanings, and
- d. Displaying sexually suggestive pictures or objects in the work place, leering or ogling in a sexually explicit manner, or gesturing and making lewd motions with one's body.
- e. Viewing sexually explicit websites, sending sexually explicit emails or voicemails.

3. Any employee who believes he or she has been the subject of sexual harassment should report the alleged act(s) and/or behavior to his or her department head and/or Michael Boynton, Town Administrator, James Johnson, Assistant Town Administrator or Valorie Donohue, Personnel and Benefits Coordinator at Walpole Town Hall, 135 School Street, Walpole, MA 02081, (508) 660-7289. Complaints should be made within a timely manner. Complaints may also be made through contacting either of the two government agencies below:

Massachusetts Commission Against Discrimination  
One Ashburton Place, Room 601  
Boston, MA 02108 (617) 994-6000  
Web site [www.mass.gov/mcad/hours.html](http://www.mass.gov/mcad/hours.html)

Equal Employment Opportunity Commission  
John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203 (800) 669-4000 or (617) 565-3200  
Web site [www.eeoc.gov/boston/index.html](http://www.eeoc.gov/boston/index.html)

4. An investigation of all complaints will be undertaken immediately and in compliance with the Sexual Harassment Complaint Procedure. Any supervisor, agent or other employee who has been found by the administration after appropriate investigation to have sexually harassed another employee will be subject to appropriate sanctions, which range, depending upon the circumstances, from remedial training up to and including termination.

5. Any retaliation for filing a complaint or cooperating in an investigation is unlawful and is prohibited by the Town. Retaliatory action shall be regarded as a separate and distinct cause for complaint under the Sexual Harassment Complaint Procedure, and as a basis for disciplinary action against the offending employee should investigation validate said complaint.

6. The complaint procedure shall be implemented in instances of the alleged sexual harassment of employees by non-employees and on non-employees by employees occurring in the work place and within the jurisdiction of the complaint procedure of the Town of Walpole. Alleged occurrences, which are not within the jurisdiction of the complaint procedure, will be referred to an enforcement agency, if applicable. If there is no available enforcement agency, administration will take reasonable steps to prevent such conduct.

7. The Board of Selectmen and the Personnel Board affirm their responsibility to provide a work environment free of sexual harassment and recognize that such an environment is the result of continued responsible action and behavior by all employees. Any employee is encouraged to raise questions regarding sexual harassment or other barriers to equal employment opportunity with the Assistant Town Administrator.

## 8. Sexual Harassment Complaint Procedure:

Any employee who believes that he or she has been the subject of sexual harassment should report the alleged charge immediately in accordance with the following procedure. (All information disclosed in the procedure will be held in strictest confidence and will only be disclosed on a need-to-know basis in order to investigate and resolve the matter.)

### STEP 1

The individual alleging sexual harassment will report the incident to his or her department head and/or the Town Administrator, Assistant Town Administrator or Personnel and Benefits Coordinator as soon as possible and will be interviewed to discuss the nature of the allegations. If said allegations are made to another person, the matter must be immediately directed to the Assistant Town Administrator. The Assistant Town Administrator will discuss the matter separately with the complainant and alleged harasser, in an attempt to mediate and resolve the matter.

### STEP 2

If the matter cannot be resolved, the individual alleging sexual harassment will be informed.

- a. That in order to pursue the complaint further, he or she must, with assistance if requested, detail the nature of the complaint, and
- b. That there are external procedures, administrative and judicial (MCAD, EEOC and personal legal counsel) which are also available recourse.

If the complainant does not detail the allegations, the specific complaint cannot be further investigated by the Town of Walpole Officials unless circumstances clearly indicate otherwise. Upon receipt of the details of the complaint, the Town Administrator will be notified. The Town Administrator shall determine involvement of legal counsel.

### STEP 3

Within five days after receiving the details of the complaint (if at all possible), the alleged harasser will meet with the Assistant Town Administrator and be informed of:

- a. The charge being made,
- b. Town policy regarding sexual harassment, and
- c. The seriousness of the charge made.

The respondent will be provided with the details of the complaint and given the opportunity to refute the allegation by responding verbally or in writing, providing all specifics in support of rebuttal.

### STEP 4

The Assistant Town Administrator shall investigate the allegations. This investigation can include, but is not limited to:

- interviews with respondent/complainant,
- interviews with supervisor,
- interviews with witnesses, and
- review of any documents on file

Upon the commencement of Step 2 of complaint, the Assistant Town Administrator will report findings of fact to the Town Administrator. In all cases, the thorough investigation and thoughtful consideration are paramount, however, timely resolution remains the objective. The Town Administrator will determine the action to be taken and it will be based on the facts on a case-by-case basis with whatever consultation the Town Administrator may require.

#### STEP 5

Upon receipt of the Town Administrator determination, either party may appeal the decision in writing to the Board of Selectmen\* or the Personnel Board\* within 15 days. This appeal must outline the reasons why the individual feels the decision to be erroneous. The Board of Selectmen or the Personnel Board will determine the final outcome through review of the record or a meeting of all parties. However, any action directed by the Town Administrator shall be implemented upon his/her determination and such action will also be reviewed upon appeal.

Any retaliatory action taken by an employee against any other employee as a result of an individual's seeking redress under this procedure is prohibited and shall be regarded as a separate and distinct cause for complaint under this procedure, and as a basis for disciplinary action against the offending employee.

\*Complainants whose positions are covered by Union Contracts shall appeal to the Board of Selectmen; complainants whose positions are not covered by collective bargaining agreements shall appeal to the Personnel Board.

### **201-005: EMPLOYEE RECOGNITION PROGRAM**

1. General Purpose: The employee recognition program is designed to recognize employees for the vital role they play in the success of our organization and in promoting the Town's commitment to operating in an efficient, customer service orientated manner. This program will recognize an employee or employees each month who make extraordinary efforts in the delivery of customer service and/or the cost effective operations of town government will receive special recognition for their initiative. The program is also intended to convey to the community the positive and beneficial efforts of Town staff.

2. Nominations & Committee Review: An Employee Recognition Committee will be formed to recognize employees who make exemplary efforts in the pursuit of the Town's customer service ideal and/or who go above and beyond the call in the course of their daily duties. Supervisors, co-workers, customers, or anyone else (i.e.: residents, customers, vendors, etc.) who can testify to the exemplary efforts of any Town employee can make nominations. The nomination can be made for ongoing excellence in customer service or a particular incident where an employee went well above and beyond their role in assisting a customer, identifying a cost savings initiative, or suggesting/implementing an innovative service delivery concept. Nomination forms can be obtained at the Town Administrator's office or at the Human Resource's Office. Nomination can also be made directly to the Assistant Town Administrator by letter.

3. Employee of the Month: The committee will select one award recipient each month who will be recognized through press releases, posting at the Town Hall, and who shall also be awarded with a paid personal day to be used within thirty (30) days from date he or she is so proclaimed "Employee of the Month." In special circumstances, more than one employee may be so recognized in a given month provided that the award is the result of a special/extraordinary incident or activity.

4. Committee Composition: The committee will be comprised of the Assistant Town Administrator, the Chairman of the Personnel Board or his/her designee, and the Director of Public Works.

### **201-006: USE & OPERATION OF MOTOR VEHICLES**

1. General Policy: The use and operation of motor vehicles owned or hired by the Town of Walpole shall be governed by this policy. Drivers who are required to have a C.D.L. must also comply with any applicable Federal, State or local requirements.

- a. Motor vehicles shall only be operated by a paid employee or a volunteer of the Town possessing the appropriate class and valid Driver's License needed for the vehicle being driven; except that motor vehicles may be operated by others hired in connection with repair and maintenance work as directed by the Town.
- b. Motor vehicles shall only be operated for official Town business and at the discretion of the appropriate Department Head.
- c. The use of Town-owned or hired motor vehicles for unreasonable personal use is prohibited unless otherwise contractually permitted. The Town Administrator shall take corrective action of abuses of this provision.
- d. An operator shall transport only Town employees or officials in Town-owned or hired vehicles except that persons who are not employees or officials may be transported in connection with official business of the Town. Persons who are not employees or officials of the Town may also be transported in connection with parades and celebrations as authorized by the Town Administrator. In addition, persons who do volunteer work for the Town may be transported in Town-owned or hired vehicles. Any resident may be transported in School or Council on Aging vans, buses, or sedans.
- e. No operator shall allow more than six persons to ride in an automobile, nor more than three in the cab of a pickup truck or dump truck.
- f. No operator of a pickup truck or dump truck shall allow any rider to stand in the body of such vehicles while the vehicles are in motion.
- g. Any operator of a Town-owned vehicle who is cited for a violation of the motor vehicle laws may be subject to disciplinary action dependent upon the citation received. Disciplinary action shall be limited to a written warning, suspension of the right to operate Town-owned or hired motor vehicles for a period of time or permanent loss of right to operate Town-owned or hired motor vehicles.
- h. Any operator who is convicted of operating a Town-owned or hired vehicle under the influence of alcohol or drugs or convicted of possession of alcohol or drugs shall be terminated from employment. Any employee arrested for driving under the influence, whether operating a Town-owned vehicle or personal vehicle shall notify the Town Administrator immediately.

## 2. Assignment of Vehicles:

- a. The following employees and officials shall have motor vehicles assigned to them for use in the conduct of their official business.
  - 1) Town Administrator
  - 2) Director of Public Works
  - 3) Fire Chief
  - 4) Police Chief
  - 5) Health Director
  - 6) Inspector of Buildings
  - 7) Superintendent of Highways, Parks & Cemeteries
  - 8) Superintendent of Building Maintenance
  - 9) Superintendent of Vehicle Maintenance
  - 10) Superintendent of Water & Sewer
  - 11) Asst. Superintendent of Highways, Parks & Cemeteries
  - 12) Asst. Superintendent of Water & Sewer
  - 13) Town Engineer
  - 14) Animal Control Officer
  - 15) Deputy Police Chief
  - 16) Deputy Fire Chief
- b. The above employees and officials may also use said vehicles for transportation to and from work, provided that the community of their principal place of residence is within fifteen miles of the Walpole Town Line.
- c. The Town Administrator may from time to time permit other employees or officials to use vehicles for transportation to and from work on a temporary basis if it is consistent with the needs of the Town. All other vehicles will be assigned on a daily basis by the Department Head and garaged at the appropriate Town facility when not in use.
- d. The Town Administrator may permit the Director of the D.P.W. to assign vehicles, on a temporary basis, to a Foreman or other employee from each Division who would be responsible for responding to after hour emergency calls, which relate to the respective Division, in conformance with these regulations including the restrictions under Item 3. Vehicles assigned to Foreman may not be used for transportation outside Town during the lunch period.

3. Vehicle Cleanliness: Vehicles are to be washed as needed, but not less than bi-weekly. Interiors are to be cleaned and free of debris and dirt at the end of each day. The Department Head of each department and division shall be responsible for ensuring compliance herein.

4. Vehicle Accident Policy: In the event that any employee operating a Town owned vehicle is involved in a motor vehicle accident, the following procedure will be observed at all times:

- a. Report the accident immediately to the police in the city or town the accident occurs in. If in Walpole, contact WALPOLE CONTROL via two-way radio. If a radio is not available, or you are not in Walpole, use a telephone and

dial 911 or \*77 from a cell phone. When reporting the accident, provide the following information:

- Your exact location
  - Whether or not you, any passenger(s), or the operator(s) of the other vehicle(s) may be injured.
  - Advise the dispatcher that you are in a Town of Walpole vehicle
- b. Do not move the vehicle(s) unless directed to do so by a police officer or if the present location of the vehicle will cause further risk of accident.
- c. If you are able to do so, retrieve a copy of the vehicle registration from the vehicle along with your driver's license and make them available to the investigating police officer. **DO NOT SIMPLY EXCHANGE PAPERS WITH THE OTHER OPERATOR(S).** Every vehicle accident involving a Town of Walpole vehicle **MUST** be investigated by a police officer.
- d. Contact your immediate supervisor immediately and advise him or her of the accident. If necessary, request his or her response.
- e. Prior to police arriving on scene, be sure to obtain the license plate and make/model/color of the other vehicle(s) involved and write this down.
- f. If the vehicle is to be towed from the scene, obtain all information as to the name of the tow company and the location of where the vehicle is being towed. If there is another vehicle being towed, obtain the same information for that vehicle.
- g. Upon return to duty or earlier if directed by a supervisor, complete an accident report for Town files and insurance purposes.
- h. If so directed by a supervisor, you may also be required to complete an incident report on the accident.

5. Vehicle Registrations: Vehicle Maintenance staff shall ensure that a copy of a motor vehicle's registration is placed inside every vehicle. Vehicle Maintenance will maintain the originals of those registrations.

6. Municipal Vehicle Parking:

- a. All municipal vehicles shall be parked in accordance with posted parking regulations at all times.
- b. Operators of municipal vehicles are to park **ONLY** in marked spaces when at Town Hall. Fire Lanes, end of aisles, and the side(s) of the building are not authorized spots. Town Hall staff assigned vehicles will be required to park said vehicle in assigned parking stalls on the westerly side of Town Hall.

7. Fuel Conservation: Municipal vehicles shall not be allowed to idle unattended for extended periods, unless the idle is necessary at an emergency scene or in winter conditions.

8. Mileage Reimbursement Rate – Private Vehicle Usage: The Town reimbursement rate for employees who use their personal vehicles for official use shall be equivalent to the IRS rate in affect on July 1<sup>st</sup> of the given fiscal year, when such use is documented on an official reimbursement form.

## **201-007: EMERGENCY CLOSINGS: TOWN HALL & TOWN OFFICES**

1. The decision to close Town Hall offices due to emergency situations (storm, power failure, snow, etc.) is made by the Office of the Town Administrator. This decision will govern all offices within the Town Hall.

Should a shut down of Town Hall Offices be required the following pay policy will apply:

- a. When Town Hall Offices are shut down **for the entire day** before the start of the normal work day, non-union, non-salaried employees schedule to work on the specific day will receive pay for the regularly scheduled hours of work between 8am and 4pm.
- b. When Town Hall Offices has a delay opening at the start of the normal work day, non-union, non-salaried employees schedule to work on the specific day will receive pay for the regularly scheduled hours of work between 8am and 4pm only if they report to work at the designated opening time. However, if the employee does not to report to work they can apply any unused personal days or vacation days for the entire scheduled workday.

2. If the Town Hall Offices are shut down during the workday the following pay policy will apply:

- a. Those non-union, non-salaried employees at work at the time of the shut down will be paid for their entire scheduled day between 8am and 4pm.
- b. Those non-union, non-salaried employees not at work at the time of the shut down will be paid for actual hours worked that day.
- c. If Town Hall Offices are not closed by the Office of the Town Administrator, absent non-union, non-salaried employees will receive no pay. Employees may, however, apply any unused personal days or vacation days.

3. Town Hall Offices include all functional offices within the Town Hall Facility, Recreation, and the Senior Center.

## **201-008: EMPLOYEE INTERNET & E-MAIL USE POLICY**

1. Walpole's Goals for Technology:

The Town of Walpole's computer networks are connected to the Internet and other on-line services in order to allow Town government to serve the public more efficiently and effectively. Accordingly, various on-line capabilities are made available to designated Town employees for legitimate, work-related purposes. These capabilities may include the ability to send and receive electronic mail (E-mail), to conduct information searches on the "World Wide Web," to gain access to computers not owned or controlled by the Town, and to copy data to and from remote computer sites.

Use of these capabilities is subject to the same management oversight and supervision as any other employee activity. Such use must conform to all applicable laws and regulations. All official policies and procedures established by the Town Administrator

or his/her designees to regulate the behavior and performance of Town employees shall apply to use of these computer capabilities. Failure to comply with the guidelines in this policy may result in termination, suspension, or other limitation of an employee's privileges for access to Internet-related capabilities, and may be the cause for further discipline up to and including discharge.

2. Communications & Information Access:

- a. To provide equitable access for all employees to network resources to practice research and problem-solving skills.
- b. To provide all members of the municipal community with opportunities to communicate and collaborate with the broader local and global communities.

3. Instructional/Curricular Technology Integration:

- a. To have all employees use technology to ethically access and analyze information, think critically, solve real-world, complex problems and expand research skills.
- b. To have all employees use technology to improve their ability to communicate effectively for a variety of purposes, audiences, and situations.

4. Explanation of Networked Resources:

The Town of Walpole has actively pursued making advanced technology and increased access to learning opportunities available to our staff. Our goal in providing this service to employees is to promote educational excellence by facilitating resource sharing, innovation and communication. While we support and encourage employee access to a wide variety of information resources, we recognize the responsibilities for using the networked resources appropriately, legally and ethically. Networked resources include, but are not limited to, CD-ROM materials, on-line library catalog systems, the Internet, electronic mail, bulletin-board conferencing systems and information stored on the Town's servers, such as data files and applications.

5. The Internet:

The Internet is a vast, global network, linking computers at Libraries, State and Federal Agencies and other sites. This technology allows for communication and access to information on a global scale including but not limited to:

- a. Access to local, state and federal entities, agencies and contributing authorities and consultants.
- b. World Wide Web sites that offer thousands of resources
- c. Access to university library catalogs, the Library of Congress and ERIC.
- d. Information and news from research institutions as well as the opportunity to correspond with researchers and educators.
- e. Discussion groups on a variety of topics.
- f. Electronic mail communication with people all over the world.

6. Disclaimer of Liability:

With access to computers and people all over the world also comes the availability of material that may not be considered to be of value in the context of the municipal setting. The Town of Walpole has taken precautions to restrict access to controversial materials. However, on a global network it is impossible to control all materials. The Town of Walpole believes that the valuable information and interaction available on this worldwide network far outweighs the possibility that users may procure material that is not consistent with the goals of the Town. The Town of Walpole cannot be held responsible for the accuracy and quality of information obtained on the Internet.

The Town of Walpole disclaims all liability for the content of material that an employee may access on the Internet, for any damage suffered in the course of, or as a result of, the employee Internet use, and for any other consequences of an employee's Internet use.

#### 7. Implementation Guidelines:

All staff will be offered instruction through Information Management on the use of networked resources as part of the program incorporating technology into the work area. An awareness of the philosophy of the Town of Walpole concerning the use of networked resources includes staff recognition that the Internet is one of many resources. Guidelines must be provided for employees.

#### 8. Networked Resources Access is a Privilege:

All uses of Walpole's networked resources must be in support of, and consistent with municipal operations and objectives. Network access through the Town of Walpole is a privilege, not a right. Unacceptable uses of the network will result in the limitation or cancellation of user privileges and possible disciplinary or legal action.

Adherence to the policy is a condition for an employee's privilege of networked resources access. All employee users of the networked resources must read, sign and agree to the terms of the following Acceptable Use Policy. Employees who have not returned the signed form with his/her signature will not be given network access and are prohibited from using networked resources with town owned computers, during compensated or uncompensated hours nor associating with the Town during personal, private non-town use.

#### 9. Listing of Acceptable and Unacceptable Uses:

Appropriate use of technology in the municipal environment is the joint responsibility of administration and staff. Every user is expected to take individual responsibility for appropriate use of the network when selecting, sharing or exploring information and media.

- a. E-mail and other on-line services are the property of the Town of Walpole and must be used for Town of Walpole's business purposes.
- b. E-mail messages are considered public records and are therefore legally discoverable and subject to record retention policies. Employees should not expect that e-mail messages (even those marked "personal") are private or confidential.
- c. The Town Administrator may, for legitimate business reasons, approve the monitoring of e-mail messages. Legitimate business reasons include, but

- are not limited to, system checks, review of employee productivity when employee productivity is called into question by a supervisor or manager, investigations into claims of possible criminal activity, and investigations into claims of inappropriate use of the Town's Internet or on-line services.
- d. Use of the Town's system constitutes consent to monitoring of e-mail transmissions and other on-line services and is conditioned upon strict adherence to the Policy.
- e. All users are expected to undertake precautions to prevent infection of Town's computers by computer viruses. In particular, executable programs imported from other sites to the Towns' computers must not be used unless they have been authorized by the Management Information Services Department (MIS) and they have been subjected to virus detection procedures approved by MIS. The MIS Department may, from time to time, impose additional restrictions or regulations on the importing of remote files, and such restrictions or regulation shall be considered part of this policy.
- f. Notwithstanding the provisions of prohibited used, political lobbying or other activities that may be deemed to be political in nature shall be permitted to the extent that such activities are a part of the official responsibilities of an employee, provided that such activities relate to political issues rather than to specific political candidates.
- g. Managers and supervisors are responsible for ensuring that all their employees using computers have read this policy and understand its applicability to their activities.

Acceptable uses of the Town of Walpole's networked resources include, but are not limited to, information/resource sharing and materials that:

- h. Reflect honesty, and high ethical and moral responsibility.
- i. Show restraint in the consumption of shared resources.
- j. Promote innovation and excellence through research, worldwide resource sharing and communication.
- k. Demonstrate respect for intellectual property and ownership of data.

#### 10. Prohibited Uses:

The following uses of the Town of Walpole networked resources are not permitted:

- a. Accessing, sending or displaying offensive, obscene, sexually explicit, defamatory, or harassing messages or materials work, or from home to work.
- b. The transmission of materials used for commercial promotion, product endorsement, or political lobbying (see above).
- c. Attempts to violate the computer security systems implemented by the Town of Walpole or other institutions, organizations, companies or individuals.
- d. Software piracy, or the downloading and transferring of software for which the user does not have the proper licensing.
- e. Trespassing in another's folders works or files.

- f. Plagiarizing, i.e., taking material created by others and presenting it as one's own.
- g. Sharing your password with anyone or using another person's password.
- h. Damaging computers, systems, or networks.
- i. Tampering with, making changes to, or altering system folders or files.
- j. Uploading or creating computer viruses.
- k. Violating copyright laws and illegal distribution of software.
- l. Intentionally wasting limited resources.
- m. Using Town resources for personal, commercial, political or religious purposes.
- n. Sharing written or graphic information that identifies specific employees using e-mail or the Internet.
- o. Revealing any personal addresses, phone numbers, credit card numbers bank account numbers or other private information of any individual.

11. Network Etiquette:

Employees are expected to learn and to abide by generally accepted rules of network etiquette, as well as the rules of municipal decorum. These include but are not limited to:

- a. Being polite.
- b. Using appropriate language.
- c. Being considerate of other's use of the system.
- d. Adhering to the general rules and standards for professional behavior and communications.

The goal of network etiquette is to encourage the efficient use of a shared resource.

12. Changes in the Guidelines:

The Town of Walpole reserves the right to revise this policy at any time.

13. User Agreement:

As a user of the Town of Walpole Computer network, I have read, understand and agree to comply with the Town of Walpole's Acceptable Use Policy. I agree that inappropriate use or behavior may result in loss of use, disciplinary action and/or legal action.

