

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARDWICK
WARRANT FOR ANNUAL TOWN MEETING**

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Hardwick qualified to vote in Town affairs, to meet at the Hardwick Elementary School, 76 Schoolhouse Drive, Gilbertville, on Saturday, June 17, 2017 at 9:00 AM then and there to act on the following articles:

- Note: Funds acquired through borrowing require a 2/3 vote.
- Note: Funds acquired through raise and appropriate (taxation) and transferring require a majority vote.
- Note: Transfers in and out of Stabilization require a 2/3 vote.
- Note: Zoning Bylaws and Amendments require a 2/3 vote.
- Note: General Bylaws and Amendments require a majority vote.
- Note: Petition the General Court for a Special Act require a 2/3 vote.

Article 1. To see if the Town will vote to accept the reports of all officers and committees as printed in the 2016 Annual Report, or take any other action relative thereto.

Sponsor: Board of Selectmen

Article 2. To see if the Town will vote to authorize the Treasurer, with approval of the Board of Selectmen, to borrow money from time-to-time in anticipation of the revenue for the fiscal year beginning July 1, 2017, or take any other action relative thereto.

Sponsor: Board of Selectmen

Article 3. To see if the Town will vote to authorize the following FY18 Revolving Funds in accordance with MGL Chapter 44, section 53E1/2, to be expended under the authority and direction of the following agencies or officials, to be credited with receipts from the following revenue sources, to be expended for the following stated purposes, not to exceed the following spending limits respectively:

Sponsor: Board of Selectmen

Revolving Fund	Authorized to Expend	Revenue Source	Use of Fund	Spending Limit	Notes
Electrical Inspector	Inspector, Asst. Inspector	Permit fees and inspections of Electrical Inspector	Wages	\$5,000	80% of fee paid to inspector, 20% retained by Town
Electrical Inspector	Inspector, Asst. Inspector	Permit Fees and inspections of Electrical			50% of fee paid to inspector, 50% retained by Town

		Inspector for commercial solar projects			
Recycling Commission	Recycling Commission	Fees collected for HHW items, bulk waste	Disposal of HHW items, bulk waste	\$5,000	
Gas Inspector	Inspector, Asst. Inspector	Permit fees and inspections of Gas Inspector	Wages	\$750	80% of fee paid to inspector. 20% retained by Town
Plumbing Inspector	Inspector, Asst. Inspector	Permit fees and inspections of Plumbing Inspector	Wages	\$3000	80% of fee paid to inspector. 20% retained by Town
Youth Commission	Youth Commission	User fees and charges collected by the Youth Commission relating to the conduct of its programs	To meet expenses of the Youth Commission	\$500	
Agricultural Commission	Agricultural Commission	User fees and charges collected by the Agricultural Commission relating to the conduct of its programs	To meet expenses of the Agricultural Commission	\$1,000	
Parks & Recreation	Parks & Rec. Commission	User fees and charges collected by the Parks & Recreation Commission relating to the conduct of its programs	To meet expenses of the Parks & Recreation Commission	\$500	
Cemetery Commission	Cemetery Commission	Fees and charges collected by the Cemetery Commission	To meet expenses of the Cemetery Commission	\$2,500	

or take any other action relative thereto.

Article 4. To see if the Town will vote to allow the Board of Assessors to appoint one of its members to a full-time position under its supervision as allowed by MGL Chapter 268A, section 21A, or take any other action relative thereto.

Sponsor: Board of Assessors

Article 5. To see if the Town will vote to extend its acceptance of MGL Chapter 59, Section 5, clause 56 as voted under Article 15 of the Annual Town Meeting held on June 18, 2011 to allow the Board of Assessors to continue to exempt up to 100% of real and personal property taxes assessed to Massachusetts National Guard and military reservists for any fiscal year they are serving in a foreign country by extending the effective beginning date of such extension to Fiscal Year 2018, or take any other action relative thereto.

Sponsor: Board of Assessors

Article 6. To see if the Town will vote to appropriate a sum of money from the Sale of Lots Fund and Burial Fees to the Cemetery Commission for the care, improvement and embellishment, or enlargement of Town cemeteries, or take any other action relative thereto.

Sponsor: Cemetery Commission

Article 7. To see if the Town will vote to transfer a sum of money in the Cemetery Perpetual Care Account to the Cemetery Commission Expense Account for care, improvement and embellishment, or enlargement of Town cemeteries, or take any other action relative thereto.

