

SPECIAL TOWN MEETING
COMMONWEALTH OF MASSACHUSETTS
SATURDAY, March 15, 2008
10:00 a.m.

The Special Town Meeting was called to order by the Moderator, James Putnam at 10:02 AM on Saturday, March 15, 2008 at the Powder Mill School, Powder Mill Auditorium, with approximately 86 registered voters in attendance.

The following registered voters were appointed as tellers for the meeting:

Linda Bathel
Jack Sinico

Cindy Pendleton

A motion was made and seconded to allow the following non-voters on to the town meeting floor:

Linda Carr, Town Accountant
Michelle L. Hill, Town Clerk, Treasurer, Collector
Jeff Neece, DPW Director

Carol DellaGiustina, Assistant Accountant
Ben Coyle, Town Counsel Attorney

UNANIMOUS

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said town qualified to vote in elections and town affairs to meet and assemble at the POWDER MILL SCHOOL AUDITORIUM ON Saturday, March 15, 2008 at 10:00 a.m. then and there for the Special Town Meeting and to act on the following articles:

ARTICLE 1. The Town of Southwick voted to appropriate and transfer from available funds and Water Salary Reserve the sum of \$36,180.00 for the following salary accounts

Selectmen's Administrative Assistant.....	\$1,610.00	Part Time Sewer Clerical.....	\$ 150.00
Town Accountant.....	\$1,870.00	Asst. Town Accountant.....	\$1,610.00
Director of Assessment.....	\$1,530.00	Town Clerk/Treas./Collector.....	\$1,870.00
Asst. Clerk/Treas./Collector.....	\$1,610.00	Conservation Coordinator.....	\$ 670.00
Bldg./Grounds Supervisor.....	\$1,380.00	Custodians Salary.....	\$1,760.00
Part Time Town Hall.....	\$1,480.00	Police Secretary.....	\$1,130.00
Board of Selectmen's Secretary.....	\$ 700.00	Chief of Police.....	\$2,550.00
Library Director.....	\$1,460.00	PD Part Time Records Clerk.....	\$1,500.00
Assistant Librarian.....	\$1,120.00	Fire Clerical Salaries.....	\$1,460.00
Library Part Time.....	\$3,250.00	Part Time Health Inspector.....	\$1,120.00
DPW Hwy Special Assistant.....	\$ 450.00	COA Part Time Staff.....	\$ 480.00
DPW Director.....	\$ 230.00	Water Director.....	\$ 180.00
Building Inspector.....	\$1,550.00	DPW Water Special Assistant.....	\$ 410.00
COA Director.....	\$ 960.00	DPW Sewer Special Assistant.....	\$ 390.00
P/T Planner.....	\$1,200.00	Part Time Water Secretary.....	\$ 350.00
P/T Appeals Bd. Clerical.....	\$ 150.00		

or to take any other action related thereto.

PASSED
MAJORITY

ARTICLE 2. The Town of Southwick voted to appropriate and transfer from Water and Sewer Funds the sum of \$485,000.00.

\$410,000.00.....for well building and equipment for new redundant well
\$50,000.00.....for design of a new 1 million gallon tank
\$25,000.00.....Phase II Sewer Study

or to take any other action related thereto.

**PASSED
MAJORITY**

ARTICLE 3. The Town of Southwick voted to appropriate and transfer from available funds the sum of \$11,773.00 for an Emergency Telephone Notification System Service Contract or to take any action related thereto.

**PASSED
MAJORITY**

ARTICLE 4. The Town of Southwick voted to amend, in its entirety, Chapter 185 Zoning, ARTICLE VII, § 185-39 of the Code of the Town of Southwick by deleting the provisions currently enacted and replacing them with the following provisions and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Southwick:

“§ 185-39. Violations and penalties.

Any person violating any provisions of this chapter, any of the conditions under which a permit is issued or any decision rendered by the Board of Appeals or Planning Board shall be fined not more than \$300 for each offense. Each day that such violation continues shall constitute a separate offense.”

Or take any other action relative thereto.

