



CAROL A. MOLLICA  
Town Clerk

COMMONWEALTH OF MASSACHUSETTS  
**TOWN OF WRENTHAM**  
OFFICE OF THE TOWN CLERK

Zip Code 02093  
Tel. 384-5415

MINUTES OF THE  
SPECIAL TOWN MEETING  
NOVEMBER 10, 2014

The Special Town Meeting was called to order by Town Clerk Carol Mollica at 7:30 PM at the King Philip High School Auditorium. Wrentham's elected Town Moderator, Keith Billian, had resigned his position, effective July 25, 2014. Mr. Billian had temporarily moved out of Wrentham, having established a new residence in Wrentham on November 7, 2014. Per MGL C. 39, S. 14, the Town Clerk presides at the meeting until a temporary moderator is elected.

The first order of business was to elect a temporary moderator. A motion was made by Charles Kennedy to nominate Mr. Billian. Hearing no other nominations, Mr. Billian was elected unanimously. He was then sworn in, and the gavel was handed over.

Mr. Billian then gave a brief explanation of why he resigned.

A motion was made and voted to waive the reading of the warrant.

Tellers appointed for the evening were Kristi Mollica, Cindy Thompson, Scott Ellis, and Maureen Osolnik.

The Colors were presented and the Pledge of Allegiance was led by Boy Scouts from Troop 131.

A moment of silence was held for the passing of Dr. Richard Grady and Andrea Tooker. Mr. Grady served on many boards and committees over the years, most notably the Wrentham School Committee and King Philip School Committee. Andrea Tooker also served on many boards and committees, most recently the Cultural Council and the Historical Commission.

Mr. Billian then recognized Town Clerk Carol Mollica who will be resigning as of January 31, 2015. Mr. Billian noted that Ms. Mollica had served for 19-1/2 years as Wrentham's Town Clerk. Ms. Mollica thanked the voters for their applause and Mr. Billian's kind words, and then read her letter of resignation aloud. Mr. George Smith made a motion that her resignation be accepted and it was so voted.

The motions were then presented.

Special Town Meeting  
November 10, 2014

Article 1 – Move that the Board of Selectmen recognize the Town of Wrentham’s 2014 Volunteer(s) of the Year. Voted. This year, the awards went to Melanie Egan for her time and efforts devoted to the Wrentham Angels, and to Kayleigh Connor and Henry Carr for their devoted participation in the KPHS program, KP Cares.

Article 2 – Move that the Town consider the reports of the Town Officers of any committee or commission and act thereon. Board of Selectmen Chairman Charles Kennedy gave an overview of the Town’s capital projects, both completed and in the planning, building needs, free cash, infrastructure, stormwater, and new growth.

Article 3 – Move that the Town vote to raise and appropriate the sum of \$4,267.36 to pay for Fiscal Year 2014 unpaid bills. Said sum to be distributed as follows:

- To FP Mailing Solutions - \$963.36
- To Cleaning Specialists of New England - \$3,304.00

Passed – Unanimous.

Article 4 – Move that the Town vote to supplement the current Fiscal Year 2015 operating budget as follows:

To raise and appropriate the sum of \$178,147; said sum to be distributed as follows:

Account	Amount
To Police Salaries	\$99,147
To Board of Selectmen Expenses	4,000
To Debt Service Principal	75,000

And to appropriate by transfer from Water Enterprise Retained Earnings to DPW Expenses the sum of \$20,000.

And to appropriate by transfer from Council on Aging Expenses to Department of Public Works (DPW) Expenses the sum of \$4,331. Passed – Majority.

Article 5 – Move that the Town vote to amend the Personnel By-Law, Sections 8.3.9 through 8.3.11.3 related to Family and Medical Leave as recommended by the Personnel Board and delineated in the Personnel By-Laws handout to this Special Town Meeting. (Attached)  
Passed – Majority.

Article 6 – Move that the Town vote to amend the Personnel By-Laws Salary Schedule as recommended by the Personnel Board as follows:

Special Town Meeting  
November 10, 2014

Position	Minimum	Maximum
Information Technology Manager	\$70,000	\$85,000
Library Director	\$45,000	\$61,500
Recreation Director	\$45,000	\$61,500
Dispatcher	\$16.00/hr	\$23.00/hr
<b>Part Time By Law Employees</b>		
Council on Aging Bus Driver	State Min. Wage	\$9.00 over State Min. Wage
Library Aides	State Min. Wage	\$8.00 over State Min. Wage
Library Pages	State Min. Wage	\$5.00 over State Min. Wage
Lifeguard	State Min. Wage	\$6.00 over State Min. Wage
Camp Director	State Min. Wage	\$9.00 over State Min. Wage
Assistant Camp Director	State Min. Wage	\$7.00 over State Min. Wage
Camp Counselor	State Min. Wage	\$5.00 over State Min. Wage
Gate Attendant	State Min. Wage	\$5.00 over State Min. Wage
Seasonal Laborer	State Min. Wage	\$6.00 over State Min. Wage
General Employment	State Min. Wage	\$8.00 over State Min. Wage

A motion was made and passed to waive the reading of the table.