Sponsor: Cemetery Commission

Article 8. To see if the Town will vote to raise and appropriate or otherwise fund a sum of money for the Reserve Fund, or take any other action relative thereto.

Sponsor: Finance Committee

Article 9. To see if the Town will vote to raise and appropriate, or otherwise fund a sum of money to be used in conjunction with, and in addition to, any funds allotted by the Commonwealth for the construction, and/or improvement of town roads, as requested by the Board of Selectmen, in their discretion, to be returned to the Treasury when reimbursed by the Commonwealth of Massachusetts, or take any other action relative thereto.

Sponsor: Superintendent of Streets

Article 10. To see if the Town will vote to raise and appropriate from sewer revenues a sum of money to the Water Pollution Control Facilities Enterprise Fund for the operation of the Gilbertville and Wheelwright Water Pollution Control Facilities, or take any other action relative thereto.

Sponsor: Sewer Commissioners

Article 11. To see if the Town will vote to raise and appropriate or transfer from available funds in the town treasury a sum of money to subsidize the operation of the Sewer Enterprise Fund in the Fiscal Year 2018, or take any other action relative thereto.

Sponsor: Sewer Commissioners

Article 12. To see if the Town will vote to raise and appropriate, transfer from available funds in the treasury, borrow or any combination thereof a sum of money to pay the necessary Town charges for the Fiscal Year 2018 beginning July 1, 2017, or take any other action relative thereto.

Sponsor: Board of Selectmen

Article 13. To see if the Town will vote to raise and appropriate, or transfer from available funds in the treasury a sum of money to the Stabilization Account, or take any other action relative thereto.

Sponsor: Board of Selectmen

Article 14. To see if the Town will vote to accept Massachusetts General Law Chapter 64L, Section 2; which may impose the Local Option Meals Excise, or take any other action relative thereto.

Sponsor: Board of Selectmen

Article 15. To see if the Town will vote to raise and appropriate, transfer from available funds in the treasury, borrow or any combination thereof a sum of money to pay for the purchase, installation, programming and maintenance contract for a new multiline telephone system for the Municipal Office Building, or take any other action relative thereto.

Sponsor: Board of Selectmen

Article 16. To see if the Town will vote to raise and appropriate, transfer from available funds in the treasury, borrow or any combination thereof a sum of money for engineering costs associated with requirements of the Comprehensive Site Assessment (CSA) Permit, recording, annual third party inspection, annual monitoring of gas, ground water, private water supply wells and surface water for the old landfills located at 444 Lower Road and 197 River Run as outlined in the Massachusetts Department of Environmental Protection Amended Comprehensive Site Assessment (CSA) Permit dated September 22, 2016, or take any other action relative thereto.

Article 17. To see if the Town will vote to rescind the action taken at the Special Town Meeting of June 16, 1990 under Article #6 wherein the Town voted to approve the following bylaw –

BY-LAW ESTABLISHING THE TOWN OF HARDWICK AS A NUCLEAR FREE ZONE;

1. No nuclear weapons shall be produced, transported, stored, processed or detonated within the borders of Hardwick.
2. No nuclear weapons, nuclear fuel, or nuclear wastes of any kind shall be transported through, disposed of, or stored within the Town of Hardwick.

3. Each violation of this by-law shall be punishable by a fine of \$300.00
Each day of the violation shall be considered as a separate violation.
Fines collected under this section shall be paid in to the towns' general fund and a comparable amount shall be budgeted in the next fiscal year for environmental protection and rehabilitation.

or take any other action relative thereto.

Sponsor – Town Clerk

Article 18. To see if the Town will vote to amend the “TAX COLLECTOR - NON PAYMENT OF TAXES BY-LAW” wherein the town voted to accept MGL, C.40, s.57 at the Annual Town Meeting of June 13, 1992, under Article # 31 and voted to further amend section (b) of this by-law at the at the Special Town Meeting of June 25, 1994, under Article #9 and to further amend this article herewith by deleting section (a) as follows:

(a) The Tax Collector hereinafter referred to as the “collector”, shall annually furnish to each department, board, or commission, hereinafter referred to as the “licensing authority”, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the “party”, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board; and

replacing it with the new section (a) as adopted by the Massachusetts Legislature in 2016, under Chapter 218, sections 37 and 38 of “The Municipal Modernization Act” to be effective November 7, 2016, in the following manner:

(a) The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually, and may periodically, furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board or take any other action relative thereto.