**PASSED
TWO-THIRDS
77- Yes Votes
6- No votes**

ARTICLE 5. The Town of Southwick voted to amend Article III “Handicap Parking,” Section 172-11 “Violations and Penalties” of the Code of the Town of Southwick by deleting the existing provision pertaining to the amount of the fine referenced therein and replacing it with the following language in accordance with M.G.L. c. 40, §22A, and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Southwick:

Proposed Amendment

“The penalty for a violation of this Article shall be a fine of not less than one hundred dollars (\$100.00.) nor more than three hundred dollars (\$300.00) for each offense, and such fines may

be recovered under the noncriminal disposition procedure set forth in Chapter 1, §1-6, of the Code of the Town of Southwick as amended. In addition, any unauthorized vehicles may be removed in accordance with the provisions of MGL C. 266, §120D.”

Or take any other action relative thereto.

**PASSED
MAJORITY**

ARTICLE 6. The Town of Southwick voted to amend the Code of the Town of Southwick to include a new Article II in Chapter 415 “Southwick Illicit Connection Bylaw” which shall contain the following provisions, and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Southwick:

**SOUTHWICK ILLICIT CONNECTIONS BYLAW
Illicit Connections and Discharges To
The Municipal Storm Drainage System By-law**

§ 415-9. PURPOSE

The purpose of this by-law is to regulate illicit connections and discharges to the storm drainage system, which is necessary for the protection of the Town of Southwick’s water bodies, wetlands, and groundwater, and to safeguard the public health, safety, welfare and the environment.

The objectives of this by-law are:

- (1) To prevent pollutants from entering the separate storm sewer system in the Town of Southwick;
- (2) To prohibit illicit connections and unauthorized discharges to the stormwater system;
- (3) To require the removal of all such illicit connections;
- (4) To comply with state and federal statutes and regulations relating to stormwater discharges;
- (5) To establish the legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.

Increased and contaminated stormwater runoff are major causes of:

- (1) Impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
- (2) Contamination of drinking water supplies;
- (3) Alteration or destruction of aquatic and wildlife habitat; and flooding.

§ 415-10. DEFINITIONS

For the purposes of this by-law, the following shall mean:

Active Groundwater Dewatering (AGD) Device: Any active device used to transport groundwater, i.e. a sump pump.

Authorized Enforcement Agency: The Director of the Department of Public Works or designated representative, its employees or agents designated to enforce this by-law.

Best Management Practice (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

Clean Water Act: The Federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*) as hereafter amended.

Discharge of Pollutants: The addition from any source of any pollutant or combination of pollutants into the municipal storm drainage system or into the waters of the United States or Commonwealth from any source.

Grandfathered: Exempt from new legislation, restrictions, or requirements.

Groundwater: All water beneath the surface of the ground.

Illegal Discharge: Any direct or indirect non-stormwater discharge to the municipal storm drainage system, except as specifically exempted in Section 7 or permitted pursuant to Section 8 of this by-law. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or resulting from fire fighting activities exempted pursuant to Section 7, subsection 4, of this by-law.

Illicit Connection: Any surface or subsurface drain or conveyance, which allows an illegal discharge into the municipal storm drainage system. Illicit connections include conveyances which allow a non-stormwater discharge to the municipal storm drainage system including sewage, process wastewater or wash water and any connections from indoor drainages sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this by-law.

Impervious Surface: Any material or structure on or above the ground that prevents water from infiltrating the underlying soil.

Municipal separate storm sewer system (MS4) or municipal storm drainage system: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Southwick.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

Non-Stormwater Discharge: Any discharge to the municipal storm drain system not composed entirely of stormwater.

Person: Any individual, partnership, association, firm, company, trust, corporation, and, any agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by-law, and any officer, employee, or agent of such person.

Pollutant: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include:

- (1) paints, varnishes, and solvents;
- (2) oil and other automotive fluids;
- (3) liquid and solid wastes and yard wastes;
- (4) refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- (5) pesticides, herbicides, and fertilizers;
- (6) hazardous materials and wastes; sewage, fecal coliform and pathogens;
- (7) dissolved and particulate metals;
- (8) animal wastes;
- (9) rock; sand; salt, soils;
- (10) construction wastes and residues;
- (11) and noxious or offensive matter of any kind.