**201-009 CUSTOMER SERVICE POLICY**

1. Receiving Telephone Calls: All phone calls will be answered with a "Good Morning" or Good Afternoon", or "Good Evening", followed by the department name, your name, and an offer to help that person. An example to be followed: "Good Morning, Walpole Town Administrator's Office, this is Jim, may I help you". The image and attitude projected by the tone of our voices will likely set the tone for the whole conversation.

2. Returning Phone Calls & Voice Mail: it is essential that messages left on voice mail or calls where messages are taken by other staff, are returned promptly. For the most part, promptly means within minutes where possible, but absolutely during the

same business day. A return phone call, preferably one made shortly after the message was left, goes a long way to satisfy the customer on the other end.

3.           **Responding To Customer Needs Or Complaints:** When a person who is at the counter, in the office, or on the phone, brings a complaint, question, problem, suggestion or need to our attention, he or she often wants that issue to be addressed immediately. At that moment, it is the responsibility of staff to address the concern or need immediately, and to be sure that the customer/resident senses that the efforts being made are genuine. Issues must be resolved as soon as possible.

4.           **Addressing The Need Or Complaint:** More often than not, when someone asks a question, likely an answer is readily available or it is known where one may be found. In these circumstances, answering the question immediately is the best advice. Referring customers to other departments or offices because of jurisdictional concerns is not acceptable. If you don't have the answer to the question, you must get it. It is the responsibility of all staff to be as well informed as possible. There will be instances where accurate information is not immediately at hand because the technical expertise that another office has is required. Put the customer on hold, contact the appropriate official on the other line and identify the customer and need to the other staff person, and then connect them with an introduction.

5.           **Dealing With Other Staff – Communicate!:** The way in which staff deals with each other is very clear and obvious to the public. How staff communicates between departments and staff is as important, if not more so, than how they interact with the public at large. Project a positive and professional image at all times.

6.           **Saying “No” & Delivering “Bad” Information:** While “what” is said is very important, “how” it is said is just as important. On many occasions, staff will find themselves in a position where he/she has to say “no” to a resident request or will have to deliver less-than-popular information. Being sympathetic to the problem or concern is a must. Showing compassion is vital. And being professional at all times is demanded. Also, when saying no, it is a must to have researched all avenues before delivering the final answer. If the resident does find out “no” really could have been “yes” from someone else, then a larger credibility problem will result.

7.           **Positive & Professional Image – Appearance:** In addition to being professional in what is “said”, staff must always be professional in appearance, which in turn lends itself to a higher level of respect from the public we serve.

## **201-010: POLICY ON ETHICAL CONDUCT**

### **1. Purpose**

The purpose of this policy is to:

- a.           • ensure, along with the State Conflict of Interest Law (“COIL”), that private financial interests and personal relationships of persons serving the Town, whether as paid employees or elected or appointed volunteers, (“TOWN Employees”) do not conflict with their public obligations,

- b. • inform Town Employees of the importance of acting in ways that do not create either actual conflicts or the appearance of conflicts,
- c. • emphasize those aspects of the “COIL” that are of particular concern as a matter of policy to the Board of Selectmen,
- d. • inform Town Employees of the ways in which conflicts or the appearance of conflicts may lawfully be avoided or, if having occurred, may be cured, and
- e. • inform the public in non-technical terms of certain important provisions of the “COIL” as it may apply to matters of local concern and of the importance that the Board of Selectmen attaches to the fair and effective application of that law.
- f. This policy is not intended to replace or to contradict the provisions of state law. It is a summary of certain provisions of the “COIL” which the Board of Selectmen believe should be part of the basic knowledge about town government of all Town Employees. It is not meant to serve as formal advice or as a substitute for either private legal counsel or for the methods provided by the “COIL” by which Town Employees can obtain opinions or guidance from Town Counsel or the Ethics Commission. Town Employees who are uncertain how the COIL applies to them or what their responsibilities under that law may be are encouraged to seek such guidance. Town Employees should take particular note of the provisions of this policy that appear in large bold face type. Those provisions are summary statements of basic principles to be observed by all Town Employees.
- g.

2. References

- a. Massachusetts General Law, Chapter 268A (Conflict of Interest Law)
- b. Section 17: Receiving gifts or compensation from someone other than the Town, or acting for others than the Town.
- c. Section 19: Participating for the Town in matters in which Town Employee has a financial interest.
- d. Section 20: Having a financial interest in a Town contract.
- e. Section 21: Canceling official actions influenced by Town Employee misconduct, and other sanctions.
- f. Section 23(b) (3): Avoiding giving reasonable grounds for belief that improper conduct has occurred.
- g. Massachusetts General Law, Chapter 268B (Public Disclosure by Public Officials and Employees)
- h. Section 3 (g): Advisory Opinions of State Ethics Commission  
State Ethics Commission Rules of Practice and Procedure, 930 CMR and Section 1.03 Advisory Opinions to Municipal Employees.

3. Special Terms

- a. Town Employee: A person performing services for or holding an office, position, employment, or membership in a Town agency, whether by election, appointment, employment, whether serving with or without compensation, on a full, regular, part-time or consultant basis, but excluding Town Meeting Members when acting as such.

- b. Participate: To act on behalf of the Town as a Town Employee in any of the following ways: approving, disapproving, deciding, recommending, advising, investigating or otherwise.
- c. Immediate Family: The Town Employee or the employee's spouse, parents of the employee or employee's spouse, children, brothers and sisters.
- d. Special Town Employee: A Town Employee who has been expressly classified by the Board of Selectmen and who is eligible for such classification under the COIL.

#### 4. Policy Description

##### a. THREE COMMON TYPES OF CONDUCT THAT MUST BE AVOIDED

The Conflict of Interest Law ("COIL") is concerned primarily with conduct which may affect the ability of persons who are serving the Town as Town Employees to render such services with undivided loyalty to the interests of the Town and its residents. In addition, the law requires such persons to not engage in conduct that could reasonably lead objective observers to believe that a violation of the law might occur, the so-called prohibition against "the appearance of conflict."

In some situations conduct that might violate the law can be made harmless by the person making a public disclosure of the circumstances. In some cases the disclosure alone is sufficient.

In other cases a person holding an appointed position may receive permission to proceed in the matter after disclosure to the appointing authority.

If a person is uncertain whether the "COIL" applies to a proposed action, an opinion may be obtained from Town Counsel or the State Ethics Commission. A favorable opinion that is based on an accurate disclosure of the circumstances will protect the person against disciplinary action by the Ethics Commission and possible criminal prosecution. If a violation occurs, depending on its nature and severity, the person may be subject to civil or criminal penalties including fines and imprisonment. In addition, if the violation has harmed the financial interests of the Town in its dealings with others, the action taken in violation of the law may be cancelled.

The types of conduct that most frequently are likely to violate the law can be summarized as follows:

##### 1) YOU MAY NOT RECEIVE PAYMENT FROM SOMEONE ELSE OR ACT FOR SOMEONE OTHER THAN THE TOWN IN PERFORMING YOUR DUTIES FOR THE TOWN.

A person subject to the law may not receive or ask for compensation from any person other than the Town in connection with the person's performance of duties for the Town. In plain terms, a person may not accept or solicit a bribe or a gift, or be paid by anyone other than the Town for participating in one's official duties for the Town. Similarly, a

person subject to the law may not act for anyone other than the Town in any matter in which the Town is a party or has a direct or substantial interest, whether or not the person has any official responsibility in connection with the matter

2) YOU MAY NOT ACT FOR THE TOWN IN A MATTER IN WHICH A YOU HAVE A FINANCIAL INTEREST

A Town Employee may not act for the Town in any matter in which the person has a financial interest. (C. 268A, Sec.19)

3) YOU MAY NOT HAVE A FINANCIAL INTEREST IN A TOWN CONTRACT

A Town Employee may not have a financial interest in a contract made by the Town even if the person had no official responsibility in connection with making the contract. A contract of employment between a Town Employee and the Town is permitted. (C. 268A, Sec. 20)

4) YOU MAY NOT ACT IN A WAY THAT WOULD CAUSE A REASONABLE PERSON WHO IS AWARE OF THE CIRCUMSTANCES TO THINK YOU COULD BE IMPROPERLY INFLUENCED OR SHOW FAVORITISM IN PERFORMING YOUR DUTIES AS THE RESULT OF FAMILY RELATIONSHIPS OR UNDUE INFLUENCE OF ANOTHER PERSON. C. 268A, Sec. 23(b)(3).

A Town Employee may violate this section even if the employee's conduct does not amount to an actual violation of another section. This section cautions against acting in a way that would give a reasonable person, not one who is unduly suspicious or distrustful of anyone in public office, reason to conclude from the way you act, or from your relationship to someone having an interest in the outcome of your official actions, that your performance could be the result of improper influence or family, business or professional relationships. The three types of conduct summarized above are not the only provisions of the law with which the "COIL" and this policy are concerned. They are, however, among the most common sources of difficulty and are basic to an understanding of the law.

#### 5. Special Town Employees

The COIL authorizes the Board of Selectmen in its discretion to designate certain Town Employees (other than Selectmen) as Special Town Employees. Special Town Employees maybe exempt from certain provisions of the COIL depending on the nature of the responsibilities of their position. If any member of a board or committee receives the designation all must receive it. The COIL establishes minimum requirements for eligibility that includes unpaid volunteers and certain part time paid Town Employees. The Board of Selectmen has not designated any position as a Special Town Employee, but may do so in appropriate circumstances in particular cases.

#### 6. Three Principles That Occur Throughout The "COIL"

a THE “COIL” PROHIBITS YOU FROM TAKING ACTION THAT WOULD IMPROPERLY BENEFIT NOT ONLY YOU PERSONALLY, BUT OTHERS WITH WHOM YOU MAY HAVE FAMILY OR OTHER RELATIONSHIPS.

The “COIL” prohibits you from participating in matters in which you know that any of the following have a financial interest:

- 1) your spouse and your (and your spouse’s) parents, children, brothers and sisters,
- 2) your partner,
- 3) a business in which you are an officer, director, trustee, partner or employee,
- 4) a person or organization with whom you are negotiating for or have any arrangement concerning future employment.

b. IF YOU ARE PROHIBITED FROM PARTICIPATING IN A MATTER BECAUSE OF A CONFLICT OR THE APPEARANCE OF A CONFLICT, YOU MAY NOT ACT IN ANY WAY IN CONNECTION WITH IT.

The “COIL” uses the term “participate” to include a wide variety of activities that commonly take place when a matter is under consideration for action or decision. As a result, if you have a conflict or to avoid the appearance of a conflict you are prohibited from:

- 1) voting on the matter or on action relating to it,
- 2)• expressing in your official capacity your approval or disapproval,
- 3) making a recommendation,
- 4) giving advice, or
- 5) investigating the matter.

This Policy requires that a person who is prohibited from participating in a matter coming before a board or committee of the Town because of a conflict or the appearance of a conflict must not be involved in any action of the sort described above, must be physically absent during the part of any meeting or proceeding at which such action is to be taken, and must state before departing the reason for such departure.

c. VIOLATIONS OF THE CONFLICT OF INTEREST LAW MAY HAVE SERIOUS CONSEQUENCES FOR THE PERSON INVOLVED AND FOR THE TOWN.

The “COIL” is enforced by both civil and criminal penalties that are administered by the State Ethics Commission and by law enforcement agencies. The Ethics Commission has the power to impose civil penalties up to \$2000 for violations of the law. Section 17 which involves bribes or gifts offered or received carries a penalty of a fine up to \$3,000 and imprisonment for not more that three years, or both. Section 19 which involves participating in a matter in which a prohibited financial interest is involved caries a similar fine and imprisonment for not more than two years, or both. Section 20, which involves having a financial interest in a

town contract, carries a fine of \$3000 and imprisonment for not more than two years or both.

A violation of Section 23, which involves avoiding the appearance of a conflict, does not carry criminal penalties. However, a person who is found to have violated that section may be subject to appropriate administrative action by the head of the Town agency in which the person is serving.

In addition to any other remedies provided by law for violations of Sections 17, 129, and 20, the following may apply:

- 1) If a violation has influenced an action taken by the Town, the Town may cancel the action upon appropriate terms, and
- 2) The Ethics Commission, the District Attorney of the Town may sue the person who committed the violation and received an economic benefit to recover the amount of such benefit or \$500 which ever is greater or in some circumstances two times the amount of such benefit.

#### 7. Disclosure Of Actual Or Potential Conflicts

- a. If a Town Employee believes there may be a violation of the prohibition (Section 17) against having a financial interest in a matter in which the employee may act, the employee must fully disclose the circumstances to the appointing authority and may receive a written decision that the interest is so insubstantial as to not be likely to affect the integrity of the employee's action.
- b. If a Town Employee intends to participate in a matter in which the employee has a financial interest, in order to avoid violating the COIL, the employee must in advance fully disclose the circumstances to the employee's appointing authority. After making such a disclosure, the employee may receive a written decision that the interest is so insubstantial as to not be likely to affect the integrity of the employee's action and the employee's participation will not violate this section.
- c. If a Town Employee in good faith and within 30 days after learning of an actual or prospective violation of the prohibition (Section 20) against having a financial interest in a contract with the Town makes full disclosure of the interest to the contracting agency and disposes of his interest there will be no violation of this section.
- d. If a Town Employee in advance of taking official action that may create the appearance of a conflict (Section 23(b)(3) discloses to the appointing authority or, if no appointing authority exists, discloses in a public way, the facts that would otherwise lead to such an appearance, there will be no violation of this section.
- e. In each instance in which the "COIL" provides for disclosure as a method of curing or avoiding a violation of the law, the Board of Selectmen acting either as the relevant appointing authority or, in conjunction with the Town Manger as the

head of an agency in which the employee serves, will review directly or through its designee, the content of the disclosure to ensure that it complies with the purpose of the "COIL" and this policy. The Board or the Town Administrator may designate a qualified and disinterested person to review such disclosure statements and to report to the appointing authority. The appointing authority will act when necessary to require the employee to supplement the disclosure so as to adequately inform the public of the circumstances and to enable the appointing authority to decide what further action, if any, may be necessary to ensure such compliance. Further action by the appointing authority, depending upon the circumstances of each case, may include a direction to the employee to not participate or to limit the employee's involvement. A full disclosure for the purpose of this policy must include, as appropriate to the particular circumstances:

- 1) The nature of the relationship: familial, employment, contractual, whether compensation is involved, if the relationship concerns financial matters the amounts involved and the nature of the relationship, for example, if debtor/creditor the amounts involved and current status of the debt.
- 2) Whether the relationship is current or has been concluded. If concluded when it was concluded.
- 3) If the relationship is with an entity, such as a corporation, trust or estate, in which the disclosing party has an interest, the nature and value of the interest.
- 4) If the relationship involves the giving or receipt of political contributions, the period of time during which such contributions were made, the amounts thereof, and a description of any aspects of the political relationship other than that of financial support.
- 5) If the relationship is that of attorney/client whether the relationship is current or past and the nature of the matter(s) to which the relationship pertains.
- 6) If any person identified by name or general description in the disclosure statement has any interest in the particular matter to which the disclosure statement relates, whether direct or indirect, immediate or through family or business relationships, past, present or contemplated, include the nature of the interest and a description of the relationship between the person making the disclosure and such other person.
- 7) Whether the person making the disclosure has had any communication at any time with any person identified by name or general description in the disclosure concerning the particular matter to which the disclosure statement relates, including the time of such communication(s) and the details thereof.

## 8. Filing Of Disclosure Statements And Related Documents

Each disclosure statement submitted by a Town Employee and related documents will be filed and indexed as follows:

a. Statements filed with the Board of Selectmen and the Town Clerk will be indexed under the name of the individual Town Employee making the disclosure statement.

b. Statements will be filed with the Clerk and other person responsible for maintaining the records of any board, committee or other agency of the Town on which the Town Employee making the disclosure serves. They will be filed with and indexed to refer to the particular matter to which the disclosure relates so that a person having an interest in the particular matter may readily have access to the disclosure statement and related documents.

#### 9. Attendance At Ethics Seminars

The Board will offer the opportunity to all Town Employees, full or part time, paid or volunteer, to attend any seminar held in Town Hall on the requirements of the Conflict of Interest Law as applicable to Town Employees. All compensated Town Employees in any division under the jurisdiction of the Town Administrator, Police Chief, or Fire Chief will be required to attend any such seminar unless excused in advance in writing by the Town Administrator, Police Chief or Fire Chief.

#### 10. Opinions Of Town Counsel Or State Ethics Commission

Opinions of Town Counsel to Town Employees that are rendered under the "COIL" become public records (Sec. 22) and are to be filed with the Town Clerk. Town Counsel must file with the Ethics Commission a copy of each such opinion for review. In order to provide the public with convenient access to those opinions, Town Counsel will notify the Office of the Board of Selectmen when such opinions have been filed with the Town Clerk. The Office of the Board of Selectmen will maintain a current listing of those opinions and of the response, if any, of the Ethics Commission indexed according to the name of the person to whom such opinion has been rendered and the office, board, committee or agency of the Town in which such person is serving.

Town Employees may also directly request the Ethics Commission to issue a formal advisory opinion on a written statement of facts. Such a formal advisory opinion and an opinion of Town Counsel that has been submitted to the Ethics Commission to which no exception has been taken will be binding on the Ethics Commission so long as the facts have been accurately presented.

The Board of Selectmen authorizes the Town Administrator to request Town Counsel to provide to the Town Administrator an opinion based upon the provisions of C. 268A and other relevant materials as to whether the past or prospective conduct of a Town Employee serving in an office, board, committee or other agency constitutes an actual conflict of interest or gives rise to the appearance of a conflict under the provisions of that statute. Such a request and an opinion rendered upon it will not have the status of an opinion rendered under Section 22 and will be intended for the information and guidance in the administration of government of the Town of Walpole.

At the time of requesting such an opinion the Administrator shall inform the person whose conduct is the subject of the request that the request has been made, shall provide the person with a copy of the request and shall afford the person the opportunity, within a specified time, to supplement the information contained in such request. The Town Administrator shall receive and forward any supplemental information to Town Counsel and shall provide the person with a copy of the opinion when rendered by Town Counsel. The request and the opinion will be subject to the provisions of the Public Records Law.

## **201-011: SMOKE-FREE WORKPLACE POLICY**

### **1. Purpose**

The Board of Selectmen, in compliance with Massachusetts General Laws Chapter 270, Section 22, hereby establishes the following policy to promote and require smoke-free workplaces.

### **2. Smoking Prohibitions**

It is prohibited for any persons including employees, volunteers, customers, and visitors to smoke in the following work areas:

All areas inside all buildings owned or controlled by the Town of Walpole including but not limited to, the town office building, the senior center, all recreation department offices, meeting spaces and function/activity areas including Turners Pond Lodge and East Walpole Community Center (former E.W. library, The Marathon House, Schools, the fire department stations, the police department, the library, all public works buildings (including garages), all water & wastewater treatment plants, public works pumping and well stations, and any other enclosed work space where employees perform services for compensation for the town such as polling places and rooms used for public meetings in locations not owned by the town. Additionally, it is prohibited to smoke inside any town owned or leased vehicle of any kind, at any time. This includes all automobiles, senior buses/vans, trucks, police cruisers, all fire/ambulance/rescue vehicles, all public works vehicles and machinery including heavy equipment and any other enclosed vehicles employees may use.

### **3. Enforcement**

The Town Administrator or his/her designee has overall responsibility for enforcing the smoke-free workplace law. Questions, complaints or reports of violations should be directed to the Town Administrator or the Assistant Town Administrator, who will answer any questions and promptly investigate the complaint and take remedial action. Appropriate remedial action depends on the type of offense, the existence of any prior incidents, and the effectiveness or lack thereof of any prior remedial steps.

Generally, remedial action consists of advising the offending employee, volunteer or visitor to promptly extinguish their cigarette, cigar or pipe or leave the premises. The offending employee, volunteer or visitor will receive a copy of the smoke-free workplace policy.

Employees who are found to violate the smoke-free workplace policy will be disciplined following principles of progressive discipline. Additionally, potential consequences for

employees or other persons who smoke in a place where smoking is prohibited and violate the Massachusetts Smoke-Free Workplace Law, include a civil penalty of \$100 for each violation. The Massachusetts Department of Public Health is the enforcement agency charged with promulgating regulations to implement collection and reporting of fines.

Any person may register a complaint to initiate an investigation and enforcement action with the Town Administrator, Assistant Town Administrator, Walpole Board of Health or the Massachusetts Department of Public Health.

#### 4. Prohibition Against Retaliation

It is prohibited by law to discriminate or retaliate in any manner against a person for making a complaint of a violation of the smoke-free workplace law or for furnishing information concerning a violation, to a person, entity or organization, or to an enforcement authority. An employee who retaliates or discriminates against any person or persons for making a complaint under this Policy or for furnishing information concerning a violation of the Smoke-Free Workplace Law or this Policy shall be disciplined up to and including discharged.

#### 5. Smoking Areas

Designated smoking areas or smoking rooms are not permitted. However, employees may go outside to smoke during their morning and afternoon break periods. No extra break periods are permitted for smokers in addition to regular break periods afforded non-smokers. Smoking is not permitted in outside areas where “no smoking” signs are posted such as near refueling stations or other areas where open fire is prohibited by any other by-law, fire or health or safety regulation, nor within ten (10) feet of any public building so as to prevent any second-hand smoke from reentering said building. Smoking is not permitted while performing any work-related job duties for which the employee is compensated.

#### 6. Employee Support

The Town of Walpole is sensitive to the withdrawal symptoms of nicotine addiction and supports employees in their efforts to quit smoking. Employees who smoke and want to quit or know someone who wants to quit should call the Try-To-Stop Tobacco Resource Center at 1-800-TRY-TO-STOP (1-800-879-8678) for free helpful information, or visit their website at [www.trytostop.org](http://www.trytostop.org).

Employees may also contact any of the following for assistance:

- a. Your Primary Care Physician
- b. Your Health Insurance Provider
- c. The American Lung Association ([www.lungusa.org](http://www.lungusa.org))
- d. The American Cancer Society ([www.cancer.org](http://www.cancer.org))
- e. The Town's Employee Assistance Program (contact Personnel)

**SECTION 202**

**TOWN MEETING WARRANTS, SCHEDULES, POSTING**

**202-001: TOWN MEETING WARRANT ESTABLISHMENT & TIMELINE**

The Board of Selectmen shall vote to open the Warrant for the Fall Town Meeting no later than the fourth Tuesday in July and open the Warrant for the Spring Town Meeting no later than the fourth Tuesday in November.