Sponsor: Town Collector

Article 19. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for a special act authorizing the Board of Selectmen to appoint the Town Treasurer for the Town of Hardwick, as set forth below, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition:

AN ACT AUTHORIZING THE BOARD OF SELECTMEN OF HARDWICK TO APPOINT THE TOWN TREASURER

Section 1. Notwithstanding Section 1 of Chapter 41 of the General Laws or any other general or special law to the contrary there shall be a Town Treasurer for the Town of Hardwick. The Town Treasurer shall have all the powers, perform the duties and be subject to the liabilities and penalties now or hereafter conferred and imposed by law on Town Treasurer. The Town Treasurer shall be appointed and may be removed, after the opportunity for a hearing by the board of selectmen of the Town. The board of selectmen may establish an employment contract for the Town Treasurer for salary, fringe benefits and other conditions of employment, including, but not limited to, severance pay, reimbursement for expenses incurred in the performance of the duties of office, liability insurance and conditions of discipline, termination, dismissal, reappointment, performance standards and leave.

Section 2. Upon the effective date of this act, the elected office of Town Treasurer shall be abolished and the term of such office terminated; provided, however, that any incumbent of such office serving on the effective date of this act shall continue to hold said office and to perform the duties thereof until the expiration of the term for which said individual was elected or until said individual otherwise vacates such office. After the expiration of the term of the incumbent Town Treasurer, or a sooner vacating of the office; the position shall be posted and published in a local newspaper, a search committee shall be formed to include: Town Assessor, Town Accountant, Town Collector, Town Administrator, Finance Committee Chairperson and one public at large member to conduct preliminary interviews and shall provide the top three (3) candidates to the Board of Selectmen. The Board of Selectman shall interview the recommended candidates and shall appoint a Town Treasurer as under section 1.

Section 3. No contracts or liabilities in force on the effective date of this act shall be affected by the abolition of the elected office of Town Treasurer and the appointment of a Town Treasurer and the appointed Town Treasurer shall, in all respects, be the lawful successor of the office so abolished. All records, property and equipment of the office of the elected Town Treasurer shall be assigned to the office of the appointed Town Treasurer.

Section 4. This act shall take effect upon its passage.

or take any other action relative thereto.

Sponsor: Board of Selectmen

Article 20. To see if the Town will authorize the Board of Selectmen to petition the General Court for a special act authorizing the Board of Selectmen to appoint the Town Collector for the Town of Hardwick, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court,

and the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of the petition in relation thereto of the following:

AN ACT AUTHORIZING THE BOARD OF SELECTMEN OF HARDWICK TO APPOINT THE TOWN COLLECTOR

Section 1. Notwithstanding Section 1 of Chapter 41 of the General Laws or any other general or special law to the contrary there shall be a Town Collector for the Town of Hardwick. The Town Collector shall have all the powers, perform the duties and be subject to the liabilities and penalties now or hereafter conferred and imposed by law on Town Collector of taxes. The Town Collector shall be appointed and may be removed, after the opportunity for a hearing by the board of selectmen of the Town. The board of selectmen may establish an employment contract for the Town Collector for salary, fringe benefits and other conditions of employment, including, but not limited to, severance pay, reimbursement for expenses incurred in the performance of the duties of office, liability insurance and conditions of discipline, termination, dismissal, reappointment, performance standards and leave.

Section 2. Upon the effective date of this act, the elected office of Town Collector shall be abolished and the term of such office terminated; provided, however, that any incumbent of such office serving on the effective date of this act shall continue to hold said office and to perform the duties thereof until the expiration of the term for which said individual was elected or until said individual otherwise vacates such office. After the expiration of the term of the incumbent Town Collector, or a sooner vacating of the office; the position shall be posted and published in a local newspaper, a search committee shall be formed to include: Town Assessor, Town Accountant, Town Treasurer, Town Administrator, Finance Committee Chairperson and one public at large member to conduct preliminary interviews and shall provide the top three (3) candidates to the Board of Selectmen. The Board of Selectman shall interview the recommended candidates and shall appoint a Town Collector as under section 1.

Section 3. No contracts or liabilities in force on the effective date of this act shall be affected by the abolition of the elected office of Town Collector and the appointment of Town Collector and the appointed Town Collector shall, in all respects, be the lawful successor of the office so abolished. All records, property and equipment of the office of the elected Town Collector shall be assigned to the office of the appointed Town Collector.

Section 4. This act shall take effect upon its passage.

or take any other action relative thereto.