Process wastewater means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

Recharge: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

Stormwater: Runoff from precipitation or snow melt.

Toxic or Hazardous Material or Waste: Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under M.G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

Watercourses: A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

Waters of the Commonwealth: all waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, costal waters, and groundwater.

Wastewater: any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

§ 415-11. APPLICABILITY

This by-law shall apply to all flows entering the storm drainage system in the Town of Southwick.

§ 415-12. RESPONSIBILITY FOR ADMINISTRATION

The Director of the Department of Public Works or designated representative shall administer, implement and enforce this by-law. Any powers granted to or duties imposed upon the Director of the Department of Public Works may be delegated in writing by the Director of the Department of Public Works to employees or agents of the Department of Public Works.

§ 415-13. REGULATIONS

The Director of the Department of Public Works may promulgate rules and regulations to effectuate the purposes of this by-law. Failure by the Director of the Department of Public Works to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

§ 415-14. PROHIBITED ACTIVITIES

1. Illegal Discharges

No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into any storm drainage system, watercourse, or into the waters of the Commonwealth. Emergency pumping performed by the Fire Department must utilize appropriate best management practices (BMPs) and follow hazardous materials disposal guidelines to prevent contamination of the municipal storm drainage system with hazardous materials. If hazardous materials are observed within the flooded area from the activities noted above, or are suspected to be contained therein, a qualified hazmat technician and applicable state and local agencies must be consulted. These agencies will be responsible for implementing the BMPs to the contamination of nearby water ways and the municipal storm drainage system.

2. Illicit Connections

No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drainage system, regardless of whether the connection was permissible

under applicable law, regulation or custom at the time of connection with no grandfathering permitted.

3. Obstruction of Municipal Storm Drainage System

No person shall obstruct or interfere with the normal flow of stormwater into or out of the storm drainage system without prior approval from the Director of the Department of Public Works or designated representative.

4. Exemptions

This section shall not apply to any of the following non-stormwater discharges or flows provided that the source is not a significant contributor of a pollutant to the storm drainage system.

- (1) Waterline flushing;
- (2) Flows from potable water sources;
- (3) Springs;
- (4) Natural flows from riparian habitats and wetlands;
- (5) Diverted stream flows;
- (6) Rising groundwater;
- (7) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
- (8) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems);
- (9) Discharges from landscape irrigation or lawn watering;
- (10) Water from individual residential car washing;
- (11) Discharges from de-chlorinated swimming pool water (less than one part per million chlorine) provided it is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
- (12) Discharges during street sweeping and other storm drainage system maintenance;
- (13) Discharges or flows resulting from fire fighting activities;
- (14) Dye testing, provided notification is given to the Director of the Department of Public Works or designated representative prior to the time of the test;
- (15) Non-stormwater discharges permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental

Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations;

- (16) Discharges for which advanced written approval is received from the Director of the Department of Public Works or designated representative if necessary to protect public health, safety, welfare or the environment.

§ 415-15. EMERGENCY SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS

The Director of the Department of Public Works or designated representative may suspend storm drainage system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened illegal discharge that presents or may present imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Director of the Department of Public Works or designated representative may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

§ 415-16. NOTIFICATION OF SPILLS

Notwithstanding any other requirements of local, state or federal law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials at that facility operation which is resulting or may result in illegal discharge of pollutants that person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments, the Director of the Department of Public Works or designated representative, and the Massachusetts Department of Environmental Protection (if release is reportable as defined by 310 CMR 40.00). In the event of a release of non-hazardous material, said person shall notify the Director of the Department of Public Works or designated representative no later than the next business day. Written confirmation of all telephone, facsimile or in person notifications shall be provided to the Director of the Department of Public Works or designated representative within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§ 415-17. ENFORCEMENT

1. The Director of the Department of Public Works or an authorized agent of the Department of Public Works shall enforce this by-law, and the regulations promulgated thereunder, as well as the terms and conditions of all permits, notices, and orders, and may pursue all civil and criminal remedies for such violations.
2. Orders

The Director of the Department of Public Works or designated representative may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which include, but are not limited to:

- (1) Elimination of illicit connections or discharges to the storm drainage system;
- (2) Termination of access to the storm drainage system;
- (3) Performance of monitoring, analyses, and reporting;
- (4) Cessation of unlawful discharges, practices, or operations;
- (5) Remediation of contamination in connection therewith.