A Timeline shall be created in coordination with the, Selectmen’s Administrative Secretary, Assistant Town Administrator, and Finance Committee Secretary. This timeline will outline the dates and necessary action needed by the above aforementioned Departments in order to comply with MGL and Town Bylaws.

**202-002: ARTICLE SUBMISSIONS: BOARDS, COMMISSIONS, COMMITTEES**

A formal vote by the majority of the Board, Committee or Commission members at a duly posted meeting is required to sponsor an article on a Town Meeting warrant. It is the responsibility of the Board to either provide the actual language, or to contact staff (Board of Selectmen or Town Administrator’s Office) to assist with the draft language. The relevant Chair must review and concur with the proposed text and/or map, (when required), prior to the execution of the warrant by the Board of Selectmen

It is the responsibility of the sponsoring Board, Committee or Commission to advocate for the article’s passage, attending all hearings and meetings presenting support materials, answering questions, etc. before reviewing Boards; i.e. Board of Selectmen, Planning Board, Finance Committee, et al.

**202-003: ARTICLE SUBMISSIONS: TOWN OFFICIALS & STAFF**

Staff must submit the sponsorship and support of the relevant Board, Committee or Commission through submittal of draft language for an article, with accompanying descriptive rationale. This solicitation must be made with enough advance notice for the Board, Committee or Commission to deliberate at a posted meeting, and determine if sponsorship is appropriate. If it is the sponsorship of the Board of Selectmen that is being sought, draft language, et. al., must be submitted to their office at least one meeting prior to the date on which they are scheduled to execute the warrant. No staff member may propose warrant articles without first consulting with the Town Administrator.

**202-004: ARTICLE SUBMISSIONS: PRIVATE PETITIONS**

The petition inclusive of the required number of signatures of Walpole registered voters (10 for Annual Town Meeting Warrant Articles and 100 for Special Town Meeting Warrant Articles\*) certified by the Town Clerk, must be submitted to the Office of the Selectmen five (5) days prior to the scheduled close of the warrant. The text of the warrant article, and when applicable, required maps, must be attached to the petition. Private petitioners will be responsible for the advocacy of the petitioned articles in the same manner as Boards, Committees and Commissions (see above).

\*The required 100 signatures for inclusion of an article in the warrant of a Special Town Meeting called by the Board of Selectmen is separate and distinct from the petition of 200 registered voters to call for a Special Town Meeting.

### **202-005: WARRANT REVIEW PROCESS**

Following the submission procedures outlined herein, the Board of Selectmen shall observe the following process in preparation of the final warrant.

1. Petitioner/staff submits text and map if required, to Board of Selectmen's office.
2. The Selectmen's Administrative Secretary shall prepare a draft warrant showing all submitted articles, and shall forwarding said draft Town Meeting Warrant to Town Counsel for review. Any articles proposing the borrowing of funds shall also be forwarded to the Finance Director for Bond Counsel's review.
3. The Selectmen's Administrative Secretary shall forward all zoning articles and related materials to Planning Board within fourteen days of receipt of such proposed zoning ordinance or by-law as required in MGL Chapter 40A, whereby the Planning Board shall initiate the public hearing schedule and notices.
4. The Selectmen's Administrative Secretary shall make any corrections to the warrant based upon advice of Counsel or upon identification of any procedural or technical changes. Any changes to articles sponsored by Boards, Committees, Commissions or departments shall be referred to said sponsor for further input. Changes to language submitted via private petition shall not be made. The Administrative Secretary shall forward the final draft of the warrant to the Board of Selectmen for execution.
5. It is the responsibility of any petitioner to ensure they have met the requirements as set forth in Section 9-F of the Zoning Bylaws when submitting a warrant article to amend the Zoning Bylaws or the Zoning Map.

### **202-006: WARRANT POSTING REQUIREMENTS**

After the Board of Selectmen execute the final warrant, the Administrative Secretary shall forward it to the Police Chief for posting in at least two public places in each precinct. As required under M.G.L. c.30, Section 10, the warrant for a Regular Town meeting must be posted no later than seven days prior to the start of Town Meeting and fourteen days for a Special Town Meeting. In addition, the Administrative Secretary shall advertise notice of the Town Meeting in the local newspaper at least fourteen days prior to the start of said meeting and post said notice on the bulletin board outside the Town Clerk's office. The Town Clerk notifies all representatives of scheduled Town Meeting

### **202-007: WARRANT CHANGES**

Once the warrant is signed and posted by the Selectmen, changes may only be made by the Board of Selectmen's vote to re-open the warrant. The Board shall sign the new warrant and follow the posting requirements.

## **SECTION 203   LEGAL SERVICES REQUESTS**

### **203-001: BACKGROUND**

As per Article II of the Town's by-laws, the Board of Selectmen shall appoint a Town Counsel for no longer than a three-year period. Town Counsel advises the Board of Selectmen who have the authority to institute various legal proceedings and to execute legal instruments on behalf of the Town. As the Town's executive authority the Board of Selectmen has a varying degree of responsibility for the many Town Committees and Departments to include those legal matters that might involve these entities from time to time. However, the by-laws also require that "Town Counsel do every professional act relating to Town affairs which may be required of him by vote of the town or any board and/or commission or town officers." Town Counsel shall provide written legal opinions and shall prosecute or defend legal actions involving any Town entity.

### **203-002: OBJECTIVES**

It is the objective of this policy that:

1. Formal means of communications between Town Counsel and the Board of Selectmen shall be established.
2. A mechanism to monitor and record the use of Town Counsel by Town Committees and Departments are maintained.
3. Requests for legal services to insure effective utilization of the Town Counsel's time and efficient use of funds are prioritized.
4. That access to Town Counsel by the various Town Committees and Departments is not obstructed, but rather to quantify and organize the process for the benefit of the Town.

### **203-003: PROCEDURES**

Except as noted below, all requests for legal services should be in writing, using a form approved by the Board of Selectmen. The request will be submitted to the office of the Town Administrator where it will be reviewed, and if appropriate, comments will be added prior to forwarding the request to Town Counsel. The Town Administrator will insure that the request is proper and adequately prepared before forwarding to Town Counsel. Town Counsel will analyze requests when received and assign them relative priorities. He/she will then proceed to dispose of requests in the manner, which he/she deems appropriate consistent with applicable policies and the expressed desires of the Board of Selectmen.

The Board of Selectmen will maintain a file on all requests for legal services for their review. Requests of a confidential nature shall be kept in separate file.

Town Counsel will prepare a quarterly report to the Board of Selectmen, which will summarize the status of legal matters in which the Town is involved. The report should provide such pertinent information as the time involved, number of requests reviewed and the requesting Town Agency. Confidential matters shall be accounted for on a separate page, which shall not be available except, by specific vote of the Board of Selectmen. These monthly reports shall form the basis of a yearly summary of the activities of Town Counsel.

The following circumstances shall constitute grounds for exemption from the written request procedure:

- Individual members of the Board of Selectmen
- Police Chief during the course of a criminal investigation and other confidential matters.
- Emergencies where an immediate response is needed to avoid a result detrimental to the best interests of the Town. However, as soon as possible written backup material should be provided on the request form. To the greatest extent possible, any request of this nature should be first presented to the Town Administrator.
- Informal discussions at Town functions and meetings.

Requests for legal services not consistent with this policy shall not be honored by the Town Counsel.

## **SECTION 204 TOWN OWNED PARCELS & PROPERTY REGULATIONS**

### **204-001: USE OF TOWN OWNED PROPERTY**

1. A permit is required from the Board of Selectmen for any of the following activities, singly or in combination: Use of Common or other town property for, weddings, concerts, political events, celebrations, camping, art shows, festive and religious celebrations etc.
2. Applications for permits to conduct permitted activities on Town Property shall be filed on an application provided by the Town no later than 21 days prior to the requested date for said use. Late or incomplete applications will be considered at the discretion of the Board of Selectmen.
3. Permit applications shall include, name address and telephone number of applicant. The date or dates and times requested, nature of the event and duration of the event.
4. Certificates of Insurance may be required by the Board of Selectmen or Town Administrator for the use of Town property. The amounts of any such certificates shall be set in accordance with the nature of the event/function being held.

### **204-002: RENTAL OF TOWN FACILITIES**

1. Rental of building space within Town buildings, excluding public schools, shall only be permitted in the Senior Center, Blackburn Hall, and the East Walpole Civic Center.

Rental of space within school facilities shall be governed by the School Committee. Rules and regulations for the rental of building space shall be developed by the Recreation Department for use of Blackburn Hall and East Walpole Civic Center, and by the Council on Aging for the Senior Center. These rules and regulations must include, but not be limited to, provisions that require the clean up of rented space(s) following said rental, provision of certificates of insurance if deemed necessary, and a prohibition on the sale, dispensing, and/or consumption of alcoholic beverages on Town property. Further, no device, equipment, or machinery may be permitted upon Town property that, in the opinion of the responsible department head or Town Administrator, may cause harm or injury to a person or persons. Fees may be charged for the rental of Town buildings and property provided that the Board of Selectmen shall have first approved a schedule of fees for the three buildings listed above.

2. The Board of Selectmen may authorize leases of other facilities for terms not to exceed three (3) years upon terms and conditions they deem appropriate.
3. The short term use of field or park space in the Town must be approved in advance by the Board of Selectmen subject to any terms or conditions they deem appropriate.
4. No alcoholic beverages may be sold, dispensed, or consumed upon any Town property.

#### **204-003: SALE OF TOWN OWNED PARCELS & PURCHASE OF OTHERS**

The Board of Selectmen receives requests or petitions periodically to sell Town owned parcels as well as offers to purchase privately owned parcels. When the Board of Selectmen is granted authority by the vote of Town Meeting to act in the Town's behalf to dispose of Town parcel(s) or purchase private parcel(s), the Board establishes the following guidelines on the fair and consistent method of acquiring and disposing of real property.

1. The Town will strictly adhere to compliance with MGL, Chapter 30B, the Uniform Procurement Act and not seek Legislation to waive compliance with MGL, Ch.30B.
2. When private requests come before the Board of Selectmen, the Board will require the requisite number of signatures on a petition and then accepts the request to place a warrant article only as a private petition.
3. The Town should not consider selling Town owned parcels which are defined by the Building Commissioner as buildable lots, unless they are deed restricted as "not a buildable lot".
4. The Town should not consider selling any parcels within environmentally sensitive areas, particularly those designated in DEP's approved Zones One and Two.
5. The Selectmen will require that a motion put forth before Town meeting that sets a minimum sale price for Town owned parcels. That minimum sale price will not be less than the Board of Assessor's current assessed value. However, for parcels assessed at greater than \$50,000, the Town will retain an independent appraisal and that value will become the minimum sales price.

6. With regard to acquisition of property with an assessed value of greater than \$50,000, the Town will retain an independent appraisal to determine value before Town Meeting is requested to consider such purchase.

**SECTION 205    MUNICIPAL PROJECTS: WAIVER OF FEES**

**205:001: CONSTRUCTION & BUILDING PROJECTS**

*The Board of Selectmen will consider fees on projects that are on, in or upon Town buildings or properties waived unless they by vote shall determine otherwise.*

**SECTION 206    DISPLAY OF AMERICAN FLAG**

**206:001: FEDERAL, STATE & LOCAL OBSERVANCES**

American Flags shall be displayed along Main Street in downtown and along Washington Street in East Walpole on Memorial Day, Flag Day, Fourth of July and Veteran's Day.

**206:002: NIGHT DISPLAY REQUIREMENT – LIGHTING OF FLAGS**

No American Flag shall be displayed after sunset without proper illumination upon said flag. If light cannot be provided, then the flag shall be lowered and placed indoor until sunrise the next day.

**SECTION 207 DISPLAYS OF HOLIDAY DECORATIONS**

**207:001: DISPLAY TIMING & REQUIREMENTS**

The set up and display of decorations on Town property for the annual Holiday Season by the Chamber of Commerce shall be allowed from two weeks prior to Thanksgiving through the two week period immediately following New Year's day, weather permitting. The set up and removal of all displays shall be the responsibility of the Chamber of Commerce.

**SECTION 208    EMPLOYEE TRAVEL REGULATIONS**

**208:001: PURPOSE**

The Board of Selectmen of the Town of Walpole desire to create guidelines regarding all forms of business travel of Town of Walpole employees, and to establish a method of pre-payment and reimbursement for expenses incurred as a result of said travel.

**208:002: SCOPE**

This policy shall be followed by each and every department under the governance of the Town of Walpole Board, and shall include all employees assigned to all non-School departments without exception.

### **208:003: ENFORCEMENT**

Enforcement authority of this policy shall be maintained by the Board of Selectmen delegated to the Town Administrator of the Town of Walpole.

### **208:004 TRAVEL GUIDELINES & REGULATIONS**

- 1.** All business related travel by employees of the Town of Walpole shall be conducted in the most reasonable, cost-efficient manner possible.
- 2.** The Board of Selectmen interprets the definition of business related travel to include, but not be limited to, authorized travel by any employee of the Town of Walpole to carry-out and/or enhance the duties and responsibilities assigned to him/her. This shall include, but not be limited to conferences, meetings and seminars designed to educate and inform, and all travel necessary to carry out the normal requirements of an employee's position.
- 3.** All business related travel by employees of the Town of Walpole shall have prior written approval of the department head and from the Town Administrator.
- 4.** All employees of the Town of Walpole engaging in business-related travel shall submit detailed descriptions and itemized receipts of all expenses authorized by this policy, at the conclusion of said travel in order to receive reimbursement. Only the cost of registration(s), meals (daily allowance), airfare, and other approved modes of transportation shall be paid in advance. The Mode of Transportation must be approved by the Town Administrator.
- 5.** For purposes of determining mileage reimbursement for the use of private vehicles, mileage shall be calculated from the employee's regular office location to the destination point. Mileage to or from an employee's place of residence is not reimbursable. Reimbursable mileage expenses shall be based upon the IRS mileage rate in effect on July 1<sup>st</sup> of each fiscal year, and shall remain in effect for that fiscal year. Expenses for tolls and parking shall not be included in this mileage rate, but may be submitted according to the provisions of section 6.01 of this policy.
- 6.** All employees of the Town of Walpole who incur expenses for meals during business related travel, shall be reimbursed for costs incurred, up to a maximum daily allowance amount. Said amount shall reflect the per diem rate established and set by the Internal Revenue Service. Annually during the first week of July, the Finance Director shall determine the then-current IRS rate and communicate it in writing to all Department Heads. This amount shall be in effect for the fiscal year. This provision shall not apply to employees of Town of Walpole who are engaged in business related travel for a time period of twenty-four(24) hours or less.

### **208:005 APPROVAL PROCEDURE:**

1. Prior to the commencement of any business related travel, the requesting department shall submit an "AUTHORIZATION FOR EMPLOYEE TRAVEL" request form (SEE FORM #208-1) to the Town Administrator for approval. This form shall contain all information regarding the proposed travel, including location, duration, purpose, names of those traveling, and all relevant funding information. The form shall be complete with the signature of the appropriate department head.

2. This completed form must be received by the Town Administrator no later than fifteen(15) business days prior to the commencement of travel.

3. If advanced payment is required, the "AUTHORIZATION FOR EMPLOYEE TRAVEL" form must be accompanied by a completed voucher for payment to be executed by the Town Accountant.

4. Upon the approval of the Town Administrator, a signed copy of the "AUTHORIZATION FOR EMPLOYEE TRAVEL" form and attached voucher will be forwarded to the Town Accountant, whereby advance payment will be processed and forwarded to the Town Treasurer. This will occur no less than five(5) business days prior to the commencement of travel, with the payment check and all necessary documentation regarding such, returned to the requesting department.

5. In the event that no advance funding for the designated travel is necessary, the requesting department must still submit to the Town Administrator an "AUTHORIZATION FOR EMPLOYEE TRAVEL" form. This approved form shall then be returned to the requesting agency no less than ten(10) business days prior to the commencement of travel.

6. If approval for travel is NOT granted by the Town Administrator, the "AUTHORIZATION FOR EMPLOYEE TRAVEL" form will be returned to the requesting agency no less than ten(10) business days prior to the commencement of travel. This shall include the reason for disapproval.

7. In the event that an emergency situation requires immediate travel as deemed necessary by the department head and approved by the Town Administrator, then the "AUTHORIZATION FOR EMPLOYEE TRAVEL" form and all relevant information shall be forwarded to the Town Administrator in a timely fashion not less than five(5) business days following the conclusion of travel.

**208:006: REIMBURSEMENT PROCEDURE:**

1. At the conclusion of business related travel in which employee out-of-pocket expenses were accrued, the employee shall submit all itemized and detailed receipts to the department head for review.

2. The department head will in turn submit a "TRAVEL EXPENSES REIMBURSEMENT REQUEST"(SEE FORM #208-2) form to the Town Administrator, listing itemized and detailed receipts to be reimbursed to the

employee. Accompanying this shall be a completed warrant specifying the total amount to be reimbursed. This form and attached warrant shall be submitted to the Town Administrator no later than ten(10) business days following the conclusion of travel.

**3.** Upon granting approval of the reimbursement request, the Town Administrator will forward the signed "TRAVEL EXPENSES REIMBURSEMENT REQUEST" form to the Town Accountant for reimbursement. This procedure, and return of reimbursement to the employee, shall not exceed twenty(20) business days following the conclusion of travel.

**4.** In the event that approval of the reimbursement request is disapproved by the Town Administrator, the "TRAVEL EXPENSES REIMBURSEMENT REQUEST" form will be returned to the requesting department no later than ten(10) business days following the conclusion of travel, and shall include the reason(s) for disapproval. Following this step, the employee, through his/her department head, may appeal to the Town Administrator for reconsideration. This shall be conducted through official, written communication directed to the attention of the Town Administrator, and shall include the basis for the reconsideration request. The Town Administrator shall then have ten(10) business days from receipt of the appeal to issue a final decision.

**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF WALPOLE**

**AUTHORIZATION FOR EMPLOYEE TRAVEL**

**DEPARTMENT:** \_\_\_\_\_

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**TRAVEL/TRIP INFORMATION**

Date of Trip: \_\_\_\_\_  
From: \_\_\_\_\_ To: \_\_\_\_\_  
Destination: \_\_\_\_\_  
Mode of Transportation:  
Air\_\_\_ Vehicle(Town\_\_\_ Personal\_\_\_)  
Other(specify) \_\_\_\_\_

**FUNDING INFORMATION**

Budget: \_\_\_\_\_  
Line Item #: \_\_\_\_\_  
Total Amount Requested: \$ \_\_\_\_\_  
For: Hotel \_\_\_\_\_ Airfare \_\_\_\_\_  
Registration \_\_\_\_\_ Expenses \_\_\_\_\_  
Other(specify) \_\_\_\_\_

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**NAMES OF TRAVELERS**

**TITLES**

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**REASON FOR TRAVEL & OTHER INFORMATION**

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**DEPARTMENT HEAD AUTHORIZATION**

I hereby grant authorization for the above named individual(s) to execute travel at public expense in the performance of official duties, and further do hereby certify that sufficient funds are available in the above mentioned budget & line item for this travel expenditure.

**SIGNED:** \_\_\_\_\_  
(AUTHORIZED DEPARTMENT HEAD)

**DATE:** \_\_\_\_\_

---

**TOWN ADMINISTRATOR ACTION**

This Request is Hereby:

Approved: \_\_\_\_\_

Disapproved: \_\_\_\_\_ Reason: \_\_\_\_\_

**SIGNED:** \_\_\_\_\_  
(TOWN ADMINISTRATOR)

**DATE:** \_\_\_\_\_

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**(form 208-1)**

**COMMONWEALTH OF MASSACHUSETTS**

# TOWN OF WALPOLE

## TRAVEL EXPENSES REIMBURSEMENT REQUEST

DEPARTMENT: \_\_\_\_\_

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### TRAVEL/TRIP INFORMATION

Date of Trip: \_\_\_\_\_  
From \_\_\_\_\_ Thru \_\_\_\_\_  
Destination: \_\_\_\_\_  
Mode of Transportation:  
Air \_\_\_\_\_ Vehicle(Town \_\_\_ Personal \_\_\_)  
Other(specify) \_\_\_\_\_

### FUNDING INFORMATION

Budget: \_\_\_\_\_  
Line Item #: \_\_\_\_\_  
Total Amount Requested: \$ \_\_\_\_\_  
For: Meals \_\_\_\_\_ Tolls \_\_\_\_\_  
Fuel \_\_\_\_\_ Parking \_\_\_\_\_  
Other(specify) \_\_\_\_\_

---

### NAMES OF TRAVELERS

### TITLES

---

### LIST ALL RECEIPTS INDIVIDUALLY

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### DEPARTMENT HEAD AUTHORIZATION

I hereby grant authorization for the above named individual(s) to receive reimbursement for expenses incurred during approved business related travel in the performance of official duties, and further do hereby certify that sufficient funds are available in the above mentioned budget & line item for this expenditure.

SIGNED: \_\_\_\_\_  
(AUTHORIZED DEPARTMENT HEAD)

DATE: \_\_\_\_\_

---

### TOWN ADMINISTRATOR ACTION

This Request is Hereby:

Approved: \_\_\_\_\_

Disapproved: \_\_\_\_\_ Reason: \_\_\_\_\_

SIGNED: \_\_\_\_\_  
(TOWN ADMINISTRATOR)

DATE: \_\_\_\_\_

---

ATTACH ALL RECEIPTS FOR REIMBURSEMENT

(form 208-2)

**Town Of Walpole**  
**Board of Selectmen**

**300 PUBLIC SAFETY**

**SECTION 301 GENERAL**

**301-001: LOCAL EMERGENCY PLANNING COMMITTEE**

A Local Emergency Planning Committee (LEPC) shall be a standing sub-committee of the Board of Selectmen. The LEPC shall meet not less than once per quarter each year, and is charged with the responsibility of reviewing, updating, and from time to time testing the Town's Emergency Management Plan. The LEPC shall consist of representatives of the Town's various departments, local business leaders, representatives of Norwood Hospital and local health care and assisted living providers, Town Administration, and other officials from the public and private sector as may be deemed necessary.

**301-002: DECLARATION OF LOCAL EMERGENCIES**

1. Any four out of the following *seven* Town Officers:  
Chairman of the Board of Selectmen or designee; Town Administrator;  
Emergency Management Director; Police Chief; Fire Chief; Public Works  
Director; *Health Director*

may meet and vote to declare a state of local emergency if conditions are deemed to warrant same. Such vote must be recorded in writing, stating the date, time and reason for such a declaration. A declaration of emergency allows the Town of Walpole to expend funds without a budget allocation. It also allows Walpole to request State resources to assist in meeting the demands of the emergency.

This shall be authorized in accordance with MGL Chapter 34, Section 31; MGL Chapter 40, Section 19; MGL Chapter 44, Sections 31 and 33B.