Sponsor: Board of Selectmen

Article 21. To see if the Town will vote to amend the Hardwick General-bylaws by adding the following "ROAD OPENING PERMIT REGULATIONS" under the section entitled "HIGHWAY DEPARTMENT" IN THE FOLLOWING MANNER:

ROAD OPENING PERMIT REGULATIONS

PURPOSE OF PERMITS –

Town roads have been established and are maintained primarily for the purpose of movement of vehicles and pedestrians. It is also desirable to allow individuals and utility companies to utilize highway rights-of-way for purposes other than transportation. However, to prevent recurring, dangerous, and annoying interruptions to traffic and pedestrians, to avoid interference with future road construction and construction methods, it is necessary that strict control be maintained and standard procedures be followed for excavation, construction and maintenance of Town roads.

DEFINITIONS –

As used in this SECTION, the following terms, shall have the meaning indicated.

DEPARTMENT – The Highway Department of the Town of Hardwick.

EXCAVATION - Any opening in the surface of a public place made in any manner whatsoever, except an opening in a lawful structure below the surface of a public place the top of which is flush with the adjoining surface and so constructed as to permit frequent opening without injury or damage to the public place.

FACILITY - Any pipe, pipeline tube, main, service, trap, vent manhole, meter, gauge, regulator, valve, conduit, wire, tower, pole, pole line, anchor, cable, junction box, or any other material, structure, or object of any kind of character, whether enumerated herein or not, which is or may be lawfully constructed, left, placed or maintained in, upon, along, across, under, or over any public place.

GRANTEE – The person or persons, corporation to whom the permit is granted, or their legal representatives.

NEWLY CONSTRUCTED, RECONSTRUCTED OR REPAVED STREET/ROAD/WAY - Any street/road/way which has been newly constructed, or repaved within the past five years.

PERSON – any person, firm, partnership, association, corporation, company, or organization of any kind.

PUBLIC PLACE – Any street/road/way, place, alley, park, square or any other similar public property owned by the Town and or dedicated to public use.

STANDARD SPECIFICATION – The Commonwealth of Massachusetts, Department of Public Works Specifications for Highways and Bridges, including the supplemental specifications most recent edition.

SUBSTRUCTURE – Any pipe, conduit, tunnel, duct, manhole, vault, buried cable, or wire, or any other similar structures located below the surface of any public place.

TOWN - The Town of Hardwick and/or Highway Superintendent and/or his designee.

1. APPLICATION FOR PERMIT.

A. An application for a permit shall be filed with the Highway Superintendent before a "Road Opening Permit is issued. Permit applications are available at the Highway Barn and the Municipal Building. Each application form shall be completely filled out, signed, and returned to the Highway Superintendent by mail or in person.

B. An explanation of the application and plan of the proposed work shall be provided to the Highway Superintendent. The plan shall be to scale and not exceed 1 inch equals 60 feet. Such plan may be drawn on the application or attached as a separate plan and shall depict the following:

The location of the work to be done in relation to the outstanding features of the road, such as property lines, intersections, pavement lines, sidewalks, trees, drainage structures and utility poles by number, the character and extent of the work. The permittee shall properly notify Dig Safe.

C. The applicant will be required to disclose the methods and materials proposed to be used on unusual or complex projects in the event the permittee discovers that additional work or repairs not designated in the original permit must be done to the same location, the permittee must make application to the Town for a permit to authorize the additional work in the same manner as the first permit, and would pay only for the additional permits.

D. Plans and specifications. When applications are made for permits involving work of major scope, complete plans and specifications must be submitted in duplicate with the application. They should be detailed so that the exact locations of the various parts of the work, the risk or injury to road users, and probability of damage to trees, highway structures, and private property can be ascertained.

E. Rejection of application. When it appears that the work called for in an application would not conform to Town regulations, or cause substantial or needless damage to a highway, or create excessive disturbances to traffic, or exceptionally dangerous conditions not commensurate with the benefits to the applicant, the request for the permit will be denied. The applicant will be informed of such rejection and the reasons for the rejection. The superintendent may refuse to issue a permit to any person, company, or utility when, in his opinion, work performed under a permit issued to the applicant has not been properly executed, or when said applicant has failed to reimburse the Town for recoverable charges billed under the terms governing the previous permit. The rejection of an application can be appealed to the Hardwick Board of Selectmen.

F. If, in the opinion of the superintendent the opening of a roadway would result in a hazardous situation, the application shall be amended to include installation of utility by jacking, boring, or tunneling. This work shall be done only by a qualified and experienced contractor.