If the Director of the Department of Public Works or designated representative determines that abatement or remediation of contamination is required, the order shall set forth a deadline for completion of the abatement or remediation. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Southwick may, at its option, undertake such work and expenses thereof shall be charged to the violator or property owner.

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town of Southwick, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Board of Selectmen within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Board of Selectmen or designated representative affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in M.G.L. Ch. 59 § 57 after the thirty-first day at which the costs first become due.

3. Equitable Remedy

If anyone violates the provisions of this by-law, regulations, permit, notice, or order issued thereunder, the Director of the Department of Public Works or designated representative may seek injunctive relief in a court of competent jurisdiction to restrain the person from activities which would create further violations or compelling the person to abate or remediate the violation.

4. Non-Criminal Disposition

As an alternative to criminal prosecution or civil action, the Town of Southwick may elect to utilize the non-criminal disposition procedure set forth in M.G.L. Chapter 40, §21D or in the Town of Southwick Code Chapter 1.5. The Director of the Department of Public Works or designated representative shall be the enforcing person. The penalty for the 1st violation shall be \$50. The penalty for the 2nd violation shall be \$100. The penalty for the 3rd and subsequent violations shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

5. Right-of-Entry

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Director of the Department of Public Works or designated representative, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and regulations and may make or cause to be

made such examinations, surveys or sampling as the Director of the Department of Public Works or designated representative deems reasonably necessary

6. Appeals

The decisions or orders of the Director of the Department of Public Works or designated representative shall be final unless a Notice of Protest has been filed with the Board of Selectmen and the decision of the majority of the Board of Selectmen shall be final unless an appeal is filed with a Court of Competent Jurisdiction within thirty (30) days of the filing of the Written Decision of the Board of Selectmen with the Town Clerk. Further appeals shall be to a Court of Competent Jurisdiction.

Notices of Protest pursuant to this section must be in writing and shall follow the following procedure:

- A. The aggrieved party wishing to protest a decision of either the Director of the Department of Public Works or its authorized Agent as to the amount or basis of the cost necessary to abate a violation of this By-Law, shall file a written protest with the Town Clerk and the Board of Selectmen within thirty (30) days of receipt of notification of the costs incurred from either the Director or an authorized agent of the Southwick Department of Public Works. Such Notice of Protest must be received by the Board of Selectmen's office and Town Clerk on or before said thirty (30) day period.
- B. Such Notice of Protest shall include a copy of the Notification the aggrieved party received from either the Director or authorized agent of the Department of Public Works and the grounds upon which such notice of protest is based.
- C. The Board of Selectmen will schedule a meeting with the aggrieved party at a regularly scheduled Board of Selectmen's meeting to be held within sixty (60) days of the receipt of such Notice of Protest. The Board of Selectmen shall notify in writing both the aggrieved party and the Director or authorized agent of the Department of Public Works of the time, place and date of the meeting.
- D. At the meeting, the aggrieved party shall have the right to produce evidence in support of such party's protest and have witnesses testify under oath in support of such protest. The Director of the Department of Public Works or its authorized agent shall also have the right to produce evidence and witnesses under oath in support of the original decision of the Department of Public Works.
- E. Upon closure of the meeting with the Board of Selectmen over the Notice of Protest, the Board of Selectmen, by a majority of the Selectmen present at such meeting, shall render a written decision on the Notice of Protest within thirty (30) days of the date of the meeting setting forth their decision and reasons supporting said decision, and file a copy of said decision with the Town Clerk and send a copy of said decision by first class mail to the aggrieved party within said thirty (30) days period.

7. Remedies Not Exclusive

The remedies listed in this by-law are not exclusive of any other remedies available under any applicable federal, state or local law.