**301-003: EMERGENCY MANAGEMENT PLAN**

*(The Emergency Management Plan shall serve as a stand-alone document. It shall be on file and available for review in the office of the Board of Selectmen, the Town Clerk's Office, The Police & Fire Departments. Items within the plan that address sensitive safety response or security matters shall only be available to the general public (non-town staff) following approval by the Chief of Police.)*

**301-004: INCIDENT MANAGEMENT**

The Town of Walpole has adopted the principles of the National Incident Management System (NIMS). Further, it is formally recognized that NIMS shall be the local standard

for incident management, and that the Incident Command System is hereby adopted as the Town of Walpole's official incident response system.

**301-005: PARADE SAFETY: PROHIBITED PRACTICES**

The Board bans throwing of candy and other items during a parade. Any candy distributed must be handed out and must be wrapped.

**SECTION 302 POLICE DEPARTMENT**

**302-001: SPECIAL POLICE OFFICERS, POLICY & PROCEDURE**

1. Purpose Of Policy:

The purpose of this policy is to establish guidelines for qualifications and training for Special Police Officers.

2. Policy Statement:

Special Police Officers are part-time intermittent employees who are either current or former full-time police officers or employees who have successfully completed the Reserve Basic Training offered by the Massachusetts Criminal Justice Training Council. Special police Officers generally perform traffic control at road construction sites or special events such as parades.

3. Qualifications:

- High School diploma or equivalent.
- U.S. Citizenship
- Possession of a valid Massachusetts Class D motor vehicle operator's license.
- Former or current employees as full-time, sworn law enforcement officers who have successfully completed the Massachusetts Criminal Justice Training Council (MCJTC) basic training academy or employees who have successfully completed the Basic Reserve Training offered by the MCJTC>
- Successful completion of the following training on an annual basis:

MCJTC reserve intermittent in-service training  
CPR & first aid re-certification  
Firearms qualification  
Use of force update

- Work involves a constant physical effort. Incumbent must possess the ability to meet required physical standards. Performance of work involves standing, walking and driving for long periods of time. Physical agility is required to access all types of areas. Emergencies require the ability to use hands and fingers to operate firearms and other police equipment. May be required to push, climb, stoop, kneel,

crawl and reach with hands and arms. Police officer may be required to physically restrain person(s) during arrests using standard police procedures. Excellent eyesight with regard to close vision, distance vision, color vision and depth perception is required to perform the job.

- Shall be subject to annual appointment by the Board of Selectmen with recommendation of the Chief of Police as prescribed in Chapter 309 of the Commonwealth of Massachusetts Acts of 1997 and M.G.L. Chapter 147, Sec 13.

**Town Of Walpole**  
**Board of Selectmen**

**400 PUBLIC WORKS (ROADS, PARKS & CEMETERIES)**

**SECTION 401 ROAD AND STREET OPENING PERMIT**

**RULES AND SPECIFICATIONS**  
**REGULATING**  
**STREET EXCAVATING**  
**TOWN ENGINEER**  
**TOWN OF WALPOLE**  
**MASSACHUSETTS**

In accordance with the regulations of the Board of Selectmen entitled "Street Excavations" adopted March 19, 1985, by the Board of Selectmen, upon due notice, may from time to time amend and/or revise rules, regulations and specifications for excavations or digging within the limits of the public ways of the Town of Walpole and may rule, regulate or specify particulars with respect to any excavation or diggings as aforesaid.

**401-001: DEFINITIONS**

1. **Permittee, Applicant or Contractor** shall mean any person, firm partnership, association, society, corporation, company or organization of any kind that is licensed to undertake street excavation in the Town of Walpole.
2. **Subcontractor** shall mean any person, firm, partnership, association, society, corporation, company or organization of any kind, planning to undertake a street excavation and who is **not** the actual Street Opening Permit holder.
3. **Engineer** shall mean Town Engineer of the Town of Walpole. He/she may from time to time delegate certain duties to designees who will act in the Town's behalf.
4. **Street** shall mean:
  - a. Any Town accepted Street (Public Way)
  - b. Any Way defined by the Town Clerk as "A Way Used and Maintained as a Public Way". (MGL 41, SECTION 81L)
5. **Period of Responsibility** - Each applicant is responsible for the satisfactory maintenance of the trench and/or work area for one year from the **date of excavation**. If the contractor involved does

not notify the Engineering Department regarding start of work and inspections as is required elsewhere in these Rules, he/she may be held responsible for the trench for a period exceeding one year.

Work covered under a permit issued herein is not considered "**approved**" for bond release purposes until such time as the one year Period of Responsibility has expired.

6. **Public Utility**- Meaning a company or firm regulated by the DTE (Department of Telecommunications and Energy)

#### **401-002: EXCAVATION PERMIT**

1. General: The permit will be for each specific excavation only. No generic permits will be issued. Work must be performed within the time frame specified and agreed to by the applicant at the time of application. All time requirements specified and required elsewhere in these Rules and Regulations (Refer to Section 4 and 5, for example.) must be met.

Permits must be kept at the job site during the work and must be shown, upon request, to any authorized Town personnel.

2. Applicability

- a. **Public Ways**- No person shall make any excavation in any Public way as defined in Section 1-d-1 above without first obtaining a Street Opening Permit from the Town Engineer's Office, for each specific excavation, except as otherwise may be provided in these regulations.

- b. **Ways Certified by the Town Clerk as Maintained by the Town**- No person shall make any excavation in any other Way defined in Section 1-d-2 above without first obtaining a Street Opening Permit from the Town Engineer's Office, for each specific excavation, except as otherwise may be provided in these regulations.

- 1) The applicant is responsible for obtaining any and all permission from the private entities involved that own the rights in the way. Evidence of this permission will be required before a Town of Walpole Permit will be issued. This evidence will be attached to and become part of the Permit, if it is approved.

- c. **Private Ways** Private Ways are not covered by these Rules and Regulations. All permission to excavate and occupy the Way must be obtained from the private parties involved. The applicant is responsible for obtaining any and all permission from the private entities involved that own the rights in the way.

d. **State Highways-** If a State Street Opening Permit is required due to the location of the proposed work, it must be obtained by the applicant prior to the filing of the application for the Town permit. Upon application for the Town Street Opening Permit, any and all conditions imposed by MHD will become attached to and become part of the Town permit if it is so approved.

3. Form of Application

a. **Application form** An applicant must submit a completed application Form

b. **Bond-** Adequate Bond as per Section 4.0 of these Regulations.

c. **Certificate of Insurance**, as per Section 5.0 of these Regulations

d. **Application fee**      **1. General Fee** of \$100.00 per request.  
   **2. Public Utility Fee** \$75.00 per request

e. **Sketch/Plan-**A clear concise sketch should be submitted, and at the discretion of the Town Engineer, a plan appropriately certified by a professional engineer and land surveyor may also be required.

f. **Completeness** All applications shall be submitted to the Town Engineer's office. The application will not be considered nor acted upon until all required materials have been submitted and approved.

4. Term of Permit

a. **Routine Excavations:** Permits will be issued by the Town Engineer in a given calendar year during the period April 1 to November 30. The permit is good for excavation during the calendar period in which it was issued. If the rights granted in a particular permit are not exercised by November 30, the permit shall be null and void, and a completely new application filed after April 1 of the next year. No permit will be allowed to extend to the next calendar season.

b. **Non-routine Excavations:** During the period of December 1 through March 30, applications may be made to the Engineering Department for Street Opening Permits, however, such permit applications shall be considered on a day-to-day basis only. No long range permits shall be given during this period. Approval of such permits will take into account, availability of asphalt, CDF, cement concrete for street patching, ambient weather conditions, snowfall/snow pack, and in-ground frost.

5. Excavation Moratorium: 5-Year Moratorium

a. **Restriction:** Street surface openings will be restricted for a period of "at least five (5) years" after a new "permanent surface" is laid, except in cases of extreme emergency. Since modern bituminous concrete surface materials remain in excellent condition for many years beyond the aforesaid range and since such openings are the greatest single contributor to pavement deterioration, utility companies and contractors will be strictly limited in resorting to this method of excavating Town streets irrespective of surface age. The Town Engineer may reject a permit request when such request causes an excavation in a pavement, which is less than 5 years old.

b. **Rejection:** If the Town Engineer rejects an application for Street Opening Permit due to the age of the existing base pavement being less than five years as specified herein this section, the applicant may appeal to the Walpole Board of Selectmen.

6. Grant of Location by Board of Selectmen

a. **New or Replacement Utilities:** Filing with the Board of Selectmen will be required for the installation of new or replacement utility mains conduits or cables within Town ways before a Street Opening Permit may be approved and issued by the Town Engineer.

b. **Selectmen Approval:** Evidence shall be provided to the Town Engineer's office that such approval has been granted by the Board of Selectmen. Such evidence shall be attached to, and become part of the application.

7. Appeal Procedure

a. **Submission:** If the Engineering Department denies an application for Street Opening Permit, due to the age of the road surface being less than five years old, or any other reason, the applicant may file a request for such permit with the Board of Selectmen. It is the responsibility of the applicant to present any and all such materials as is deemed germane to the case to issue the permit.

b. **Consideration:** Upon receipt of an appeal from an applicant, the Board of Selectmen as Road Commissioners may hold a hearing/meeting, at which time the applicant may attend to present his case. The Selectmen may contact the Engineering Department or any other department it deems necessary for input as to the suitability of allowing the excavation.

c. **Decision:** The Selectmen will deliberate the merits of each case on an individual basis, and after due consideration, may uphold the decision of the Engineering Department, or instruct the Town Engineer to issue the Street Opening Permit, together with any and all conditions they deem appropriate.

**401-003: APPLICATION FEE**

At the time of application, a \$100.00 minimum charge must be paid by the applicant. This charge is in addition to any charges assessed by any other Department, Board or Agency.

#### **401-004: PERFORMANCE GUARANTEE**

1. General

No Street Opening Permit shall be issued until a proper Bond has been submitted and accepted.

The Town requires an Opening be covered by the Bond for one full year from date of completion of work.

The Town will not accept cancellation notices on bonds submitted by an applicant for a permit for which the One Year Period of Responsibility has not expired. Coverage must remain in full force for the total One Year Period. It is the responsibility of the applicant to ensure coverage is maintained.

2. Form of Bond

a. **Surety Bond** A satisfactory bond of a surety company authorized to do business in the Commonwealth of Massachusetts conditioned substantially that the applicant shall guarantee the faithful and satisfactory performance of the work in all respects, and shall replace or restore that portion of any street, highway, way or road in which said applicant, his employees or agents shall make such excavation.

b. **Bank Passbook.** In lieu of a bond issued by a surety company, an applicant may post a performance guarantee secured by a bank passbook account. (See Attachment 3 for sample form of agreement which should be used.) Should the applicant desire to provide this form of Surety, a request must be made to the Board of Selectmen. The Town Engineer will be responsible for supplying the applicant with the data that will be needed to complete the chart on page 2 of Attachment 3. Also, as provided for in Attachment 3, the Board of Selectmen may, upon request from the applicant, reduce the amount of the passbook account for each stage of work completed. The Town Engineer, upon request from the Board of Selectmen, will be responsible for inspection of the work and for documentation of the amount of passbook reduction applicable.

3. Amount of Bond

a. **Minimum Amount** Each applicant shall present a bond, in the appropriate form as defined in Section 4-b above, in the minimum sum of ten thousand dollars (\$10,000.00).

b. **Increase in Bond Amount** The Town Engineer in his sole discretion, may require a bond in an amount greater than that stated above, if in his consideration the scope of the work requires a larger amount.

c. **Coverage for Multiple Permits** Additionally, the Town Engineer, may accept one bond for multiple excavations if the total value of work does not exceed the amount of the bond posted. In such case, the bond must be increased to cover the value of the work outstanding.

4. Deficiencies in Work Performed

The instrument must be so written so as to allow the Town of Walpole to perform work deemed necessary by the Town Engineer to correct any deficiencies and all costs incurred by the Town may be applied against the Performance Bond if they are not recovered after billing to the Permittee. Public Utility Companies, State and Federal Agencies are exempt from this section. The Town will give the Permittee eight (8) hours notice to make the necessary repairs.

**401-005: INSURANCE**

1. General

The Contractor shall not commence work until all insurance required has been obtained and until copies of policies and certificates thereof are submitted to the Engineering Department. The insuring company or agent shall deliver to the Engineering Department, certificates of all insurance required on a form signed by an authorized representative of the insurance company and stating that all provisions of the specified insurance requirements are satisfied.

Such insurance shall protect the Town of Walpole, its agents, elected and appointed officials, commission members, employees, against liability, loss or expense on the account of damaged property (including loss of use), injury to or death of any person or persons and for care and loss of services arising in any way out of or in connection with or resulting from the work or service performed on behalf of the Town of Walpole.

The Contractor shall provide insurance to cover operating hazards during the period of placing the facility in operation and during testing, and until such times as the facilities are completed and accepted for operation by the Town and written notice of that fact has been issued by the Town.

Approval of the insurance by the Town shall not in any way relieve or decrease the liability of the Contractor hereunder. It is expressly understood that the Town does not in any way represent that the specified limits of liability or coverage or policy forms are sufficient or adequate to protect the interest or liabilities of the Contractor.

All responsibility for payment of any sums resulting from any deductible provisions, corridor, or self-insured retention conditions of the policy or policies shall remain with the Contractor.

Insurance Certificates shall be provided in the name of the permit applicant only.

Any subsequent agreements between said applicant and a subcontractor engaged by him/her shall be considered a private matter, as the Town considers all issues having to do with obtaining the permit and performance of the work the responsibility of the permit holder.

The Town Engineer may at any time cancel or suspend permits (licenses) for cause. Cancellation of insurance endorsement automatically cancels permit.

Insurance Summary - It is a condition of this ordinance that the insurance policies waive any and all government immunity as a defense in any action brought against the insured or any other party.

2. Term of Insurance

All insurance policies shall contain a provision that the coverage afforded shall not be canceled or non-renewed, nor restrictive modifications added, until at least 30 days prior written notice has been given to the Town, unless otherwise specifically required in contract documents.

It is the responsibility of the applicant to ensure that his/her insurance coverage remain in full force for the entire One Year Period of Responsibility. If the policy submitted by an applicant expires before the expiration of the One Year Period, he/she must present the Town Engineer with a new Certificate of Insurance covering the remainder of the One Year Period.

It shall be the sole responsibility of the Permit Holder to submit and maintain the proper insurance. Failure to do so may result in denial of future permits.

3. Excess Liability Policy

The Contractor may, provide the limit of liability as set out above by a combination of the above described policy forms, including an Umbrella or Excess Liability Policy. The Excess or Umbrella must provide coverage on at least a following form basis. The coverage provided under this type of policy must be approved by the Town Engineer, who may contact the applicant's insurance agency for approval, prior to issuance of the Street Opening permit.

4. Self-Insured Utility Companies

Utility companies that are self-insured must present a certificate or document proving their financial responsibility in at least the minimum limits as are herein described.

5. Worker's Compensation and Employer's Liability Insurance  
The Contractor agrees to comply with Workers' Compensation Laws of the State and to maintain a Workers' Compensation and Employer's Liability Policy. This policy shall be endorsed to provide All States Coverage, Voluntary Compensation Coverage, the policy will also include coverage for United States Longshoremen's and Harborworkers' coverage. No Street Opening Permit shall be issued until a proper Certificate of Insurance has been submitted for the applicant, their subcontractors.  
  
Should a Permit applicant believe he/she is not required to provide Worker's Compensation insurance by statute, he/she will be required to so certify and stipulate to such status on an approved form of Affidavit. Before any Street opening permit is approved for such an applicant, the Town Engineer shall verify this status with the appropriate State Agency.
6. Commercial General Liability Insurance  
The Contractor shall provide Commercial General Liability Insurance, including coverage for Broad Form Property Damage, Blanket Broad Form Contractual Liability, explosion, collapse, underground facilities, and products and completed operations for a minimum of one year after acceptance of the work. Any renewal certificates shall be filed with the Engineering Department.
7. Business Automobile Policy  
The contractor shall provide a Business Auto Policy providing liability insurance which shall include coverage for all leased, owned, non-owned and hired vehicles.
8. General Indemnity  
The Contractor shall indemnify, defend and save harmless the Town of Walpole, its appointed or elected officials, commission members, employees, agents and each of them for any and all suits, actions, legal or administrative proceeding, claims, demands, damages, liabilities, interest, attorneys fees, costs and expenses of whatsoever kind or nature, whether arising before or after final acceptance and in any manner directly or indirectly caused, occasioned or contributed to in whole or in part by reason of any act, error or omission, fault or negligence whether active or passive by the Contractor, or any one acting under its direction, control of on its behalf in connection with or incident to its performance of the Contract.
9. Property Damage Liability  
This shall include damage to property caused by explosives and blasting, or by vehicles or equipment, or on account of trenches or from any other cause. The Town Engineer may, in his sole discretion, require increased limits of insurance for property damage.
10. Coverage for Hazards

Policies submitted to the Town must include coverage for **explosion, collapse or underground hazards** (XCU) and this must be so stated on the Certificate of Insurance.

11. **Additional Insured**

The Town must be named as an additional insured and this must be so shown on the Certificate of Insurance.

12. **Schedule Of Required Contractor Insurance**

Prior to the start of the Contractor’s work, the Contractor shall procure for the Contractor’s work, and maintain in force with companies licensed to sell insurance in Massachusetts the following:

- a. Worker’s compensation and employers liability insurance
- b. Commercial general liability insurance including contractual liability to cover the contractor indemnification obligation. Completed operations coverage to continue in force for 2 years beyond completion of work for the Town.
- c. Automobile liability insurance on all owned, leased, hired and non-owned vehicles.

The Town shall be named as additional insurers on all of these policies except for worker’s compensation. The additional insured endorsement shall limit that status to the acts or omissions of the Contractor, or the acts or omissions of any party for whom the contractor is responsible.

All insurance shall be maintained with limits of liability not less than the following:

<b><u>Coverage</u></b>	<b><u>Limits</u></b>
Worker’s Compensation Employer’s Liability	Statutory \$100,000 each accident \$100,000 each employee – Disease \$500,000 policy limit – Disease
Commercial General Liability	\$2,000,000 general aggregate with a per location endorsement \$1,000,000 per occurrence \$1,000,000 aggregate, completed
Operations	\$1,000,000 personal injury



The person engaged in emergency action shall notify the Town Engineer and/or Police Department, Dig Safe, and the Public Utility companies at the start of the emergency work.

#### **401-008: TRAFFIC SAFETY**

The permittee shall take appropriate measures to ensure that during the performance of the excavation so far as is practicable, normal traffic conditions be maintained at all times, causing as little inconvenience as possible to the occupants of abutting property and to the general public.

The permittee, where possible, shall maintain safe crossings for two lanes of vehicular traffic at all public intersections, as well as safe crossings for pedestrians at intervals of not more than three hundred feet. If any excavation is made across a public way, it shall be made in sections to ensure safe crossing for both vehicles and pedestrians.

If the way is not wide enough to hold the excavated material for part-time storage and still allow safe passage of traffic, the material shall be immediately removed from the location.

The Traffic Safety Officer may permit the closing of streets and walks to all traffic for a period of time prescribed by him if, in his opinion, it becomes necessary. If a street is so closed, it is the applicant's responsibility to notify the Police, Fire and School Departments,.

Warning signs shall be placed at sufficient distance from the construction operation to alert all traffic coming from both directions. Cones or other approved devices shall be placed to channel traffic, all in accordance with any requirements of the Traffic Safety Officer.

Warning signs, lights, and other precautions as may be necessary for the purpose, unless specified by the Town Engineer, shall conform to the latest requirements and practices of the Massachusetts Department of Public Works. All costs incurred, including those for traffic warning signs, barriers, flagman, policeman, etc. shall be fully borne by the permittee.

Each applicant must obtain the signature of the Traffic Safety Officer or his designated alternate on permit application in the space provided. This signature will indicate that the Traffic Safety Officer has reviewed the permit application and has indicated in writing on the application whether or not the location of the proposed excavation requires a policeman be on duty for traffic safety. The applicant must understand that it is the Traffic Safety Officer and not the applicant himself that will request the presence of uniformed officer.

#### **401-009: ACCESS TO VITAL STRUCTURES**

The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water gates, underground vaults, catch basins, or any other vital public necessity as designated by the Town Engineer or his/her designee.

#### **401-010: RELOCATION AND PROTECTION OF UTILITIES**

The permittee shall not interfere with any existing utility without the written consent of the Town Engineer and the owner of the utility. If it becomes necessary to relocate an existing utility, this shall be done by its owner and the cost of such work borne by the permittee. The permittee shall inform itself as to the existence and location of all underground utilities and protect the same against damage. The permittee shall adequately support and protect by timbers, sheeting, etc., all pipes, conduits, poles, wires, cables or other appurtenance which may be in any way affected by the excavation work, and do everything necessary to support, sustain and protect them under, over, along or across such work area. In the event any of said pipes, conduits, poles, wires, cable or appurtenance be damaged, and for this purpose pipe coatings or outer encasements or similar type protective devices are to be considered as part of a sub-structure, such damage shall be repaired by the agency or persons owning them and the expense of such repairs borne by the permittee. The permittee shall be responsible for any damage done to any public or private property by reason of the breaking of any water pipes, sewer gas pipe, electric conduit or other such similar type appurtenance.

#### **401-011: NOTIFICATION TO PUBLIC UTILITY COMPANIES**

The permittee shall in accordance with the General Laws of the Commonwealth of Massachusetts, currently in effect, give notice to public utility companies before making excavation in a public way.

#### **401-012: DIG SAFE**

A valid "Dig Safe" number shall be obtained for each application. No application will be accepted without it.

It will be the applicant's responsibility to comply with all Dig Safe rules, regulations and guidelines

#### **401-013: PROTECTION OF ADJOINING PROPERTY**

The permittee shall at all times and at his own expense preserve and protect from injury any adjoining property by providing proper foundations, and by taking such other precautions as may be necessary for the purpose. The permittee shall, at his own expense, shore up and protect **buildings**, trees, walls, fences or other property likely to damage during the process of the excavation work and shall be responsible for all damage to public or private property or highways resulting from its failure to properly protect and carry out said work. The permittee shall not remove, even temporarily, any trees or shrubs which exists in planting strip areas without first obtaining the consent of the Town Engineer or his designee (See Chapter 87, Section 5-Cutting Trees.

The following policy will be adhered to in the case a tree is destroyed by the permittee or a tree is authorized for removal by the Town Engineer. "All tree stumps and debris resulting from the work shall be removed from the location".