2. BOND REQUIREMENTS.

A. Prior to the issuance of the permit, the applicant shall deposit with the Town a performance bond in an amount and form as shall be determined by the superintendent. The bond shall be issued in such a manner, as it may not be cancelled without the written approval of the superintendent.

B. A minimum \$5,000.00 performance bond shall be required for the year in the event of the failure of the contractor to complete the work or make required repairs to restoration for damages involving the work or encroachment authorized by the permit. This may be increased by the superintendent should the proposed work be deemed in excess of \$5,000.00 and the on the basis of cost required to make proper restoration or repairs to the work performed.

C. The bond shall be released to the permit holder upon the expiration of the grantee period. The guarantee period shall be for a period of two years following completion of the work. During the guarantee period the permittee shall be responsible for the restoration, repair and maintenance of his work.

3. INSURANCE REQUIREMENTS.

The permittee shall provide the Town upon application, as a minimum, certificate of insurance for liability, automobile, property damage and bodily injury and workers compensation insurance in the amount of \$1,000,000.00 The Town shall be named as an individual insured on all certificates. These certificates shall contain a provision that the insurance company will notify the certificate holder, by registered mail, at least 15 days in advance of any cancellation or material change. Failure to maintain prescribed insurance coverage will be cause for the cancellation of the permit.

4. BLASTING.

Should blasting be required, it must meet the approval of the superintendent. All necessary permits for the use of explosives shall be obtained from the Fire Chief.

5. ISSUANCE OF PERMIT.

A permit shall be issued:

1. After completion of all aspect of the application for the permit.
2. Upon receipt of a performance bond and insurance certificates in the correct amounts.
3. Upon payment of fees as required by the superintendent.
4. The superintendent has 10 working days to review and respond to the permit application.

6. EMERGENCY PERMITS.

Nothing in these requirements shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property, or for the location of trouble in conduit or pipe, or for making repairs, provided that the person making such excavation shall apply to the Town for such a permit on the first working day after such work is commenced. Before any excavation work is started, the person or utility excavating must contact all utilities and the Town for subsurface utility locations. Poor planning is not an emergency.

7. REVOCATION OF PERMITS; REINSPECTION.

Any aforementioned permit issued by the Town may be revoked by the superintendent at any time by giving notice to the permittee. Work shall cease unless or until the situation is resolved to the satisfaction of the superintendent. The permittee may file and appeal to the decision of the Hardwick Selectmen, which may overrule the decision of the superintendent and may reinstate the permit. All Work shall cease and the work area make safe and secure until a decision is made. A fee will be charged for re-inspection of a failed, permitted project.

8. EXTENSION OF TIME.

All required work shall be completed in a manner satisfactory to the Town before the expiration date shown on the permit. In cases where permanent repairs, such as loaming and seeding, must be made at a future date, the permit holder shall request the Town for an extension of time to complete the work. An extension of time may be granted upon written request by the permittee stating the reason(s) for the request.

9. INDEMNIFICATION.

The applicant agrees, as a condition governing the issuance of a permit, that he will hold harmless the Town or its superintendent, and its agents and employees from any and all claims and actions whatsoever arising from the experience of said permit.

10. CLEARANCE FOR VITAL STRUCTURES.

Excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water grates, underground vaults, valve housing structures and any other vital areas of equipment as designated by the Town.

11. TRAFFIC AND SAFETY

The contractor shall not render any road impassable without notifying the Superintendent, Police and Fire Department. It is the responsibility of the contractor to notify the Police Department if a police detail is necessary. Evidence of said determination by the Police Department must be provided at the time of the application. Failure to notify emergency services of an impassable road shall be grounds for revocation of the permit.

The cost of all police details shall be the responsibility of the contractor. Prior to any road being rendered impassable, the contractor shall notify all Police, Fire and Ambulance services that may be affected. It is also the responsibility of the contractor to coordinate with the school bus company for rendering a road impassable. The contractor shall sufficiently address the concerns of emergency personnel such that public safety is not compromised by the contractor's actions.

The contractor shall, in general, maintain safe crossing for two lanes of vehicular traffic at all street intersections where possible, and safe crossing for pedestrians. Adequate crossing shall be maintained for vehicles and pedestrians when an excavation is made across any public road, way or sidewalk. The contractor shall take appropriate measures to assure that during the performance of the work, traffic conditions are as near as possible and shall be maintained at all times as to minimize inconvenience to the occupants of the adjoining properties and to the general public.