Motion passed – Majority.

Article 7 – Move that the Town accept as a public way a street identified as Gibbons Lane as shown on Roadway Acceptance Plan, Gibbons Lane, Bowmar Estates, Wrentham, MA 02093, prepared by Dunn McKenzie, Inc., dated May 12, 2014, copies of which are on file with the Office of the Town Clerk, and to authorize the Board of Selectmen to acquire the land within the layout of such way, and any easements appurtenant thereto or necessary for the maintenance of such way, by eminent domain or by voluntary conveyance. Passed – Unanimous.

Article 8 – Move that, pursuant to Chapter 82, section 21 of the Massachusetts General Laws, the Town discontinue as a Town way two portions of Franklin Street that were discontinued as a state highway by the Massachusetts Department of Public Works in a vote dated December 26, 1944, as more particularly described in Article 8 of the warrant for this Town Meeting, and further to authorize the Board of Selectmen to execute and deliver a deed, on behalf of the Town of Wrentham, releasing the Town’s right, title and interest, if any, in said parcels, and any land lying between said parcels and the current layout of Franklin Street, to the owners of the land abutting thereon for a sum of five thousand dollars (\$5,000), or such greater sum as the Board may deem in the best interests of the Town. Passed – Unanimous (Warrant Article 8 attached)

Article 9 – Move that the Town vote to amend Article 2 (Definitions) of the Wrentham Zoning Bylaws by inserting a new definition for Privately Owned Wastewater Treatment Facilities, after the definition for Planned Industrial Office Park, as follows:

Privately Owned Wastewater Treatment Facility (PWTF): Any device or system owned by a private entity that is used for the treatment and disposal (including recycling and reclamation) of sewage. A Privately Owned Wastewater Treatment

Special Town Meeting  
November 10, 2014

Facility includes the sewers, pipes, or other conveyances' that convey the wastewater to the treatment facility. Passed – Unanimous.

Article 10 - Move that the Town vote to amend Article 4.2 (Use Regulation Schedule) of the Wrentham Zoning Bylaws by inserting two new subsections (C.27) and (F.11), as follows:

	R-30 <sup>1</sup>	R-43 <sup>1</sup>	R-87 <sup>1</sup>	B-1	B-2 <sup>3</sup>	C-1 <sup>2</sup>	C-2	C-3	CRSP
C. COMMERCIAL USES									
27. Privately Owned	N	N	N	SP/SPA	SP/SPA	SP/SPA	SP/SPA	SP/SPA	N
Wastewater Treatment Facility (PWTF) designed and approved in accordance with 314 CMR 5.00, as amended.									
F. INDUSTRIAL USES									
11. Privately owned	N	N	N	SP/SPA	SP/SPA	SP/SPA	SP/SPA	SP/SPA	N
Wastewater Treatment Facility (PWTF) designed and approved in accordance with #14 CMR 5.00, as amended.									

Passed – unanimous.

Article 11 – Move that the Town vote to amend the definition of “Kennel, Private” in Article 2 (Definitions) of the Wrentham Zoning Bylaws by deleting the word “three” in the first sentence, and replacing it with the word “four”, so that the definition would not read:

**KENNEL, PRIVATE:** Any STRUCTURE or premises on which more than four dogs greater than or equal to four months of age are kept in or adjoining a private residence for private enjoyment and not for monetary gain, with the exception of occasional breeding of household pets. No more than two of the dogs shall be used for breeding and the frequency and scope of said activity shall be subject to the grant of a SPECIAL PERMIT from the Planning Board.

An amendment to the main motion was then made as follows: Move to amend the main motion by deleting the phrase “four months of age” as it appears in Article 2 of the Wrentham Zoning Bylaws, “KENNEL, PRIVATE,” and insert in its place the phrase “three months of age.”

The vote on the amendment passed. A vote on the main motion, as amended, then took place—Passed – Unanimous.

Special Town Meeting  
November 10, 2014

Article 12 – Moved that the Town vote to amend the definition of Kennel in Article 5.20 Section 1 Definitions of the Wrentham General Bylaws by deleting the phrase “three dogs” and replacing it with the phrase “four dogs”, so that the definition would now read:

J. Kennel: A pack or collection of dogs on a single premise, whether maintained for breeding, boarding, sale, training, hunting or other purposes and including any shop where dogs on sale, and also including every pack or collection of more than four dogs three months old or over, owned or kept by a person on a single premise, irrespective of the purpose for which they are maintained.

Passed – Majority.