"A replacement shall be made by the permittee for each tree removed or destroyed with a minimum caliper of 2-1/2 inches or greater; the species and place of relocation to be designated by the Tree Warden planted in place and it must be balled and burlapped".

"The permittee shall deliver to the Town Engineer a bonafide order, placed with a recognized established nursery before installing the authorized trees. The order shall include in it a statement that the size and species required will be in accordance with "USA Standard for Nursery Stock" and that planting will be done in accordance with the applicable provisions of "Massachusetts Department of Public Works Standard Specifications".

**\*ALL PROTECTIVE WORK CARRIED OUT OR DEEMED NECESSARY AFFECTING BUILDINGS MUST BE APPROVED BY THE BUILDING INSPECTOR**

For roadside planting the following type trees will be acceptable subject to approval by the Tree Warden as to which specific species is best for the location where the tree is planted: Norway Maple, Sugar Maple, Crimson King Maple, European Linden or approved equal.

In certain areas of the Town, ornamental trees, such as Flowering Crab, European Mountain Ash, Japanese Flowering Cherry, Moraine Ash and Washington Hawthorne are acceptable as replacement trees. These trees are purchased by height and not by caliper and must be balled and burlapped.

They must conform to the following minimum heights: 5'-6' Flowering Crabs and Flowering Cherries, and 6'-8', Moraine Ash, European Mountain Ash and Washington Hawthorne. In areas under utility wires, the tree replacement policy will be governed by the latest Boston Edison Company edition "Trees in Your Community" a copy of which is available in the Town Engineer's Office.

#### **401-014: PROTECTIVE MEASURES**

It shall be the duty of every person cutting or making any excavation in a street to place and maintain such barriers and warning devices necessary for the "Public Safety" as may be required by the Town Engineer immediately following said excavation.

Barriers shall meet the requirements of the Town Engineer. Warning lights shall be flares, torches, lanterns, electric markers or flashers and used to indicate the hazard to traffic from sunset of each day to sunrise the next day. Lanterns shall have clear, red or ruby globes. Electric markers or flashers shall emit light at sufficient intense and frequency to be visible at a reasonable distance for safety. Reflectors or reflecting material may be used to supplement, but not replace, light sources. The type of warning lights to be used in any particular location is subject to the approval of the Director. Flares or lanterns should be used on all single or small excavation within pavement lines.

#### **401-015: EXCAVATED MATERIAL**

All material excavated shall be removed from the site, except in such cases as the material is deemed suitable for backfill by the Town Engineer. Any material excavated and deemed unsuitable for backfill shall be both removed and replaced with suitable material at the permittee's expense. It is the sole responsibility of the applicant to remove and dispose of all excess material at a legally approved site.

#### **401-016: CONSTRUCTION MATERIALS AND EQUIPMENT**

Construction materials and equipment on the site shall be limited in quality and space occupying area so as to not unduly hinder and block the way.

#### **401-017: DUST AND CLEAN-UP**

As the excavation work progresses, all ways shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris. The permittee shall take necessary precautions to prevent and avoid dust and to keep the ways clean each day. All clean operations shall be accomplished at the expense of the permittee and shall be carried out to the satisfaction of the Town Engineer or his designee.

#### **401-018: PROTECTION OF GUTTERS AND BASINS**

The permittee shall maintain all gutters free and unobstructed for the full depth of the adjacent curb and for at least 3' in width from the face of such curb at the gutter line. Catch basins shall be kept clear and serviceable.

The permittee shall make provision to take care of all surface water, mud, silt, residue or other run-off pumped or removed from excavations and shall be responsible for any damages resulting from his failure to so provide.

#### **401-019: HOURS OF OPERATION**

Each permittee shall conduct and carry out excavation work in such a manner as to avoid unnecessary inconveniences and annoyance to the general public and occupants of neighboring property. During the hours from 8:00 P.M. to 7:00 A.M., he shall not use, except with the express permission of the chief of Police, or in case of an emergency as herein otherwise provided, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property.

#### **401-020: TRENCHES**

The maximum length of open trench permissible at any time shall be in accordance with existing normal municipal standards or as may be specified by the Town Engineer or his designee. No greater length shall be open for pavement removal, excavation, construction, backfilling, patching and other operations without the written permission of the Town Engineer.

#### **401-021: PROMPT COMPLETION OF WORK**

After an excavation is commenced, the permittee shall prosecute with diligence and expedition all excavation work covered by the excavation permit and shall promptly complete such work and restore the way to its original condition or as near as may be, so as not to obstruct the way or travel thereon more than is reasonably necessary.

#### **401-022: BREAKING THROUGH PAVEMENT**

The use of hydro-hammers or heavy duty pavement breakers for breaking pavement are limited on all streets unless written permission is granted by the Town Engineer for their use after due consideration of the location, the condition of the street and the depth of saw cutting required ahead of the use of the hammers.

Approved cutting of bituminous pavement surface ahead of excavation is required to confine pavement damage to the limits of the trench. Asphalt surfaces may be cut but pneumatic means (jackhammering) before excavation. However, after backfilling operations are complete, the trench shall be neatly **saw cut** back a minimum of 12 inches to form a smooth edge.

Sections of bituminous or cement concrete sidewalks shall be removed to the nearest scoreline or approved saw cut edge.

Unstable pavement shall be removed over cave-outs and over breaks and the subgrade shall be treated as the main trench.

Pavement edges shall be trimmed to a vertical face and neatly aligned with the center line of the trench.

Cut-outs outside of the trench lines must be normal or aligned parallel to the center line of the trench.

Generally excavations shall be made in open cut. Tunneling will be allowed by special permission of the Town Engineer. Trenches and excavations shall be braded and sheeted when necessary as required by OSHA specifications.

Before the permittee files an application for Street Opening Permit, he must confer with the **Dig Safe**, and obtain a Dig safe number to indicate that a request for underground mark outs has been made. In addition, calls should be made to the Engineering Department, and Water and Sewer Division for sewer, water, and drain mark outs, as appropriate to the particular location proposed for excavation. All safeguards such as lanterns, barriers, and signs shall be maintained at all times by the permittee (licensed installer) while the work is in progress.

#### **401-023: BACKFILLING**

The trench in the street must be filled the same day it is opened unless the applicant is otherwise directed by the Town Engineer or his designee. The trench shall be backfilled to existing line and grade to accommodate the thickness of asphalt required. Refer to the Typical Street Replacement trench detail on the Town of Walpole Typical Detail Sheets

The permittee shall maintain the surface of the trench and shall promptly replace or fill with similar material any depression, dip, pothole or other defect that appears during the period of responsibility.

Trenches shall be backfilled in 12" lifts from the bottom of the excavation. Each lift shall be thoroughly compacted by means of a vibratory or mechanical compactor before the next lift is laid in place. A compactor must be on site at all times. If the Town Engineer finds, upon inspection of the site, that a compactor is not present, the excavation may immediately be shut down and the permit revoked. Bituminous concrete, cement concrete, sticks, logs, metal, loam, organic materials, etc. shall not be used as backfill. When, in the opinion of the Town Engineer, the excavated material is not available as backfill, it shall be removed from the site and the trench shall be backfilled with approved bank run gravel. The compaction requirement shall be strictly enforced.

Puddling of trenches will not be allowed, unless prior authorization is obtained from the Engineering Department.

When the conditions warrant, in the judgement of the Town Engineer or his/her designee, **CDF, or "Flowable Fill"** may be required as trench backfill material. Potential conditions include but are not limited to: location of excavation on a heavily traveled street, lateness of the construction season, existing trench material is unsuitable for backfill use. Mix specifications for this material shall be obtained from the Town Engineer, but will generally follow that required by the Massachusetts Highway Department.

#### **401-024: TEMPORARY PAVEMENT RESURFACING**

If temporary resurfacing is to be placed due to location of work, time of year, or other applicable reason, the temporary pavement shall be plant mixed hot asphalt as produced in accordance with the Standard Specifications of the Massachusetts Department of Public Works and is to be a minimum of one and one half inches thick. Temporary resurfacing that is to be left over the winter months shall be a minimum of three inches thick.

As soon as is consistent with the final permanency of the work, or as required by the Town Engineer, the temporary pavement shall be excavated to the required grade in order to place the permanent bituminous concrete pavement.

#### **401-025: RESTORATION OF PERMANENT PAVING**

All permanent paving shall be done in accordance with the specifications of the Town Engineer of the Town of Walpole by and at the expense of the permittee.

The permittee shall remove and acceptably dispose of all excavated material before proceeding with the remainder of the work and shall thoroughly compact the surface of the sub-base. Any broken or irregular edges of existing pavements shall be cut away in straight lines as directed leaving a sound vertical face at least twelve inches back from the edge of the existing pavement.

The bituminous concrete base and top shall be laid and rolled in two courses. The binder (base course) shall be two inches in depth and the top course shall be one and one half inches in depth. The base course of the permanent pavement shall be placed and carefully raked to a minimum surface and thoroughly rolled to the required thickness. Before placing the base course of the permanent pavement, the edge of the original bituminous surfacing shall receive an application of approved asphalt emulsion so that the new pavement material may be properly bonded to the old. The top course of the permanent paving shall be placed to a grade that will match the existing bituminous surface after rolling.

The permanent paving shall not overlap the existing pavement and will not have to be applied with a mechanical spreader unless otherwise directed.

The permittee shall furnish, place, grade, and compact Bituminous Concrete Pavement of Class I, Type I-1 as shown and specified in the latest Massachusetts State Department of Public Works Standard Specifications for Highways and Bridges.

Under certain circumstances where trenches are considered extensive it may be required, upon completion of patching trenches, to overlay the affected area for the full width of roadway and at least 30 ft. beyond the affected area with one inch of dense graded bituminous concrete.

Curb to curb overlays 15 feet either side of the trench will be required for pavements which are less than five years old and for other pavements which are void of cracks, potholes, patches, and are in good condition, in the opinion of the Town Engineer. The Town Engineer shall, in all cases, have the sole discretion as to the restoration of the pavement.

If, upon excavation of the trench, it is discovered that existing pavements thickness is greater than the replacement thickness herein specified, the Town Engineer reserves the right to require the applicant to match the existing thicknesses when the trench is repaved.

The Town Engineer may, at his discretion, require a roadway surface be given infrared treatment, if he determines it is warranted by the age or condition of the roadway surface.

All sidewalks dug through shall be carefully patched after backfilling. A bituminous concrete sidewalk shall be squared off and patched with the same material and rolled so as to provide a continuous smooth surface. Cement concrete sidewalks shall be repaired by making a new concrete block or blocks through which the trench passes. Preformed expansion joints, when deemed necessary, will be installed against buildings, walls, steps, foundations or existing concrete blocks. The new cement concrete square shall be made of Air Entrained Class "A" (3500 lb.) mix or better and be matched in color with the remaining

sidewalk as nearly as possible. All concrete must be cured by covering with material in accordance with the best known concrete curing procedures. All walks shall be laid over a minimum of 12 inches of well compacted gravel cement concrete shall be treated with silicone or linseed oil sealer for salt damage prevention. The permittee shall be responsible for repairing any damage done to public utilities, (water, sewer, gas, electric, telephone, etc) or to Town trees, shrubs, poles or signs which may be disturbed or damaged while doing the work or account thereof. The permittee shall be responsible for the maintenance of the street opening excavation trench **for one year** after the date of completing the installation except where such maintenance is made necessary by the act or neglect of another.

#### **401-026: CEMENT CONCRETE PATCH PAVING**

All restoration of cement patch paving areas shall be done at the expense of the permittee and must meet the specification of the Town Engineer.

In instances when an open cut is permitted, provisions for patching will require wherever practical, that a six inch reinforced or precast concrete slab be laid over the backfilled trench extending one foot beyond either side of the edge of surface and allowing for a three inch Bituminous Concrete Type I-1 surface all as shown on the Town of Walpole Typical Trench Detail.

When approved, the concrete slab may be cast-in-place conforming to Massachusetts Standard Specifications for Class "F" Cement concrete and additionally, shall be High-Early Strength. The slab shall have steel reinforcing for tensile strength placed in accordance with good engineering practices. The permittee must place temporary heavy duty steel plating adequate to carry heavy traffic over the trench area until the concrete is sufficiently cured.

Consideration may under certain limited conditions be given to the elimination of the concrete patch, allowing underground utility installations to be made where the permittee agrees to replace foundation and base material in kind, and to satisfactorily maintain a permanent (plant mixed hot-asphalt) bituminous concrete Type I-1 patch for a period of one year except at which time the original permanent patch with approved material. In this case, a specific bond may be required to insure the continued maintenance of the permanent (temporary) patch, and the construction of the permanent patch at the end of the one year period.

#### **401-027: RESTORATION OF PAVEMENT MARKING**

All permanent paving markings (crosswalks, traffic center lines etc.) that are obliterated or damaged during construction shall be repainted by or under the direction of the Town Engineer of the Town of Walpole at the expense of the permittee.

#### **401-028: RESTORATION OF GRASS PLOTS/LOAM STRIPS/OTHER DISTURBED AREAS**

Upon completion of excavation, all grassed areas, loam strips , and any other disturbed areas within the Town way shall be restored with sod or loam and grass seed.

The One Year Period of Responsibility also applies to these surfaces.

**401-0029: TO PUBLIC UTILITY COMPANIES**

Any Public Utility Companies subject to regulation by D.T.E. (Department of Telecommunications and Energy) shall be subject to all applicable provisions of D.T.E. 98-22, “Standards to be Employed by public utility Operators when Restoring any of the Streets, Lanes and Highways in Municipalities (Standards)”., as they pertain to Street Openings in the Town of Walpole

**401-0030: ATTACHMENTS**

The following attachments are incorporated and made part of these Rules and Specifications.

**TOWN OF WALPOLE**  
**PERMIT TO WORK WITHIN A PUBLIC WAY**

\_\_\_\_\_  
(DATE) (PERMIT NO.)

\_\_\_\_\_  
(CONTRACTOR'S NAME) (DIG SAFE NO.)

\_\_\_\_\_  
(STREET ADDRESS) (TOWN) (ZIP CODE) (TELEPHONE NO.)

\*\*\*\*\*  
**FOR EMERGENCY REPAIRS AFTER HOURS**

\_\_\_\_\_  
(NAME) (TELEPHONE NO.)

\_\_\_\_\_  
(LOCATION OF WORK) (NATURE OF WORK)

\_\_\_\_\_  
(PROJECTED START/FINISH DATES) (ACTUAL START/  
FINISH DATES)

\_\_\_\_\_  
(POLICE DETAIL REQUIRED) (YES OR NO)

\_\_\_\_\_  
(SIGNATURE OF TRAFFIC SAFETY OFFICER)

\_\_\_\_\_  
(GRANT OF LOCATION ISSUED BY BOARD OF SELECTMEN) (YES OR N/A)

\_\_\_\_\_  
(PERMIT APPROVED BY THE ENGINEERING DEPARTMENT) (DATE)

\_\_\_\_\_  
(INSPECTED BY) (DATE)

\*\*\*\*\*

The applicant, whose signature appears above, indicates acceptance of the required compliance with the rules and regulations governing street excavations. A seventy-two (72) hour notice to the Engineering Department before the start of said excavation is required.

**AGREEMENT FOR  
PERFORMANCE SECURED BY BANK PASSPORT  
(Street Opening Permit)**

\_\_\_\_\_, (date) \_\_\_\_\_, 20\_\_\_\_\_  
Walpole, Massachusetts

AGREEMENT made this date between the Town of Walpole acting by and through its Board of Selectmen, \_\_\_\_\_ (name of Applicant) of \_\_\_\_\_ (address of Applicant) \_\_\_\_\_ (“the Applicant”), and \_\_\_\_\_ (name of Bank) \_\_\_\_\_, to secure the Applicant’s performance under a Street Excavation Permit issued to Applicant on \_\_\_\_\_ (date) for work in \_\_\_\_\_ (name of Street) \_\_\_\_\_, a public way in the Town of Walpole.

KNOW ALL MEN by these presents that the Applicant hereby binds and obligates himself, his, or its executors, administrators, devisees, heirs, successors and assigns to the Town of Walpole, a Massachusetts municipal corporation, acting through its Board of Selectmen, in the sum of dollars, and has secured this obligation by a deposit with the Town Treasurer of the above sum of money, represented by \_\_\_\_\_ (name of Bank) \_\_\_\_\_, Passbook Account No. \_\_\_\_\_ issued in the name of the Town of Walpole Board of Selectmen, said sum to be used to insure the performance by the Applicant of all conditions, agreements, terms and provisions contained in the following:

- (a) The Application for a Street Opening permit, dated \_\_\_\_\_, 20\_\_\_\_\_
- (b) Town of Walpole Rules and Specifications Regulating Street Excavations; and
- (c) Other document(s) specifying construction to be completed, namely:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This agreement shall remain in full force and effect until the Applicant has fully and satisfactorily performed all obligations specified herein, and for a period up to and including one full year from the date of final, satisfactory completion of the work, as determined by the Board of Selectmen.

Upon completion by the Applicant of specified stages of work as specified in the following schedule, the Board of selectmen shall release to the applicant the portion of funds which is being held for that stage of work:

**Stage of Construction Total Value Amount to be Date When Restoration Or Restoration to be of Stage Released Upon or Construction is to be Completed Completion of Stage Completed**

- (1)
- (2)
- (3)

At the end of one year from the date of final, satisfactory completion by the Applicant of all obligations as specified herein, all remaining funds contained in the bank passbook account shall be returned to the Applicant by the Town and this agreement shall become void. In the event the Applicant should fail to satisfactorily complete any stage of the work specified in this agreement within the time period herein specified, or in the event the completed work shall be determined by the Town Engineer to be deficient in workmanship or materials within one year of the completion, the funds on deposit in the account represented by the aforesaid bank passbook, including any accrued interest, may be applied in whole, or in part, by the Board of Selectmen for the benefit of the Town of Walpole to the extent of the reasonable cost to the Town of completing and/or correcting defects in such work.

The Applicant agrees that all costs and expenses, including but not limited to court costs and reasonable attorney's fees, incurred by the Town of Walpole in enforcing any of the Applicant's obligations hereunder or in exercising or enforcing the Town's rights hereunder shall be chargeable to, and secured by, the passbook account.

The Town of Walpole acting by and through its Board of Selectmen hereby agrees to accept the aforesaid bank passbook as security for the performance by the Applicant of the obligations described herein.

          (Name of Bank)           hereby agrees not to release any funds from the account represented by the aforesaid bank passbook or otherwise amend or make a change to the bank passbook account without written authorization by the Board of Selectmen.

          (Name of Bank)           hereby agrees that the funds in the passbook account are due by the Applicant only upon completion of all obligations specified herein and that, until the Board of Selectmen notified the Bank in writing that all obligations have been satisfied, these funds are not due to the Applicant. Accordingly, the bank hereby agrees that the funds in this account cannot be attached as assets of the Applicant or made subject to trustee process as funds due and owing the Applicant, and the Bank will so represent to the court in any relevant proceeding.

There shall be no amendments to this agreement and/or to the amount of security retained hereunder, unless such amendment is in writing, signed by all parties to this agreement.

IN WITNESS WHEREOF we have hereunto set our hand and seal this \_\_\_\_ day of  
, 20\_\_\_\_

\_\_\_\_\_  
*(Signature of Applicant)*

NOTE: If the Applicant is a corporation, a copy of the certified vote of the Board of Directors granting authorization for the above individual to sign this agreement must be submitted with the form unless the President and Treasurer of the Corporation sign the form.

\_\_\_\_\_  
Signature of Authorized Representative of the

\_\_\_\_\_  
*BANK*

\_\_\_\_\_  
*TITLE OF BANK REPRESENTATIVE*

NOTE: A corporate certificate of authority from the bank granting authorization for the above individual to sign this agreement must be submitted with this form.

## **SECTION 402   CURB CUT POLICY**

### **402-001: PURPOSE**

In order to maintain safety and welfare for all motor vehicle operators, pedestrians and the General public, the Town of Walpole adopts the following ordinance regarding the construction of driveways which enter upon and/or exit from Town accepted public ways, ways being constructed under the subdivision control law, and any other ways where the Town of Walpole may have control.

### **402-002: GENERAL**

All construction of new driveways or widening of existing driveways shall require a curb cut permit issued by the Director of Public Works or his designee.

No fee shall be required for the curb cut permit.

A suitable bond may be required to be posed with the Department of Public Works which shall cover the cost of the proposed construction, plus the cost of any damage to Town highways and facilities caused by or resulting from the operations authorized by such permit.

The location of the curb cut shall be approved by the Traffic Safety Office of the Walpole Police Department relative to sight distance and any other safety issue.

No building permits shall be granted for any lots until a curb cut permit has been issued.

Any driveway constructed without a curb cut permit shall be removed and the area shall be restored to its original condition at the expense of the property owner.

All driveways shall be labeled either major or minor driveways. Major driveways shall be driveways which serve one hundred parking stalls or more or high volume driveways deemed, by the Department of Public Works, to be major driveways. Minor driveways shall be all other driveways.

### **402-003: CONSTRUCTION STANDARDS**

All driveways shall conform to the following construction standards:

1. Major driveways shall be a minimum of 24 feet wide with 30 feet radius roundings.
2. Major driveways may meet the front edge of the sidewalk with respect to grade to form a driveway apron or sidewalk ramps may be constructed at the normal locus of the sidewalk.

3. Minor driveways shall have a maximum width of 20 feet. Curb rounding for entering vehicles from the adjacent lane of traffic shall have a minimum radius of 12 feet. Curb roundings for entering vehicles from the opposite lane of traffic shall have a minimum radius of 3 feet.
4. Minor driveways shall meet the front edge of the sidewalk with respect to grade. When no sidewalk exists, the driveway shall rise from the gutter to the location of the front edge of a future sidewalk, six inches in height.
5. The minimum distance from the point of curvature of a driveway rounding to a hydrant, pole, sign, tree, or any such item, shall be 10 feet.
6. There shall be no more than two minor driveways per building lot.
7. Any materials including but not limited to street signs, granite bounds, stone markers, stone walls, granite curbs, granite inlet blocks, catch basin frame and grates, hydrants, poles, trees, guardrails, and fences shall be removed and reset at the owner's expense. Any items not to be reset shall be delivered to and stacked at the D.P.W. yard at the direction of the D.P.W. and at the expense of the owner.
8. No fences, gates, bollards, etc. shall be constructed within the Town right of way.
9. All Asphalt driveways must be paved with at least 3" of asphalt concrete to the side line of the Town right of way.
10. Driveway aprons adjacent to the cement concrete sidewalks shall be constructed of cement concrete.
11. All curb stop boxes, manholes, etc. encountered shall be set to grade.
12. Brick, stone, stamped concrete, other non-standard materials will not be allowed within the public way.
13. Plantings, lighting fixtures, and other obstructions shall not be placed within the public way.