When traffic conditions permit, the Superintendent with written approval (or by verbal agreement in cases of emergency), permit the closing of streets and ways to all traffic for a period of time prescribed by him, if in his opinion, it is necessary. The written approval of the Superintendent may require that the permittee give notification to various public agencies and the general public. In such cases, such written approval shall not be valid until such notice is given. In cases of emergency on weeknights or holidays, the facility owner having such an emergency shall contact the Superintendent, Police and Fire Department by phone before closing the street to traffic.

12. RELOCATION AND PROTECTION OF UTILITIES.

The permittee shall not interfere with any existing facility without the written consent of the Town and the owner of the facility. No facility owned by the Town or privately owned shall be moved to accommodate the permittee, unless the cost of such work is borne entirely by the permittee. The permittee shall support and protect the use of timbers, all pipes, conduits, poles wires, or other apparatus which may be in any way be affected by the excavation work and do everything necessary to support, sustain, and protect them under, over, along, or across said excavation work. All damaged facilities shall be repaired by the agency or person owning the facilities and the expense of such repairs shall be

charged to the permittee. It is the intent of this section that the permittee shall assume all liability for damage to facilities and injury to persons. The only exception will be such instances where damages is exclusively due to the negligence of the owning company. The Town shall not be made a part to any action because of this section.

13. CARE OF EXCAVATION MATERIAL.

A. All material excavated from trenches, and stockpile adjacent to the trench or in any street, shall be piled and maintained in such a manner as not to endanger those working in the trench, pedestrians, or users of the street, and so that as little inconvenience as possible is caused to those using the street or adjoining properties. Whenever necessary, in order to expedite the flow of traffic or to abate the dirt or dust nuisance, toe boards or bins may be required by the Town to prevent the spreading of dirt into traffic lanes. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, the Town shall have the authority to require the permittee haul it to the trench site at the time of backfilling. Stockpiles of excavated material shall be so located, or suitable precautions taken, to insure that any erosion of the material shall not result in siltation of the stormwater drainage system or waterway. The permittee shall be liable for any flushing, cleaning or dredging resulting from failure to comply with this provision.

B. It shall be the permittees responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

14. BREAKING THOROUGH PAVEMENT.

A.

1. All excavation on paved street surfaces shall be precut in a near, straight line with a pavement breaker or saw.

2. Heavy-duty pavement breakers may be prohibited by the Town when the use endangers existing substructures or other property.

3. Cutouts of the trench lines must be normal or parallel to the trench line.

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

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

6. The permittee shall not be required to pay for the repair of pavement damage existing prior to the excavation unless his cut results in small, floating sections that may be unstable, in which case the permittee shall remove the unstable portions and the area shall be treated as part of the excavation

7. When three or more openings are made in sequence 15 feet or less, center to center between each adjoining opening, the permittee shall neatly cut and remove the area of pavement between these adjacent openings and shall patch it all as one trench.

B. Breaking thru pavement in sidewalks.

1. All parts of the above subsection shall apply to sidewalk excavation.
2. On cement concrete sidewalks, all cuts shall be from the nearest joint or score line.

15. REPAIR OF ROADWAY EXCAVATIONS.

A. Temporary repairs. As soon as the excavation has been backfilled and tamped, the pavement shall be replaced temporarily by the permittee. The temporary pavement on paved roads shall consist of four inches of hot laid bituminous concrete Type 1 when available a local batch plants, and aced in accordance with the Department of Public Works specifications.

1. During winter months when hot bituminous plant mix is not available, the temporary pavement shall consist of at least four inches of cold patch or bag patch.

16. Fees,

The Town shall exercise its authority as allowed by the Annual Town Meeting of June 17, 2000 under Article #30 and MGL, C.40, s.22F to determine the fees associated the permit application, inspection fees and re-inspection fees for Road Openings.

or take any other action relative thereto.

Sponsor: Highway Superintendent.

And you are directed to serve this warrant by posting attested copies thereof in each of the Post Offices in said Hardwick, seven days at least before the time of said meeting. Hereof and fail not and make due return of this warrant with your doings thereon to the Town Clerk on or before the time of said meeting.

Given under our hands this 30th day of May, 2017.

Kenan P. Young

Kelly G. Allen

Julie M. Quink

**BOARD OF SELECTMEN
TOWN OF HARDWICK**

This is a true copy attest: _____ Date: _____
Constable

This day I have posted attested copies as directed.

Constable Date: _____