Article 13 – Move that the Town vote to mend Article 7.12 (Scenic Roads) of the Wrentham General Bylaws by amending Section 3(8)(b), by requiring compensatory trees to be 2” caliper rather than the 4” required. This change is at the request of the Tree Warden. To compensate for the reduction in tree size, the number of replacement trees required has been doubled. The section, as amended, is shown below:

(b) **Limited review standards**

(1) **Replacement trees**

Trees destroyed shall be replaced with nursery grade trees on the following basis:

<b>Tree Removed</b>	<b>Replacement</b>
Up to 12 inches dbh caliper	2 trees, minimum 2-inch caliper
12 inches to 24 inches dbh caliper	6 trees, minimum 2 inch caliper
Over 24 inches dbh caliper	8 trees, minimum 2-inch caliper

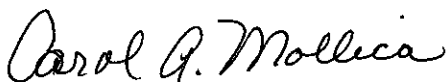
Passed – Majority.

Article 14 – Move that the Town vote to appropriate from unappropriated funds in the Treasury the sum of \$100,000 to be allocated to the Town Stabilization fund and that the Town vote to appropriate from unappropriated funds in the Treasury the sum of \$600,000 to be allocated to the Municipal Capital Stabilization fund.

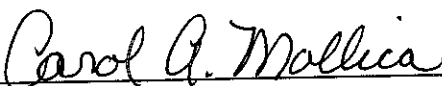
Passed – Unanimous.

Motion to adjourn sine die by Carol Mollica at 8:50 PM.

Respectfully submitted,



Carol A. Mollica, CMC/CMMC  
Town Clerk

Attest: 

8.3.7 Military Leave – Military leave shall be granted to employees in accordance with the requirements of State and Federal Law.

8.3.8 Jury Duty – The Town has a policy of allowing employees to serve their communities by participating in jury duty in accordance with state law. To encourage this participation, the Town provides protection against loss of income during required jury duty service. All employees will be granted the necessary time off to fulfill their jury duty. The Employee will be paid his/her regular wage/salary during the period required for such service, less any stipend paid to the employee for serving jury duty. Upon return from jury duty, the employee must give both the service receipt and check provided by the court to the department head. If an employee is released early from jury duty on any given day and can work at least four hours, he/she must return to work.

8.3.9 Family and Medical Leave – FMLA Leave shall be granted to eligible employees in accordance with the requirements and provisions in the federal Under the Family and Medical Leave Act of 1993 as amended (FMLA). ~~eligible employees are entitled to take up to twelve 12 weeks of unpaid leave during a twelve month period for specified family and medical reasons.~~

The U.S. Department of Labor's Employment Standards Administration, Wage and Hour Division has issued detailed regulations that explain the rights of employees and employers under the FMLA. A copy of these regulations is available at the Town Administrator's Office. If there are any conflicts between FMLA and the Town By-law or the regulations, the FMLA controls.

~~An eligible employee is one who has been employed by the Town for at least twelve (12) months and has worked at least 1250 hours in the Town's service over the previous twelve (12) months.~~

~~FMLA leave may be taken for the following purposes:~~

- ~~(1) for the birth and care of the new born child of the employee;~~
- ~~(2) for placement with the employee of a son or daughter for adoption or foster care;~~
- ~~(3) to care for an immediate family member (spouse, child, or parent) with a serious health condition;~~
- ~~\_\_\_\_\_ (4) when an employee is unable to work because of a serious health condition.~~

~~Leave for birth and care, or placement for adoption or foster care must conclude within twelve (12) months of the birth or placement of the child.~~

For purposes of determining the twelve (12) month period in which the twelve (12) weeks of FMLA leave may be taken, the Town uses a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave. Thus, each time an employee takes FMLA leave, the remaining leave entitlement would be any balance of the twelve (12) weeks that have not been used during the immediate preceding twelve (12) month period.

An employee who takes FMLA leave for reasons other than his/her own serious health condition the purposes listed in (1), (2), and (3) above shall be required to use accrued vacation leave, compensatory time, and/or personal leave to cover some or all of the FMLA leave. An employee who takes FMLA for his/her own serious health condition shall be required to use his/her accrued sick leave, vacation leave, compensatory time, and personal leave.

~~During the period that an employee is on FMLA leave, the Town will maintain its usual contribution toward the premium expense of the health insurance coverage in which the employee is enrolled. The employee will be required to make arrangements with the Town Treasurer for paying his/her share of the premium expense during such leave.~~

Employees seeking to use FMLA leave are required to comply with the provide thirty (30) days ~~advance notice requirements~~ of the need to take FMLA leave when the need for leave is foreseeable and such notice is practicable. When the approximate timing of the need to take FMLA leave is not foreseeable, the employee will be expected to provide notice to the Town as soon as practicable under the facts and circumstances of the particular case.