## **SECTION 403    STREET LIGHTING POLICY**

### **403-001:    PURPOSE**

1. Streetlights are to be installed so as to illuminate infrastructure within street layouts, i.e. vehicular travel lanes, sidewalks, and intersections, providing a measure of safety to the motoring and walking public.

2. While particular placement of said street lights may also serve to illuminate private yards, driveways, and walkways, this is an ancillary benefit, and placement of a street light may not be made solely for this reason.

#### **403-002: RESPONSIBILITY**

##### 1. Additional Street Lights

The Town Engineer or her/his designee (“Town Engineer”) is designated as the person who will be responsible for the enforcement of this policy. The Town Engineer will receive all requests for additional street lights, will interface with N-Star (Or other company replacing N-Star in the future as supplier of electrical power to the Town) to place orders for additional lights. All requests for street lights under Section IV of this policy shall be made through that department. The Town Engineer will be responsible for determination of appropriate light placement pattern in conjunction with Section III. of this Policy

##### 2. Removal of Street lights

From time to time, the Town Engineer shall also be responsible for inspection of existing street lighting patterns, and shall, if necessary, make arrangements with N-Star through the ordering process, to have lights moved , or removed in their entirety, in order to bring the street light fixtures on a particular way into conformance with this Policy.

#### **403-003: LOCATION AND PLACEMENT OF STREET LIGHTING FIXTURES**

##### 1. Standard Street Light Placement

On relatively long, straight streets, where sight distance is not impeded by a horizontal or vertical change in roadway alignment, or other situation deemed mitigating by the Town Engineer, a street light may be located approximately every three hundred feet. (In the majority of cases, where utility service is by standard above ground wiring, this would equate to a street light on approximately every third utility pole).

##### 2. Situations Affecting Standard Street Light Placements

Street lights may also be located so as to illuminate intersections, changes in horizontal or vertical roadway alignment, other obstructions that could be deemed hazardous, as well as cul-de-sacs and dead ends of streets that may also be excessively dark. Relatively short cul-de-sacs and dead end streets can also alter the standard placement of lights detailed in Section 403-003 1., causing longer or shorter gaps between Street Light placement. In certain cases, placement of lights at these locations could alter the standard placement detailed in 403-003 1. Absent an overriding decision by the Town Administrator made under an Appeal according to Section 403-005 of this policy, The Town Engineer shall have the sole responsibility for determination of proper and appropriate placement of street lights.

#### **403-004: INSTALLATION REQUEST PROCEDURE**

1. Requests for addition of a street light at a particular location shall be made to the Town Engineer.
2. Investigation of said request so made shall take place within two weeks of receipt of the request, and a response made to the applicant.
3. The Town Engineer shall investigate the proposed street location for conformance to this policy, and shall make a determination as to whether the light should be installed.
  - a. If a favorable decision to install the proposed street light is justified, the applicant will be so informed, and the Town Engineer shall place the appropriate order with N-Star.
  - b. If a favorable decision cannot be justified, the applicant will be so informed, and will also be made aware of the appeal procedure detailed within Section 403-005 of this Policy.

#### **403-005: APPEAL PROCEDURE**

If, after a request for installation of a Street Light under Section 403-004 above is denied, the applicant shall have the right to appeal the Town Engineer's decision to the Town Administrator, who shall have the final authority to order said installation. The Town Administrator may solicit the input of the Town Engineer, public safety officials, and any other entity they deem to have information pertinent to the applicant's appeal. If the Town Administrator decides to overrule the Town Engineer's decision, the Town Engineer will be directed to process the appropriate order to N-Star.

#### **403-006: FINANCIAL CONSIDERATIONS**

It is understood as a component of this policy that the placement of new street lights and/or the continuation of existing street lights is a function of the Town's overall ability to fund same. In the event of insufficient funding, the Town may, at its discretion, order the removal of existing street lights and/or suspend the installation of new street lights, under the oversight of the Town Engineer, for the period of time as said insufficient funding shall continue. If upon the restoration of required funding it is determined that lighting may be restored, the number and placement of any restored street light(s) shall be determined by the Town Engineer in accordance with the provisions of this policy. Any appeals to this section shall be so made in accordance with the appeal procedure contained in Section 403-005 of this policy.

**SECTION 404      SNOW REMOVAL OPERATIONS**

**404-001: GENERAL POLICY – INCIDENT MANAGEMENT**

All snow removal operations shall be conducted in such a manner as to provide the greatest protection of public safety possible. The Incident Command System shall be observed at all times. Detailed logs of each storm shall be maintained, recoding times of staff call-out, arrival and dismissal, contractor call-out, arrival and dismissal, storm conditions and clean-up progress reports, notifications made, incidents, accidents, etc. These logs shall be maintained by the Director of Public Works.

**404-002: VEHICLES IMPEDING PLOWING OPERATIONS**

Any vehicle that shall be determined to impede snow removal operations may be removed at the owner’s expense. Notification shall be made by the storm Incident Commander to the Police Department, who shall be empowered to cause the removal of the vehicle from the path of snow removal operations.

**404-003: DAMAGE TO PRIVATE PROPERTY – WITHIN LAYOUT**

It is the policy of the Board of Selectmen that the Town shall not be responsible for damage to lawns, fences, shrubs, steps, trees or mailboxes within the town layout.

**404-004: DAMAGE TO PRIVATE PROPERTY – OTHER**

In the event that private property not located within the layout shall be damaged directly by a Town vehicle during snow removal operations, the Town will make every effort to correct the damage utilizing either Town forces within a reasonable period of time, or through a claim with the Town’s insurance carrier. The decision of the Town’s insurance carrier shall be final. For the purposes of this and all sections, damage caused by contact with snow that shall have been plowed by a Town vehicle or contractor shall not be the responsibility of the Town under any circumstance.

**SECTION 405      PLOWING PRIVATE ROADS**

It shall be policy of the Board of Selectmen that upon any roadway under construction, the contractor must have all utility castings set to binder grade prior to any Town snow removal (plowing) commencing upon said roadway.

**SECTION 406      QUARTERLY TRAINING REQUIREMENT**

The Director of Public Works shall cause to be scheduled, not less than once per quarter each calendar year, mandatory training programs for all Public Works personnel that shall address but not be limited to such issues as staff safety, proper techniques and methods of job performance, safe use and operation of motor vehicles, and emergency/incident response procedures. A report of each training class, including the topic discussed and personnel

attending, shall be provided to the Town Administrator not less than five days following conclusion of the training event.

## **SECTION 407    CONFINED SPACE ENTRY POLICY**

### **407-001:    PURPOSE**

The following safety policy and procedures shall be utilized by all Department of Public Works employees who are required to enter an access restricted environment as defined by OSHA to be a "*confined space*". This policy in conjunction with proper training is intended to protect all employees from hazards that may exist in such an environment and must be adhered to without deviation.

### **407-002:    CONFINED SPACE AS DEFINED BY OSHA (29 CFR 1910.146:**

1.     A space that is large enough and so configured that a worker can enter and perform assigned work or duties;
2.     A space that by design has limited openings for entry and exit;
3.     A space not designed for continuous employee occupancy

### **407-003:    IDENTIFICATION AND MARKING OF SITES:**

All installations with the exception of sewer and drain manholes and meter pits shall be identified by means of posting prominently displayed signs marked "***Danger Confined Space Enter by Permit Only***". Sewer and drain manholes and meter pits shall be identified as a confined space with signs containing the same language during the timeframe in which entry is in progress. This shall be done with the equipment provided by the Town.

### **407-004:    PRE ENTRY**

The following procedure shall be utilized by any employee that has been designated as or assigned the duty of an entrant, entry supervisor or attendant, prior to entering any confined space.

1.     Check all safety equipment, including but not limited to, blowers, monitors, harnesses and retrieval devices prior to arriving at the work site. (Refer to entry permit as a checklist).
2.     Review the confined space entry permit that has been issued for the particular entrance/job. This permit will be kept at the job site, available to all authorized entrants.
3.     Upon arrival at job site, employ safety controls including the use of a police detail if necessary.
4.     Upon removal of the confined space cover, safeguard the opening to prevent accidental fall or unauthorized entry in to the confined space. The tripod shall act a means of such protection.

5. Complete internal atmospheric monitoring of the space prior to entry. Monitor with the calibrated direct read instrument provided. The conditions monitored shall be:
  - a. Oxygen content
  - b. Flammable gasses and vapor
  - c. Potential toxic air contaminants (Carbon Monoxide/Hydrogen Sulfide)
 Monitoring shall at a minimum be completed at the top, middle and bottom sections of the structure. In deeper structures (+12') monitoring shall be every 4', if practical.
6. Lock out/tag out all potential energy sources by physically disabling or deactivating equipment. (If Applicable)
7. Set up mechanical forced air ventilation equipment (blower) to eliminate any existing atmospheric hazard:
  - a. Fresh air should be introduced near the immediate area of the entrant.
  - b. Make sure that the fresh air intake is properly positioned away from other contaminants, i.e. vehicle or generator exhaust. ***Note: Ventilation equipment may be used even if monitoring indicates that no danger was present. Monitoring shall be repeated after fresh air ventilation equipment is operated prior to entrance to the structure.***
8. Erect the provided fall protection/retrieval system i.e. tripod and winch. Always follow the manufacturers directions for use of this equipment.

#### **407-005: ENTRY**

1. Only trained personnel authorized by permit shall enter the confined space.
2. Under no circumstances shall a person enter a confined space without an attendant being present.
3. The communication method between the entrant and the attendant shall be established prior to entering a confined space. This may include radio or other forms of direct connect or signals. The attendant must have radio, telephone or other means of communication available to contact emergency services. I.e. police, fire, EMS
4. All authorized entrants shall wear a body harness attached to a lifeline that is securely attached to the tripod/winch system; a hard hat; protective clothing; eyewear and gloves. Respiratory protection shall also be worn if determined to be necessary.
5. No authorized entrant while working in a confined space shall detach from the tripod/winch system. This and the retrieval system shall be monitored by the attendant during the entire time period during which the confined space is occupied by the entrant/entrants.
6. Atmospheric monitoring close to the work zone shall be performed continuously throughout the occupancy period. If practical, the entrant shall wear a monitoring device clipped to the body harness.

**In the event that a hazardous atmospheric condition develops during occupancy as indicated by monitor alarms or by visual contact with the entrant the space is to be evacuated immediately.**

**407-006: ENTRY BY OTHERS**

In the event that a contractor is to enter a Town of Walpole owned or contracted confined space, they shall be informed in writing of the following:

1. That the space that they propose to enter has known or potential atmospheric and/or physical hazards present.
2. Entry shall only be allowed through compliance with the requirements of OSHA 29 CFR 1910.146.

**407-007: TERMINATION AND CLOSEOUT OF PERMIT**

1. Review permit for accuracy to ensure that all applicable information has been provided. Note in the comment section any unusual situations that may have occurred during the entry or other information that may be useful to others.
2. Bring the completed expired permit document to the department superintendent for filing.

**407-008: TRAINING**

1. Any employee designated as an entrant, attendant or entry supervisor shall have completed confined space basic training program through the MWRA, NEWWA or other recognized agency.
2. Every year thereafter, all employees shall attend a confined space entry refresher program. The cost of training shall be borne by the Town of Walpole.

**Town Of Walpole**  
**Board of Selectmen**

**500 HEALTH & HUMAN SERVICES**

**SECTION 501 HIPAA POLICY**

The Town of Walpole by vote of its Board of Selectmen will comply with the Privacy Regulations of the Health Information Portability and Accountability Act of 1996. The Town shall limit the use of and access to Protected Health Information which is held by the Town or its lawful agents. Protected Health Information (PHI) is any written, oral or electronic form of information relating to a person's past, present or future health condition, delivery or payment of health services that identifies an individual or where there is a reasonable basis to believe the information could be used to identify an individual. Administrative, technical and physical safeguards established to limit use and access to protected health information are stated as an integral part of this policy, established as part of daily operating procedures and will be maintained by all responsible staff and representatives of lawful agents and business associates of the Town of Walpole.

To assure this commitment to compliance the Board of Selectmen designates a Privacy Officer who shall have the responsibility:

- To keep the Board of Selectmen and Town and School Administrations informed of all changes, updates, requirements, responsibilities, claims, etc. concerning the HIPAA privacy regulations
- To maintain documentation of the Town's efforts to comply with HIPAA privacy regulations
- To ensure that plan subscribers are sent privacy notices and new enrollees receive said notices
- To track any protected health information disclosures
- To process authorizations for disclosure and use of protected health information
- To resolve complaints from participants about possible privacy violations
- To serve as the Town's liaison with the group health insurance program third party administrator, relevant business associates, and health insurance carriers, communicating the Town's commitment and securing the commitment of these entities to the privacy and security of protected health information
- To maintain all required authorizations, agreements, etc. relative to the protected health information of group health insurance program participants
- To monitor the Town's compliance with HIPAA privacy regulations on a regular basis

The Privacy Officer will receive the total support of the Board of Selectmen, Town Administration and senior management. The Privacy Officer of the Town of Walpole is covered under the Town's liability insurance in the legal performance of his/her duties and has access to the Town's legal counsel in the same regard.

In accordance with HIPAA, only the Town of Walpole Personnel & Benefits Coordinator may be given access to protected health information in order to legally perform the position duties and administer the Town's group health and dental insurance program.

The Town of Walpole communicates its commitment to HIPAA Privacy Regulations through:

- Adoption of this policy by the Board of Selectmen,
- Distribution of this policy to and training of all department heads concerning the definition, security and authorization of protected health information,
- Distribution of the privacy notice to all subscribers to the self-insured group health insurance plans,
- Posting of this policy on the Town of Walpole Website, and
- Including the privacy notice in the new employee benefits package.

As an employer, the Town of Walpole may use protected health information in its possession without specific authorization from the employee for treatment, payment, quality assessment, medical review and auditing, studies to improve the group's health care quality or reduce health care costs, compiling civil/criminal proceedings, and any other use required by law for public health, communicable disease, abuse or neglect, or food and drug administration purposes. Information which is normally maintained in the employment record which is not classified as protected health information includes all forms, responses, inquiries and data relative to the family medical leave act, drug screenings, fitness for duty, workers compensation, disability, life insurance, the occupational safety and health act and sick leave.

Protected health information may be released for other purposes by the authorization of the employee submitting the established form in person to the Privacy Officer. The use and/or disclosure of protected health information is limited to the specific information for the specific purpose to and from the specific individual and/or entity for a specific time period as delineated in the authorization form. Group health insurance program participants are allowed to review their protected health information that is held by the Town and to make corrections to errors. Upon request a participant will be provided with an accounting of disclosures of protected health information.

The Town of Walpole separates protected health information from the employment record and retains such information in a locked file accessible only to the Personnel & Benefits Coordinator and under special circumstances other Town Officials that have a bona fide need to know to accomplish legal town business. All entities which could receive protected health information (Group Benefits Strategies as the third party administrator, ambulance billing company, fully insured plan providers, legal counsel, actuaries and consultants) must enter into a business associate agreement with the Town of Walpole in which both parties commit to compliance with the HIPAA Privacy Regulations and providing satisfactory assurances that the business associate will appropriately safeguard the protected health information.

Participants that believe they have been aggrieved by the use or disclosure of protected health information may file a written grievance with the Privacy Officer within sixty (60) calendar

days of the use or disclosure of the protected health information or within fifteen (15) In accordance with HIPAA, only the Town of Walpole Personnel & Benefits Coordinator may be given access to PHI calendar days of their knowledge of said use or disclosure. The grievance must delineate the specifics of the complaint, including but not limited to:

1. what unauthorized protected health information was released
2. who received the protected health information and/or is knowledgeable of the protected health information
3. when was the protected health information released and/or when did the complainant become aware of the unauthorized knowledge of the protected health information
4. what was the result of the release of the unauthorized protected health information

The Privacy Officer will meet with the complainant as soon as possible after the receipt of the grievance. During this meeting the Privacy Officer will discuss the issue brought forward with the complainant. The Privacy Officer will investigate the allegations of the complaint with the full support and assistance of Town and/or School Administration and if necessary legal counsel. The Privacy Officer will provide a written report of his/her findings and recommended action, if warranted, to the Town Administrator and the complainant within thirty (30) calendar days from the date of the meeting with the complainant. If for some reason the Privacy Officer is unable to conduct this meeting and/or investigation the Town Administrator shall appoint a Senior Manager to perform these duties.

Complainants may also contact the Federal Offices of the Department of Health and Human Services for assistance.

The Town of Walpole will comply with the Privacy Regulations established by the Federal Government and requires its employees to observe and comply with this policy and the use of the proper procedures and policy documents. Employees found to have breached protected health information security will be subject to sanctions from verbal reprimand up to and including termination, dependent upon the seriousness, willfulness and ramifications of the breach.

Adopted by vote of the Walpole Board of Selectmen on

## **SECTION 502    HIPAA PRIVACY NOTICE**

This notice describes how medical information about you may be used and disclosed and how you can get access to this information. Please review it carefully.

If you have any questions about this Notice please contact: our Privacy Contact who is James Johnson, Assistant Town Administrator, Room 110, Walpole Town Hall.

This Notice of Privacy Practices describes how we may use and disclose your protected health information to carry out treatment, payment or health care operations and for other purposes that are permitted or required by law. It also describes your rights to access and control your protected health information. "Protected health information" is information

about you, including demographic information, that may identify you and that relates to your past, present or future physical or mental health or condition and related health care services.

### Uses and Disclosures of Protected Health Information

We use health information about you for treatment, to obtain payment for treatment, for administrative purposes, and to evaluate the quality of care that you receive. We may use or disclose identifiable health information about you without your authorization for several other reasons. Subject to certain requirements, we may give out health information without your authorization for public health purposes, for auditing purposes, for research studies, and for emergencies. We provide information when otherwise required by law, such as for law enforcement in specific circumstances. In any other situation, we will ask for your written authorization before using or disclosing any identifiable health information about you. If you choose to sign an authorization to disclose information, you can later revoke that authorization to stop any future uses and disclosures.

We may change our policies at any time. Before we make a significant change in our policies, we will change our notice and post the new notice. You can also request a copy of our notice at any time. For more information about our privacy practices, contact the person listed below.

The Federal regulations that govern the use and disclosure of protected health information may require us to disclose your health information in any of the following situations:

*Required By Law.* We may use or disclose your protected health information to the extent that law requires the use or disclosure. The use or disclosure will be made in compliance with the law and will be limited to the relevant requirements of the law. You will be notified, as required by law, of any such uses or disclosures.

*Public Health.* We may disclose your protected health information for public health activities and purposes to a public health authority that is permitted by law to collect or receive the information. The disclosure will be made for the purpose of controlling disease, injury or disability. We may also disclose your protected health information, if directed by the public health authority, to a foreign government agency that is collaborating with the public health authority.

*Communicable Diseases.* We may disclose your protected health information, if authorized by law, to a person who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading the disease or condition.

*Health Oversight.* We may disclose protected health information to a health oversight agency for activities authorized by law, such as audits, investigations, and inspections. Oversight agencies seeking this information include government agencies that oversee the health care system, government benefit programs, other government regulatory programs and civil rights laws.

*Abuse or Neglect.* We may disclose your protected health information to a public health authority that is authorized by law to receive reports of child abuse or neglect. In addition, we may disclose your protected health information if we believe that you have been a victim of abuse, neglect or domestic violence to the governmental entity or agency authorized to receive such information. In this case, the disclosure will be made consistent with the requirements of applicable federal and state laws.

*Food and Drug Administration.* We may disclose your protected health information to a person or company as directed or required by the Food and Drug Administration (i) To or report adverse events (or similar activities with respect to food or dietary supplements), product defects or problems (including problems with the use or labeling of a product), or biological product deviations, (ii) to track FDA-regulated products, (iii) to enable product recalls, repairs or replacement, or lookback (including locating and notifying individuals who have received products that have been recalled, withdrawn, or are the subject of lookback), or (iv) to conduct post-marketing surveillance.

*Legal Proceedings.* We may disclose protected health information in the course of any judicial or administrative proceeding, in response to an order of a court or administrative tribunal (to the extent such disclosure is expressly authorized), in certain conditions in response to a subpoena, discovery request or other lawful process.

*Law Enforcement.* We may also disclose protected health information, so long as applicable legal requirements are met, for law enforcement purposes. These law enforcement purposes include (1) legal processes and otherwise required by law, (2) limited information requests for identification and location purposes, (3) pertaining to victims of a crime, (4) suspicion that death has occurred as a result of criminal conduct, (5) in the event that a crime occurs on the premises of the practice, and (6) medical emergency (not on the Practice's premises) and it is likely that a crime has occurred.

*Coroners, Funeral Directors, and Organ Donation.* We may disclose protected health information to a coroner or medical examiner for identification purposes, determining cause of death or for the coroner or medical examiner to perform other duties authorized by law. We may also disclose protected health information to a funeral director, as authorized by law, in order to permit the funeral director to carry out their duties. We may disclose such information in reasonable anticipation of death. Protected health information may be used and disclosed for cadaveric organ, eye or tissue donation purposes.

*Criminal Activity.* Consistent with applicable federal and state laws, we may disclose your protected health information, if we believe that the use or disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public. We may also disclose protected health information if it is necessary for law enforcement authorities to identify or apprehend an individual.

*Military Activity and National Security.* When the appropriate conditions apply, we may use or disclose protected health information of individuals who are Armed Forces

personnel (1) for activities deemed necessary by appropriate military command authorities; (2) for the purpose of a determination by the Department of Veterans Affairs of your eligibility for benefits, or (3) to foreign military authority if you are a member of that foreign military services. We may also disclose your protected health information to authorized federal officials for conducting national security and intelligence activities, including for the provision of protective services to the President or others legally authorized.

*Workers' Compensation.* Your protected health information may be disclosed by us as authorized to comply with workers' compensation laws and other similar legally-established programs.

*Inmates.* We may use or disclose your protected health information if you are an inmate of a correctional facility and your physician created or received your protected health information in the course of providing care to you.

*Required Uses and Disclosures.* Under the law, we must make disclosures to you and when required by the Secretary of the Department of Health and Human Services to investigate or determine our compliance with the requirements of Section 164.500 et. seq.

## Your Rights

The following is a statement of your rights with respect to your protected health information and a brief description of how you may exercise these rights.

*You have the right to inspect and copy your protected health information.* This means you may inspect and obtain a copy of protected health information about you that is contained in a designated record set for as long as we maintain the protected health information. A "designated record set" contains medical and billing records and any other records that your physician and the practice uses for making decisions about you. Under federal law, however, you may not inspect or copy the following records; psychotherapy notes; information compiled in reasonable anticipation of, or use in, a civil, criminal, or administrative action or proceeding, and protected health information that is subject to law that prohibits access to protected health information. Depending on the circumstances, a decision to deny access may be reviewable. In some circumstances, you may have a right to have this decision reviewed. Please contact our Privacy Contact if you have questions about access to your medical record.