~~The town may also require employees to provide:~~

- ~~• medical documentation supporting the need for leave due to a serious health condition affecting the employee or an immediate family member;~~
- ~~• second or third medial opinions (at the Town's expense) and periodic recertification;~~
- ~~• periodic reports during FMLA leave regarding the employee's status, intent and ability to return to work;~~
- ~~• a return to duty certificate.~~

~~Upon return from FMLA leave, an employee will be restored to the employee's original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment.~~

~~In addition, an employee's use of FMLA leave will not result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave.~~

~~The U.S. Department of Labor's Employment Standards Administration, Wage and Hour Division has issued detailed regulations that explain the rights of employees and employers under the FMLA. A copy of these regulations is available at the Town Administrator's Office. If there are any conflicts between FMLA and the Town By-law, FMLA controls.~~

- 8.3.10 Maternity Leave – Female employees who have been employed for at least three (3) consecutive months, as full-time employees are eligible for maternity leave under the Massachusetts Maternity Leave Act (MMLA). Under the MMLA, an eligible employee may be absent from work for a period not to exceed eight (8) weeks for the purpose of:
- (1) ~~giving birth;~~
  - (2) ~~adopting a child under the age of 18;~~
  - (3) ~~adopting a child under the age of 23, if the child is mentally or physically disabled.~~

~~Under the Act, the employee must provide the employer with at least two (2) weeks notice of her anticipated date of departure and intention to return. After the conclusion of MMLA leave, the employee will be restored to the employee's previous position or to a similar position with the same status and pay as the employee had at the time she commenced her leave.~~

~~In most instances, the Family Medical Leave Act will provide an eligible employee with greater rights than the Massachusetts Maternity Leave Act. The maximum leave that an employee may take for maternity leave when combining both statutes is twelve (12) weeks.~~

Maternity leave will normally be unpaid, but an employee will continue to accrue benefits during such leave. An employee may use accrued paid leave during a maternity leave. A female employee will, however, be permitted to utilize accrued sick leave (if any) for any period during said leave that she is incapacitated from working. A female employee shall be deemed to be incapacitated by the birth of a child for six weeks following such birth and may, upon request, use her accumulated sick leave (if any) during such six (6) week period without providing specific medical documentation of incapacity. If the employee claims sick leave beyond that six (6) week period, she will be required to provide the Town with medical documentation of her continuing incapacity by submitting medical certification signed by her physician.

Maternity Leave and FMLA leave run concurrently.

### 8.3.11 Other Leaves

#### 8.3.11.1 Small Necessities Leave Act

Leave shall be granted to eligible employees in accordance with the requirements of and provisions in the Small Necessities Leave Act, M.G.L. chapter 149, section 52D.

#### 8.3.11.2 Domestic Violence Leave Act

Leave shall be granted to eligible employees in accordance with the requirements of and provisions in the Massachusetts Domestic Violence Leave Act of 2014, M.G. L. c. 149 section 52E.

8.3.11.3 Leaves of Absence – A full-time employee may apply for a leave of absence without pay when he/she has completed two full years of employment. The request may be based on good and sufficient reason, must be in writing to the Board of Selectmen or other responsible board or commission, and shall be subject to their approval.

Leaves of absence shall not be granted for more than three months, but upon approval of the Board of Selectmen or other responsible board or commission, such leaves may be extended for not more than two three-month periods and not exceed nine months in the aggregate.

The employee must return from his leave at the designated date of return in order to be guaranteed a position in the same classification. The employee shall receive credit for length of service when the employee returns to work at the termination of the leave period. The employee is not eligible, or does the employee accrue benefits including seniority or longevity benefits while on leave under this section. The employee may, however, continue his/her health insurance coverage through the Town by paying the full monthly premium of the cost of health insurance.



## Warrant Article 8, Special Town Meeting 11/10/14

### Street Discontinuance

**ARTICLE 8:** To see if the Town will vote, pursuant to G.L. c. 82, § 21, to discontinue as a Town way two portions of Franklin Street that were discontinued as a state highway by the Massachusetts Department of Public Works in a vote dated December 26, 1944, recorded with Norfolk Deeds, Book 2523, page 544, said portions being shown as (1) "Abandonment" on the Plan entitled "Plan of Road in the Town of Wrentham, Norfolk County Abandoned as a State Highway by the Department of Public Works," dated December 26, 1944, recorded with the Norfolk Registry of Deeds with the Abandonment filed as Plan No. 15-1945, and (2) "Approx. Location of Town L.O. (Now Discontinued)" on the aforesaid plan, and further to authorize the Board of Selectmen to execute and deliver a deed, on behalf of the Town of Wrentham, releasing the Town's right, title and interest, if any, in said parcels, and any land lying between said parcels and the current layout of Franklin Street, to the owners of the land abutting thereon, or take any other action relative thereto. (Board of Selectmen)