*You have the right to request a restriction of your protected health information.* This means you may ask us not to use or disclose any part of your protected health information for the purposes of treatment, payment or healthcare operations. You may also request that any part of your protected health information not be disclosed to family members or friends who may be involved in your care or for notification purposes as described in this Notice of Privacy Practices. Your request must state the specific restriction requested and to whom you want the restriction to apply. We are not required

to agree to a restriction that you may request, but if we do agree to the requested restriction, we may not use or disclose your protected health information in violation of that restriction unless it is needed to provide emergency treatment.

*You have the right to request to receive confidential communications from us by alternative means or at an alternative location.* We will accommodate reasonable requests. We may also condition this accommodation by asking you for information as to how payment will be handled or specification of an alternative address or other method of contact. We will not request an explanation from you as to the basis for the request. Please make this request in writing to our Privacy Contact.

*You may have the right to have your physician amend your protected health information.* This means you may request an amendment of protected health information about you in a designated record set for as long as we maintain this information. In certain cases, we may deny your request for an amendment. If we deny your request for amendment, you have the right to file a statement of disagreement with us and we may prepare a rebuttal to your statement and will provide you with a copy of any such rebuttal. Please contact our Privacy Contact to determine if you have questions about amending your medical record.

*You have the right to receive an accounting of certain disclosures we have made, if any, of your protected health information.* This right applies to disclosures for purposes other than treatment, payment or healthcare operations as described in this Notice of Privacy Practices. It excludes disclosures we may have made to you, for a facility directory, to family members or friends involved in your care, or for notification purposes. You have the right to receive specific information regarding these disclosures that occurred after April 14, 2003. You may request a shorter timeframe. The right to receive this information is subject to certain exceptions, restrictions and limitations.

*You have the right to obtain a paper copy of this notice from us, upon request, even if you have agreed to accept this notice electronically.*

### Complaints

You may complain to us or to the Secretary of Health and Human Services if you believe your privacy rights have been violated by us. You may file a complaint with us by notifying our privacy contact of your complaint. We will not retaliate against you for filing a complaint.

## **SECTION 503    CONTRIBUTORY GROUP INSURANCE BENEFITS R&R**

The Town of Walpole, acting by and through its duly elected Board of Selectmen and in accordance with Section 14 of Chapter 32B of the General Laws of the Commonwealth of Massachusetts, does hereby formally adopt and establish the following rules and regulations governing certain eligibility and administrative guidelines for the Town's contributory insurance benefit offerings. The Board of

Selectmen reserves the right to alter, modify, amend and/or eliminate any and all benefits, benefit levels and plans offered by the Town pursuant to Chapter 32B of the General Laws. The Board of Selectmen also specifically reserves the right to add to, modify and/or delete any and all provisions of these rules and regulations at any time. Divergence from the following shall only be permitted through collective bargaining agreement and/or employment agreement executed by the Board of Selectmen or the School Committee. Any divergence from these rules and regulations must be approved by the Board of Selectmen as the appropriate public authority in the Town. These rules and regulations are relevant to M.G.L. c.32B. The Board of Selectmen shall be further guided by additional administrative policies and procedures to comply with federal, state or local regulations or requirements as they relate to group medical, dental and life insurance programs (i.e. COBRA, HIPAA, collective bargaining, etc.)

### **503-002: Employee Eligibility**

Employees in a permanent or probationary status that work an average of twenty (20) hours or more per week over a consecutive fifty-two (52) weeks are eligible to participate in the Town of Walpole health, dental and life insurance programs

### **503-003: Part-time Employee Eligibility**

Permanent part-time employees who are regularly scheduled to work, and who do in fact regularly work twenty or more hours per week shall be considered eligible to participate in the Town's group insurance benefits program for so long as they continue to regularly work a minimum of twenty (20) hours per week. For the purposes of this regulation "regularly" working twenty (20) hours per week shall mean working the minimum of an average of twenty (20) hours per week over a consecutive fifty-two (52) weeks or one thousand forty (1040) hours in the plan year (July 1 – June 30).

Part-time teachers classified as .5 FTE or greater shall be determined to be working twenty (20) hours or more per week for the Town, and shall therefore be considered employees in accordance with M.G.L. c.32B, s 2(d).

### **503-004: Temporary and Seasonal Employee Eligibility**

Temporary employees working twenty (20) hours per week or more, whose service to the Town is expected to last six month or longer, shall be eligible for benefits in accordance with M.G. L. c. 32B. Seasonal employees whose service to the Town is expected to last less than six (6) months, regardless of the number of hours worked per week, shall be ineligible for benefits in accordance with M.G.L. c. 32B.

### **503-005: Compensated Part-time Elected Official Eligibility**

Elected officials who are paid for the services they provide as elected officials may be considered eligible to participate in the Town's group benefit program if the Board of Selectmen has affirmatively voted that the twenty (20) hours of services per week requirement shall not apply to elected, compensated officials. Should the Board of

Selectmen vote to so allow compensated elected officials to participate in the Town's group insurance benefit program, then the Board of Selectmen specifically reserves the right at any time and in its sole discretion to reconsider such action and declare such elected officials ineligible to participate in the Town's group benefit program.

### **503-006: Divorced or Separated Spouses**

In the event that a court of competent jurisdiction grants a judgment absolute of divorce or of separate support, the divorced employee, if otherwise enrolled and eligible to receive M.G.L. 32B benefits from the Town, and his or her spouse may remain eligible for benefits under the Town's group insurance benefit program, in accordance with Section 9H of M.G.L. c. 32B, provided that each of the following conditions are met:

1. In the event that the employee/subscriber is not remarried:
  - a. The Town must be provided with a court certified version of the judgment of divorce or of separate support, which mandates that the spouse of the Town employee/retiree remain on the Town-offered group insurance plan.
  - b. The employee/retiree must maintain a family plan covering him/herself and his or her divorced or separated spouse and any qualified dependents, if applicable.
  - c. The former spouse of the employee/retiree shall, notwithstanding any contrary provision of these rules and regulations, lose any eligibility rights upon remarriage of such former spouse
2. In the event that the employee/subscriber remarries and wishes to enroll his or her new spouse as a dependent under the Town's group insurance benefit program:
  - a. The Town is responsible to pay the full monthly premium (one hundred percent (100%) of the monthly rate) for the plan in which the divorced/separated spouse is enrolled, or 100% of any additional cost for a rider to the employee's/retiree's family plan if applicable. The decision as to whether or not a rider or an individual plan shall be purchased shall be left to the sole discretion of the Board of Selectmen or the Town Administrator as its designee.
  - b. Such payments for the premium in which the divorced/separated spouse is enrolled shall be made by direct payment to the Town of Walpole through the Town Administrator's designee(s) (Finance Director, Personnel & Benefits Coordinator, etc.) Reimbursement of said funds from the divorced/separated spouse must be pursued by the employee/retiree on his/her own accord. Any payment not received by the Town within thirty days of due date may result in the cancellation of enrollment in the benefit plan.

### **503-007: Retiree Eligibility**

Upon retirement, eligible individuals may participate in the Town's contributory group health and life insurance programs, to the extent allowed by the various insurance providers and in accordance with all relevant provisions of M.G.L. c. 32B, provided that they otherwise qualify under M.G.L. c. 32B, and further provided that each of the following criteria applies and is met by the retiree:

1. The individual must have directly retired from service to the Town of Walpole and be receiving a retirement allowance in accordance with M.G.L. c. 32, i.e. retiree must currently be receiving pension from Town of Walpole service immediately preceding retirement (except as specifically provided in M.G. L. 32B, s. 9). Employees who resign from the Town of Walpole and are eligible to receive a retirement allowance, but who elect to defer their retirement allowance may be eligible to continue on the Town's contributory life and health insurance programs provided that the individual pays one hundred percent (100%) of the monthly premium.
2. The individual must have been qualified and eligible to participate in the Town's group insurance program as an active employee of the Town of Walpole, including, though not limited to, being eligible for group insurance benefits immediately preceding the date of retirement.
3. If an individual is eligible to participate in the Town's group insurance benefit program but has declined to do so prior to retirement, then an otherwise eligible retiree may enroll during an open enrollment period in a group benefit insurance program offered to retirees if the retiree both submits all necessary documentation to the Town and/or the Plan at the time of open enrollment and if the retiree is able to furnish evidence of insurability at the time of enrollment.
4. In compliance with M.G.L. c. 32B, s. 18, all retirees eligible for Medicare shall enroll in Medicare B at age sixty-five (65). Eligible retirees in Medicare B are only eligible for Senior Supplement plans offered by the Town's group insurance benefit program. Failure or refusal of eligible retirees to enroll in the Medicare program shall mean cancellation of enrollment in the group benefit plan.

### **503-008: Election to Forego Coverage**

The signature of the eligible employee on the Town of Walpole and Walpole Public Schools New Hire Information Employment Package, Health, Life and Dental Insurance Information section shall serve as election to forgo participation in the group insurance benefit program, i.e. affirmative declining of participation (M.G.L. c. 32B, s. 4) if required enrollment forms are not returned within thirty (30) days of the date of hire.

That is, failure to submit the appropriate signed benefit enrollment form(s) to the Personnel Office shall be considered a declination of coverage. Should an employee elect not to participate within thirty (30) days of the date of hire, the employee must wait until the next

open enrollment period in order to enroll in the group insurance benefit program, unless the employee experiences a qualifying event which will allow enrollment outside the open enrollment period.

**503-009: Retention of Insurance While on Unpaid Leave**

1. Employees on designated, approved family medical leave in accordance with the Family Medical Leave Act of 1993 or maternity leave shall be entitled to continue to receive the Town's contribution to a Town offered group benefit plan during the term of the leave. It is the employee's responsibility to provide the required documentation to the Town Administrator's designee(s) (Finance Director, Personnel & Benefits Coordinator) to verify designated, approved FMLA leave. Failure to do so shall mean ineligibility for the group benefit plan during the term of the leave and cancellation of enrollment.
2. Employees who are on unpaid medical leave, which is not designated as family medical or maternity leave, shall be entitled to continue to receive the Town's contribution towards a Town offered group benefit plan during the period that the unpaid leave is determined to be medical leave by the Office of the Town Administrator. It is the employee's responsibility to provide any and all documentation required by the Office of the Town Administrator to verify medical leave. Failure to do so shall mean ineligibility for the group insurance benefit plan during any or all of the medical leave and cancellation of enrollment. It is the employee's responsibility to remit timely payment of his/her portion of the rate as directed by the Town Administrator's designee(s). Failure to do so shall mean ineligibility for the group benefit plan during the term of the leave and cancellation of enrollment of the individual.
3. Employees on approved, unpaid leave which has not been designated as FMLA, maternity or medical leave and are not receiving wages, i.e. are not on the payroll, shall be eligible for the group insurance program if they contribute one hundred percent (100%) of the premium for continuation of enrollment. Employees are responsible to provide any and all documentation required by the Office of the Town Administrator to verify the approved, unpaid leave and are responsible for payment of the premium on the date of the month established by the Office of the Town Administrator. Failure to provide said documentation and/or remit timely premium payment shall mean ineligibility for the group insurance benefit plan during any or all of the leave and cancellation of enrollment.
4. Employees shall be eligible to continue their group insurance benefit plan while on leave of absence for no longer than two (2) consecutive calendar years from the time of the initiation of the leave. At the conclusion of the two (2) years on leave the individual shall cease to be considered employees for group insurance purposes.

**503-010: Employee Termination**

Employee premium contributions are made one month in advance of coverage. Upon termination, employee coverage will cease four (4) weeks from the date of the last employee contribution to the group insurance benefit plan.

Policies and Procedures

**Town Of Walpole**  
**Board of Selectmen**

**600 CULTURE & RECREATION**

**Town Of Walpole**  
**Board of Selectmen**

**700 TOWN FINANCE**

**SECTION 701 PURCHASING POLICY**

**701-001: GENERAL**

The Town Of Walpole as stated in its Charter, Article IV, Section 4-3 empowers the Town Administrator to purchase all goods and services for the Town of Walpole. The Purchasing Department shall act on the Town Administrator's behalf and oversee and facilitate the Purchasing done by all Town Departments using the MUNIS Purchase Order system. Purchasing shall also coordinate centralized purchasing for commodities such as paper, envelopes etc. and also conduct formal bidding for goods and services as dictated by Massachusetts General Law. In monitoring all purchasing functions done by employees of the Town of Walpole, the Purchasing Department is responsible that purchases are made in an open, fair, competitive manner and goods and services are obtained at the lowest responsible and responsive cost.

**701-002: PURCHASING THRESHOLDS & GUIDELINES**

Chapter 30B establishes three sets of procedures for awarding supply and service contracts depending on the value of the purchase/contract.

- 1. Contracts Under \$5000** – Sound business practices shall be observed at all times.
- 2. Contracts from \$5000 - \$24,999** – Price quotations from a least three vendors must be obtained prior to making any purchase. Where possible, these shall be written quotes, however in all circumstances the quotes shall be recorded with the Purchasing Department. Each quotation received shall include the name(s) and address of the business/firm/person who submitted said quotation(s), as well as the date and the amount of the quote. The award shall be made to the responsible vendor offering the supply or service for the lowest price.
- 3. Contracts of \$25,000 Or Greater** – These shall require a formal advertised competition using sealed bids or proposals. The contract is awarded to the qualified bidder who meets specifications and offers the best price. Proposals are awarded to the vendor offering the most advantageous proposal as well as price.
- 4. State Contract Items:** Goods and Services listed on Massachusetts State Contract are not subject to quote or bid requirements.

**701-003: PURCHASE ORDER SYSTEM**

Purchase Orders are the acceptable method to make purchases whenever possible and feasible. Planning at the department level is required to anticipate needs and purchases. If a purchase is made outside the normal purchase order process for an emergency it is policy that a Purchase Order for that purchase be created within twenty-four hours after the point of purchase. Open Purchase Orders can be created to allow for incidental small purchases from vendors from whom purchases are made on a frequent basis. Open Purchase Orders can be used at the start of the fiscal year to encumber estimated services i.e. phone, oil etc. Exceptions to Purchase Orders are gasoline, advertisements, dues and memberships, legal services.

**701-004 EMERGENCY PURCHASES**

As emergency situations are rare, so too should be the need to purchase without a purchase order obtained in advance. The Purchasing Office will be responsible for monitoring this provision and will advise the Town Administrator of any suspected abuse.

**701-005 PURCHASE ORDER PROCESS**

The following process shall be observed in entering and creating purchase orders within the Town’s computerized financial system:

1. Requisition Entry at Department Level
2. Requisition Approved by Department Head (Can be two levels of approval depending on amount of purchase)
3. Requisition Conversion
4. Purchase Order Number Assigned/Encumbrance is Posted
5. Purchase Orders Printed, Processed and Signed
6. Purchase Orders Sent to Each Department for Mailing and Accounts Payable purposes

**SECTION 702 DISPOSITION OF SURPLUS EQUIPMENT**

**702-001 General Policy**

The Town of Walpole retains the option of disposing outright by any means of any supply or equipment that is broken, unusable, or outdated. Any supply or equipment that is deemed to be useable will be disposed of by the following manner:

1. **Value Less Than \$5,000:** The item(s) shall be declared surplus by the responsible Department Head and forwarded through Purchasing to the Board of Selectmen. The Selectmen may concur with the recommendation and declare said item(s) as surplus and authorize disposition. At the Board’s discretion, a minimum bid(s) may be established. The item(s) is then advertised on the Town of Walpole web page (Purchasing link) and posted in the Town Hall for a period not less than fifteen days. At that time, the item may be awarded to the highest responsible bidder.

2. **Value Equal To or Greater Than \$5,000:** The item(s) shall be declared surplus by the responsible Department Head and forwarded through Purchasing to the Board of Selectmen. The Selectmen may concur with the recommendation and declare said item(s) as surplus and authorize disposition. At the Board's discretion, a minimum bid(s) may be established. The item(s) is then advertised in a local newspaper and on the Town of Walpole web page (Purchasing link) and posted in the Town Hall for a period not less than fifteen days. At that time, the item may be awarded to the highest responsible bidder.

3. **Other Disposal Methods:** Yard sales, silent auctions, online auctions, or live auctions may be utilized herein if approved by the Town Administrator and Board of Selectmen.

**Award of Bid & Payment Requirements:** All supplies and equipment shall be sold "as is", and the selected purchasers are responsible for moving awarded item(s) not more than five (5) days following award of bid. Payment shall be made in the form of a certified check.

## **SECTION 703            TIE BREAKER PROCEDURE FOR QUOTES AND BIDS**

### **703-001            General Policy**

Despite its simplicity, a coin toss will be used to break a tie. The tied vendors/purchasers will be called and informed of the tie. They will be invited into the office (if possible) and be witness to the flip of the coin in the presence of one or more witnesses. The procurement officer and witnesses will sign a statement under penalties of perjury stating that the named vendors/purchasers submitted offers that were tied in price and that the tie breaker procedure was implemented. The Town will advise any aggrieved vendor/purchaser that such tie breakers are considered to be fair if used as stated herein and thus use of such will not be questioned. The results of the tie breaker will be documented in writing and kept in the procurement file pertaining to the quote/bid.

## **SECTION 704:    RED FLAG POLICY AND IDENTITY THEFT PREVENTION PROGRAM**

### **Purpose**

To establish an Identity Theft Prevention Program designed to detect, prevent and mitigate identity theft in connection with the opening of a covered account or an existing covered account and to provide for continued administration of the Program in compliance with Part 681 of Title 16 of the Code of Federal Regulations implementing Sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACTA) of 2003.

### **704-001            DEFINITIONS**

#### **1.            Covered Account means:**

a.            An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account; and

b.            Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the

safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.

2. **Credit** means the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefore.
3. **Creditor** means any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit and includes utility companies and telecommunications companies.
4. **Customer** means a person that has a covered account with a creditor.
5. **Identity theft** means a fraud committed or attempted using identifying information of another person without authority.
6. **Notice of address discrepancy** means a notice sent to a user by a consumer reporting agency pursuant to 1 U.S.C. § 1681 (c)(h)(1)
7. **Person** means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.
8. **Personal Identifying Information** means a person's credit card account information, debit card information, bank account information and driver's license information and for a natural person includes their social security number, mother's birth name, and date of birth.
9. **Red flag** means a pattern, practice, or specific activity that indicates the possible existence of identity theft.
10. **Service provider** means a person that provides a service directly to the Town
11. **Town** means the Town of Walpole.

## **Findings**

1. The Town is a creditor pursuant to 16 CFR § 681.2 due to its provision or maintenance of covered accounts for which payment is made in arrears.
2. Covered accounts offered to customers for the provision of Town services include utility accounts and development review accounts.
3. The process of opening a new covered account and making payments on such accounts have been identified as potential processes in which identity theft could occur.

4. The Town limits access to personal identifying information to those employees responsible for or otherwise involved in opening covered accounts or accepting payment for use of covered accounts. Information provided to such employees is entered directly into the Town's computer system and is not otherwise recorded.

5. The Town determines that there is a low risk of identity theft occurring in the following ways:

a. Use by an applicant of another person's personal identifying information to establish a new covered account; and

b. Use of another person's credit card, bank account, or other method of payment by a customer to pay such customer's covered account or accounts.

#### **704-002 PROCESS OF ESTABLISHING A COVERED ACCOUNT**

As a precondition to opening a covered account in the Town through our designated web site, each applicant shall access a secure web site and provide the necessary information to complete a credit card or ACH transaction. Setting up a covered account shall require proof of residency and a government issued identification card.

#### **704-003 ACCESS TO COVERED ACCOUNT INFORMATION**

1. Access to customer accounts shall be password protected and shall be limited to authorized Town personnel.

2. Any unauthorized access to or other breach of customer accounts is to be reported immediately to the Town Clerk and the password changed immediately.

3. Personal identifying information included in customer accounts is considered confidential and any request or demand for such information shall be immediately forwarded to the Finance Director.

#### **704-004 CREDIT CARD PAYMENTS**

1. In the event that credit card payments that are made over the Internet are processed through a third party service provider, such third party service provider shall certify that it has an adequate identity theft prevention program in place that is applicable to such payments.

2. All credit card payments made over the telephone or the Town's web site shall be entered directly into the customer's account information in the computer database.

3. Account statements and receipts for covered accounts shall include only the last four digits of the credit or debit card or the bank account used for payment of the covered account.

## **704-005 SOURCES AND TYPES OF RED FLAGS**

All employees responsible for or involved in the process of opening a covered account or accepting payment for a covered account shall check for red flags as indicators of possible identity theft and such red flags may include:

1. Alerts from consumer reporting agencies, fraud detection agencies or service providers. Examples of alerts include but are not limited to:

- a. A fraud or active duty alert that is included with a consumer report;
- b. A notice of credit freeze in response to a request for a consumer report;
- c. A notice of address discrepancy provided by a consumer reporting agency;
- d. Indications of a pattern of activity in a consumer report that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:
  - i. A recent and significant increase in the volume of inquiries
  - ii. An unusual number of recently established credit relationships
  - iii. A material change in the use of credit, especially with respect to recently established credit relationships; or
  - iv. An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

2. Suspicious documents. Examples of suspicious documents include:

- a. Documents provided for identification that appear to be altered or forged;
- b. Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer;
- c. Identification on which the information is inconsistent with information provided by the applicant or customer;
- d. Identification on which the information is inconsistent with readily accessible information that is on file with the creditor, such as the application for service; or
- e. An application that appears to have been altered or forged, or appears to have been destroyed and reassembled.

3. Suspicious personal identification, such as suspicious address change. Examples of suspicious identifying information include:

- a. Personal identifying information that is inconsistent with external information sources used by the financial institution or creditor. For example:
  - i. The address does not match any address in the consumer report;
  - ii. The Social Security Number (SSN) has not been issued, or is

listed on the Social Security Administration's Death Master File.

- b. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer, such as a lack of correlation between the SSN range and date of birth.
  - c. Personal identifying information or a phone number or address, is associated with known fraudulent applications or activities as indicated by internal or third-party sources used by the financial institution or creditor.
  - d. Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers or answering services, is associated with fraudulent activity.
  - e. The SSN provided is the same as that submitted by other applicants or customers.
  - f. The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of applicants or customers.
  - g. The applicant or customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
  - h. Personal identifying information is not consistent with personal identifying information that is on file with the financial institution or creditor.
  - i. The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.
4. Unusual use of or suspicious activity relating to a covered account. Examples of suspicious activity include:
- a. Shortly following the notice of a change of address for an account, Town receives a request for the addition of authorized users on the account.
  - b. A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example:
    - i. The customer fails to make the first payment or makes an initial payment but no subsequent payments.
  - c. An account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:
    - i. Nonpayment when there is no history of late or missed payments.
    - ii. A material change in purchasing or spending patterns;
  - d. An account that has been inactive for a long period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).
  - e. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's account.
  - f. The Town is notified that the customer is not receiving paper account statements.

- g. The Town is notified of unauthorized charges or transactions in connection with a customer's account.
  - h. The Town is notified by a customer, law enforcement or another person that it has opened a fraudulent account for a person engaged in identity theft.
5. Notice from customers, law enforcement, victims or other reliable sources regarding possible identity theft or phishing relating to covered accounts.

**704-006          PREVENTION AND MITIGATION OF IDENTITY THEFT**

In the event that any Town employee responsible for or involved in restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Finance Director. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Finance Director, who may in his or her discretion determine that no further action is necessary. If the Finance Director in his or her discretion determines that further action is necessary, a Town employee shall perform one or more of the following responses, as determined to be appropriate by the Finance Director:

- a. Contact the customer;
- b. Make the following changes to the account if, after contacting the customer, apparent that someone other than the customer has accessed the customer's covered account:
  - i. change any account numbers, passwords, security codes, or other security devices that permit access to a account; or
  - ii. close the account;
- c. Cease attempts to collect additional charges from the customer and decline to sell the customer's account to a debt collector in the event that the customer's account has been accessed without authorization and such access has caused additional charges to accrue;
- d. Notify a debt collector within [select time frame, for example, 48 hours] of the discovery of likely or probable identity theft relating to a customer account that has been sold to such debt collector in the event that a customer's account has been sold to a debt collector prior to the discovery of the likelihood or probability of identity theft relating to such account;
- e. Notify law enforcement, in the event that someone other than the customer has accessed the customer's account causing additional charges to accrue or accessing personal identifying information; or
- f. Take other appropriate action to prevent or mitigate identity theft.

2. In the event that any Town employee responsible for or involved in opening a new covered account becomes aware of red flags indicating possible identity theft with respect an application for a new account, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Finance Director. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Finance Director, who may in his or her discretion determine that no further action is necessary. If the Finance Director in his or her discretion determines that further action is necessary, a Town employee shall perform one or more of the following responses, as determined to be appropriate by the Finance Director:

- a. Request additional identifying information from the applicant;
- b. Deny the application for the new account;
- c. Notify law enforcement of possible identity theft; or
- d. Take other appropriate action to prevent or mitigate identity theft.

#### **704-007            UPDATING THE PROGRAM**

The Board of Selectmen shall annually review and, as deemed necessary by the Board of Selectmen update the Identity Theft Prevention Program along with any relevant red flags in order to reflect changes in risks to customers or to the safety and soundness of the Town and its covered accounts from identity theft. In so doing, the Board of Selectmen shall consider the following factors and exercise its discretion in amending the program:

1. The Town's experiences with identity theft;
2. Updates in methods of identity theft;
3. Updates in customary methods used to detect, prevent, and mitigate identity theft;
4. Updates in the types of accounts that the Town offers or maintains; and
5. Updates in service provider arrangements.

#### **704-008            PROGRAM ADMINISTRATION**

The Finance Director is responsible for oversight of the program and for program implementation. The Town Administrator is responsible for reviewing reports prepared by staff regarding compliance with red flag requirements and with recommending material changes to the program, as necessary in the opinion of the Town Administrator, to address changing identity theft risks and to identify new or discontinued types of covered accounts. Any recommended material changes to the program shall be submitted to the Board of Selectmen for consideration by the Board of Selectmen.

1. The Finance Director will report to the Town Administrator at least annually, on compliance with the red flag requirements. The report will address material matters related to the program and evaluate issues such as:

- a. The effectiveness of the policies and procedures of Town in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
- b. Service provider arrangements;
- c. Significant incidents involving identity theft and management's response; and
- d. Recommendations for material changes to the Program.

2. The Finance Director is responsible for providing training to all employees responsible for or involved in opening a new covered account or accepting payment for a covered account with respect to the implementation and requirements of the Identity Theft Prevention Program. The Finance Director shall exercise his or her discretion in determining the amount and substance of training necessary.

#### **704-009 OUTSIDE SERVICE PROVIDERS**

In the event that the Town engages a service provider to perform an activity in connection with one or more covered accounts the Finance Director shall exercise his or her discretion in reviewing such arrangements in order to ensure, to the best of his or her ability, that the service provider's activities are conducted in accordance with policies and procedures, agreed upon by contract, that are designed to detect any red flags that may arise in the performance of the service provider's activities and take appropriate steps to prevent or mitigate identity theft.

#### **704-010 TREATMENT OF ADDRESS DISCREPANCIES**

Pursuant to 16 CFR § 681.1, this establishes a process by which the Town will be able to form a reasonable belief that a consumer report relates to the consumer about whom it has requested a consumer credit report when the Town has received a notice of address discrepancy. In the event the Town receives a notice of address discrepancy, the Town employee responsible for verifying consumer addresses for the purpose of providing the municipal service or account sought by the consumer shall perform one or more of the following activities, as determined to be appropriate by such employee:

1. Compare the information in the consumer report with:
  - a. Information the Town obtains and uses to verify a consumer's identity in accordance with the requirements of the Customer Information Program rules implementing 31 U.S.C. § 5318(1);

- b. Information the Town maintains in its own records, such as applications for service, change of address notices, other customer account records or tax records; or
  - c. Information the Town obtains from third-party sources that are deemed reliable by the relevant Town employee; or
2. Verify the information in the consumer report with the consumer.

**704-011 FURNISHING CONSUMER'S ADDRESS TO CONSUMER REPORTING AGENCY**

1. In the event that the Town reasonably confirms that an address provided by a consumer to the Town is accurate, the Town is required to provide such address to the consumer reporting agency from which the Town received a notice of address discrepancy with respect to such consumer. This information is required to be provided to the consumer reporting agency when:
- a. The Town is able to form a reasonable belief that the consumer report relates to the consumer about whom the Town requested the report;
  - b. The Town establishes a continuing relation with the consumer; and
  - c. The Town regularly and in the ordinary course of business provides information to the consumer reporting agency from which it received the notice of address discrepancy.
2. Such information shall be provided to the consumer reporting agency as part of the information regularly provided by the Town to such agency for the reporting period in which the Town establishes a relationship with the customer.

**704-012 METHODS OF CONFIRMING CONSUMER ADDRESSES**

The Town employee charged with confirming consumer addresses may, in his or her discretion, confirm the accuracy of an address through one or more of the following methods:

- 1. Verifying the address with the consumer;
- 2. Reviewing the Town's records to verify the consumer's address;
- 3. Verifying the address through third party sources; or
- 4. Using other reasonable processes.

**Town Of Walpole**  
**Board of Selectmen**

**800 LICENSING & PERMITTING**

**SECTION 801      ALCOHOL/LIQUOR LICENSE REGULATIONS**

**801-001: ONE DAY LIQUOR LICENSE**

All requests for one-day liquor licenses must be received a minimum of one week before a regular scheduled Selectmen's meeting to have adequate time to obtain comments and recommendations from Police Department.

**801-002: COMMON VICTUALLER'S ALCOHOL, HOURS OF OPERATION**

**Last Call** shall be at 12:30 AM and patrons shall be limited to ordering one drink at last call.

**NO ONE** shall be allowed entrance to the establishment after **12:30 AM** and the doors shall be locked and all outside lights turned off.

There will be **NO SERVICE** of any alcoholic beverages or **CONSUMPTION** of alcoholic beverages **after 1:00 AM** and all tables, booths and the bar area shall be cleared of all alcoholic beverages.

All patrons must have vacated the premises by **1:30 AM**.

Requests for Extension of Hours must be received in the Board of Selectmen's office two weeks prior to the date. There will be **NO EXCEPTIONS**.

If the Extension is to 2:00 AM, last call will be at 1:30 AM and all patrons will be limited to one drink at last call.

No one shall be allowed entrance after 1:30 AM and all doors shall be locked and all outside lights shall be turned off.

There will be no service of any alcoholic beverages nor consumption of alcoholic beverages after 2:00 AM and all tables, booths and the bar area shall be cleared of all alcoholic beverages.

All patrons must have vacated the premises by 2:30 AM.

**801-003: TIPS POLICY**

Effective April 1, 2005 all managers and persons involved in serving of liquors are required to attend a server training program within thirty calendar days of that person's first day of work, except that persons serving under the authority of a one day special license shall be server trained prior to serving any alcoholic beverages. A copy of the Manager's certificate must be on file at the office of the Board of Selectmen. A copy of the server training certificate of each employee or volunteer involved in the service of liquor shall be kept on the premises, further all license holders in town and all of those whom have applied for one day license, will be sent out a list of the training classes that are available by our office

**801-004: INACTIVE LIQUOR LICENSE POLICY**

An alcoholic beverage license which is inactive for a period of ninety (90) days shall be subject to a revocation hearing by the Board of Selectmen unless the licensee has requested an extension. The licensee shall be asked to discuss and demonstrate his/her operating plans for the establishment and the manner in which said licensee is serving the best interest of the community.

In the event a licensed establishment closes for reasons other than an A.B.C.C. or Town enforcement, the licensee shall be required, within fourteen 14 calendar days of closure to notify the board of Selectmen by certified mail of said closure.

If the licensee fails to notify the Board that the establishment has ceased to conduct business, the Board of Selectmen, may institute proceedings, to cancel the license under G.L. c.138, s. 77, thirty (30) days after having learned of said closure.

**SECTION 802 BLOCK PARTY REGULATIONS**

1. A permit is required from the Board of Selectmen. Requests should be submitted in writing listing the name of the event, the date and time and if there will be music or blocking of roadway. The name address and telephone number of a contact person should be noted. Approval is subject to review by the Police Department.
2. Any outside music must stop by 9:00 p.m. and should not be heard at a distance of more than 100 yards.
3. Adequate parking of vehicles must be provided so not to block the roadway or impede the flow of traffic for emergency vehicles.
4. Consumption of alcoholic beverages must be monitored to ensure that liquor is to be served only to those of legal age.
5. If the Police Department receives a complaint of loud music, the officer responding shall advise the permit holder to reduce the level of music immediately, while the officer is present. Should the Police Department receive a second complaint of lout music and

the responding officer agrees that it is loud, the music must stop and no further outside music will be allowed. If the music continues after being told to stop, regardless of level, the Police Department will seek complaints in Wrentham District Court for disturbing the Peace.

6. Any blockades or barricades must be easily removed for emergency vehicle access.

### **SECTION 803 BANNER REGULATIONS**

1. Banners publicizing local events may be hung for a maximum of 14 days before the announced event.
2. A permit is required from the Board of Selectmen. Requests should be submitted in writing listing the name of the event, the sponsoring organization, and the date on which the event is to be held. The name, address, and telephone number of a contact person should be noted. Approval is subject to space limitations and is granted on a first-come/first served basis. Priority will be given to in-town organizations.
3. No commercial advertising will be allowed to appear on the banner. The Selectmen reserve the right to refuse permission to hang a banner if it is in questionable taste or condition.
4. The banner is to be hung on the banner poles on the common. The Town of Walpole takes no responsibility for storage of signs.
5. The banner's maximum length is 8' and the maximum width is 2'.

### **SECTION 804 USE OF ADAMS FARM POLICY AND PROCEDURES**

The purpose of the policy is to create a guideline for interested groups/parties for the use of the town owned property, "Adams Farm".

Any group/party interested in using the property at Adams Farm for other than passive recreation must first request approval through the Adams Farm Committee using the attached application. This request, accompanied by the recommendation of the Adams Farm Committee will be forwarded to the Board of Selectmen who shall have the final approval for any use. It shall be the responsibility of the Adams Farm Committee to keep a schedule and advise the Board of Selectmen on a monthly basis of upcoming events.

Should the agency/party desire approval for a series of uses or an annual or reoccurring use of the Adams Farm Property this must be stipulated within the application and upon receipt of the recommendation of the Adams Farm Committee the Board of Selectmen may grant series, reoccurring and/or reoccurring use through onetime approval. If the applicant has received prior approval from the Board of Selectmen for an event/use and seeks approval for the same event/use, the Adams Farm Committee may grant said approval without further review by the Board of Selectmen. It will be the responsibility of the Adams Farm

Committee to inform the Board of Selectmen of the Committee's approval of prior use and to work with applicants to create a workable schedule.

A copy of this application shall be forwarded to the Police, Fire and Recreation Departments for comment. Administrative staff shall forward this application to the departments for the initial request for approval, however, it shall be the responsibility of the applicant to forward the notice to these departments at least one week in advance of the subsequent uses, i.e. anything after the original use.

It shall be the responsibility of any party seeking to use the property to adhere to the regulations for use of Adams Farm. The following uses are strictly prohibited:

1. Unauthorized motorized vehicles, including but not limited to cars, trucks, tractors, 4 wheel drive vehicles, any type of All terrain vehicle, motorcycles, trail bikes, or snowmobiles.
2. Alcoholic beverages & illegal substances of any type
3. Dumping & littering( Clean up the site you are using)
4. Disturbing, removing cutting, or otherwise causing damage to a natural feature, sign, trail, markers, poster, barrier, building or other property.
5. Damage to crops and/or fields used for agricultural purposes
6. Conduct which disturbs the tranquility of Adams Farm, our neighbors privacy or enjoyment of this property by others and any illegal action under the law of the Commonwealth of Massachusetts or Walpole By Laws.

It shall be the responsibility of the group/party to adhere to posted instructions regarding private property.

Whoever, disregards or violates any of these regulations is hereby forbidden to remain upon said premises and is subject to arrest, a fine not to exceed \$100.00 as provided by the Town by-laws, as well as, civil liability for damages to property.

TOWN OF WALPOLE  
APPLICATION FOR USE OF ADAMS FARM PROPERTY

Name: \_\_\_\_\_ Date \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Home: \_\_\_\_\_ Work \_\_\_\_\_ EMail \_\_\_\_\_

Purpose: \_\_\_\_\_

\_\_\_\_\_

which is to be used by \_\_\_\_\_

(Name of Organization )

\_\_\_\_\_

(Address of Organization )

on the \_\_\_\_\_ day(s) of \_\_\_\_\_

\_\_\_\_\_ month (s)

between the hours of \_\_\_\_\_ at the following described

place \_\_\_\_\_

( please provide a brief description of the location at Adams Farm to be utilized)

What is the maximum number of people to attend \_\_\_\_\_

What is the age group of the people? \_\_\_\_\_

Will a police detail or other type of security be provided? \_\_\_\_\_

Insurance bond provided. \_\_\_\_\_

Is this request for an annual, reoccurring or series of uses? If so please explain: \_\_\_\_\_

\_\_\_\_\_ The  
signature below verifies the knowledge of and agreement to the rules and regulations for use of  
the Adams Farm property in the Town of Walpole.

\_\_\_\_\_

Signature

\_\_\_\_\_

Date

\*\*\*\*\*Official Use Only Below Line\*\*\*\*\*

Recommendation of the Adams Farm Committee: Approval: \_\_\_\_\_ Denial: \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

Signature (Adams Farm Committee)

\_\_\_\_\_

Printed Name of Signatory

Adams Farm Committee, Town of Walpole, 135 School Street, Walpole, MA 02081

Contact Person: \_\_\_\_\_ Telephone: \_\_\_\_\_

## **SECTION 805 FUEL STORAGE LICENSE**

### **805-001: AUTHORITY-MGL**

Chapter 148, Town of Walpole By-laws Article IX and Board of Health Underground Fuel & Chemical Storage Regulations.

### **805-002: NEW LICENSES**

1. Board of Selectmen License Clerk distributes license form in duplicate, receives completed application with check for \$1000 and routes to following Department Heads for their approval or denial within a 30 day period:

a. Fire Chief- Determination made 527CMR 6.00,NFPA56, 520 CMR 12.00.

b. Board of Health-MGL Chapter 3, Sec. 31 Underground Fuel and Chemical Storage Regulations for all underground fuel and chemical storage systems of 1,000 gallons or greater throughout Town and all size systems within Aquifer Overlay District areas 1 and 2. Board of Health must evaluate the distance and impact to any private wells. Applicant given a least seven days advance written notice of meeting.

c. Board of Sewer and Water Commission- Must evaluate the distance and impact of any application to the public water supply via the Aquifer Overlay Zoning. The Board should give the applicant at least seven days advance written notice of meeting.

2. Board of Selectmen Licensing Clerk, upon receipt of a completed application, simultaneously writes to the Building Inspector, attaches a copy of application and plan, to request a determination if applicant conforms to all building code and zoning requirements.

3. The License Clerk, upon receipt of a completed application with signature approvals by the Fire chief, Board of Health, Sewer and Water Commission and Building Inspector, then schedules the Selectmen's hearing in accordance with MGL Chapter 148, Section 12 as follows:

4. The applicant must notify, by registered mail, not less than seven days prior to the hearing, all owners of real estate abutting on the subject land or directly opposite the subject land on any public or private street. The identity of these persons shall be taken from the most recent tax list in effect at the time the application is filed.

5. Board of Selectmen conducts public hearing and votes on License Application.

The timetable for the hearing should be reasonable and appropriate, but after all of the above mentioned reviews.

The Board of Selectmen has and shall exercise considerable discretion which extends beyond the mere question of fire or explosion risk and involves other considerations affecting the public interest i.e. traffic.

### **805-003: ANNUAL CERTIFICATES OF REGISTRATION**

The Fire Chief shall mail by January 1<sup>st</sup> each year to each property owner who holds a license for storage of explosives and/or flammable materials an application to renew their annual Certificate of Registration. (This keeps the master list of license holders current).

The license holder shall mail a copy of or personally deliver the annual Certificate to the Town Clerk by April 30<sup>th</sup> each year with a \$100 fee paid. A second copy of the filed Certificate shall be forwarded by the Town Clerk to the Fire Chief in order to update the Fire Chief's records.

### **805-004: TANK INSTALLATION PERMIT**

An applicant who applies to install a tank requiring a permit from the Fire Chief shall pay a fee of \$10.00 to the Fire Department. The Fire Chief shall mail to all permit holders by January 1<sup>st</sup> of each year the renewal application. The permit holder shall return to the Fire Department by April 30<sup>th</sup>, the renewal permit application and pay a fee of \$10.00. This will assist the Fire Chief in updating his records of permit holders.

### **805-005: PENALTIES**

In accordance with Town By-Laws-Article IX, the penalty for any violation shall be a fine of not more than \$200. Each day that such violation continues shall constitute a separate offense.

## **SECTION 806    KENO LICENSE**

The issuance of new Keno Licenses in the Town of Walpole should be restricted to business establishments with adequate parking in the following categories: restaurants licensed as Common Victuallers; Alcoholic Beverages Licensees; and Licensed Fraternal Organizations or Private Clubs.

The determination of whether there exists adequate parking requires that Keno License applicants submit a floor plan indicating the area to be allotted for Keno gaming. From these dimensions, an occupancy load can be determined from the State Building Codes. The Building Inspector will make the determination if there exists adequate parking to support the proposed Keno use, and convey his finding to the Board of Selectmen.

Establishments such as convenience stores, package goods stores, and gasoline stations, should not be granted Keno Licenses, as this type of operation would be detrimental to public order, convenience, and welfare.

## **SECTION 807    HAWKERS & PEDDLERS**

### **807-001:    AUTHORITY-MGL**

Authority to establish the following regulations is via MGL Chapter 101, Section 17. For the purpose of this regulation the definition of hawkers, peddlers, and transient vendors shall be the same definitions as those contained in said Chapter 101 of MGL.

### **807-002:    NEW LICENSES**

1.    No person shall hawk, peddle, or barter any goods or merchandise within the limits of the Town of Walpole except as authorized by law, without first obtaining a license to do so from the Board of Selectmen, upon payment of a license fee, said fee to be in conformity with Chapter 101 of MGL. This requirement shall not apply to any hawking or peddling of newspapers, religious publications, ice, flowering plants and flowers, and wild fruits, nuts and berries.
2.    Persons interested in obtaining a Hawkers & Peddlers license shall make application in writing to the Board of Selectmen in a format established and as needed from time to time modified by said Board. As part of the application process, all applicants shall furnish to the Board of Selectmen written proof of valid and current Workers Compensation Insurance (if applicable), valid and current liability & casualty insurance naming the Town of Walpole as an additional insured party, a tax affidavit statement, copy of state license(s), and a completed Town of Walpole indemnification form. In addition, any proposed hawking & peddling upon private property shall require written permission of the property owner submitted at time of application.
3.    All applications shall be reviewed by and shall not be acted upon by the Board of Selectmen without prior approval of the Walpole Police Department. Applicants shall complete and be subject to a Criminal Offender Record Information (CORI) background check.

### **807-003:    RULES & REGULATIONS**

1.    The sale by hawkers and peddlers of jewelry, furs, wines, or spirituous liquors, small artificial flowers or miniature flags is prohibited.
2.    Any person licensed under this regulation shall keep said license in his/her possession which shall be readily available for display. The license shall indicate the license number, and shall include the Licensee's signature and date of the license expiration. The Licensee shall display such license when requested to do so by any officer of the Police Department, Town Official, or the Health Director or designee.
3.    No person licensed under this by-law shall conduct business in such a manner as would impede foot or vehicular traffic along or to a public way or public street or public sidewalk or access road or driveway.

4. All hawkers and peddlers shall have adequate trash control.
4. Vehicles utilized for the selling of frozen desserts or confections must have installed on said vehicle one or more amber flashing lights visible from the front and rear and sides of the vehicle and such lights must be flashing when the vehicle is in operation or stopped for the purpose of transacting business.

**807-004: DURATION OF LICENSE**

1. Each license shall be for a one-year period commencing on January 1 and ending on December 31 of any given year. Licenses issued after January 1 during any year will expire on December 31 of the same year of issue.
2. Renewal requests for licenses shall be submitted to the Board of Selectmen not later than November 15 of each year.

**807-005: VIOLATIONS & PENALTIES**

1. Failure to comply with this regulation may result in suspension or revocation of licenses and/or permits granted hereunder. In addition, a penalty of twenty dollars for each offense may be assessed.

**Town Of Walpole**  
**Board of Selectmen**

**900 SEVERABILITY**

SECTION 901      GENERAL POLICY

**901-001:      GENERAL**

1.      If any provision of this policy manual is, or shall at any time be, contrary to any law, then such provision shall not be applicable or performed or enforced, except to the extent permitted by law.

2.      In the event that any provision of this policy manual is, or shall be at any time, contrary to any law, all other provisions of this policy manual shall continue in effect.