§ 415-18. SEVERABILITY

If any provision, paragraph, sentence, or clause, of this by-law shall be held invalid for any reason, all other provisions shall continue in full force and effect.

§ 415-19. TRANSITIONAL PROVISIONS

Property owners shall have 120 days from the effective date of the by-law to comply with its provisions provided good cause is shown for the failure to comply with the by-law during that period unless local, state, or federal agencies deem that immediate actions are warranted

Or take any other action relative thereto.

**PASSED
MAJORITY**

ARTICLE 7. The Town of Southwick voted to amend the Code of the Town of Southwick Bylaws to include a new Chapter 80 entitled "Floor Drain Bylaw" which shall contain the following provisions, and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Southwick:

Floor Drain By-Law

§ 80-1. PURPOSE

Whereas:

- floor drains in industrial and commercial facilities are often tied to a system leading to a leaching structure (e.g. dry well, cesspool, leach field) or a septic system; and
- poor management practices and accidental and/or intentional discharges may lead petroleum and other toxic or hazardous material into these drainage systems in facilities managing these products; and
- improper maintenance or inappropriate use of these systems may allow the passage of containments or pollutants entering the drain to discharge from the leaching structure or septic system to the ground; and
- discharges of hazardous wastes and other pollutants to floor drains leading to leaching structures and septic systems have repeatedly threatened surface and ground water quality throughout Massachusetts; and
- surface and ground water resources in the Town of Southwick contribute to the town's drinking water supplies;

The Town of Southwick adopts the following by-law, as a preventive measure for the purpose of:

- preserving and protecting the Town of Southwick's drinking water resources from discharges of pollutants to the ground via floor drains, and
- minimizing the threat of economic losses to the Town due to such discharges.

§ 80-2. DEFINITIONS

For the purposes of this by-law, the following words and phrases shall have the following meanings:

Commercial and Industrial Facility: A public or private establishment where the principal use is the supply, sale, and/or manufacture of services, products, or information, including but not limited to: manufacturing, processing, or other industrial operations; service or retail establishments; printing or publishing establishments; research and development facilities; small or large quantity generators of hazardous waste; laboratories; hospitals.

Department: The Massachusetts Department of Environmental Protection.

Discharge: The accidental or intentional disposal, deposit, injection, dumping, spilling, leaking, incineration, or placing of toxic or hazardous material or waste upon or into any land or water so that such hazardous waste or any constituent thereof may enter the land or waters of the Commonwealth. Discharge includes, without limitation, leakage of such materials from failed or discarded containers or storage systems and disposal of such materials into any on-site leaching structure or sewage disposal system.

Floor Drain: An intended drainage point on a floor constructed to be otherwise impervious which serves as the point of entry into any subsurface drainage, treatment, disposal, containment, or other plumbing system.

Leaching Structure: Any subsurface structure through which a fluid that is introduced will pass and enter the environment, including but not limited to, dry wells, leaching catch basins, cesspools, leach fields, and oil/water separators that are not water-tight.

Oil/Water Separator: A device designed and installed so as to separate and retain petroleum, based oil or grease, flammable wastes as well as sand and particles from normal wastes while permitting normal sewage or liquid wastes to discharge into the drainage system by gravity. Other common names for such systems include MDC traps, gasoline and sand traps, grit and oil separators, grease traps, and interceptors.

Toxic or Hazardous Material: Any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual, or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water of the Town of Southwick. Toxic or hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as Toxic or Hazardous under Massachusetts General Laws (MGL) Chapter 21C and also include such products as solvents, thinners, and pesticides in quantities greater than normal household use.

Use of Toxic or Hazardous Material: The handling, generation, treatment, storage, or management of toxic or hazardous materials.

§ 80-3. PROHIBITIONS

With the exception of discharges that have received (or have applied and will receive) a Department issued permit prior to the effective date of this by-law, no floor drain(s) shall be allowed to discharge, with or without pretreatment (such as an oil/water separator), to the ground,

a leaching structure, or septic system in any industrial or commercial facility if such floor drain is located in either:

- A. an industrial or commercial process area in Zone II of the Wellhead Protection Area
- B. a petroleum, toxic, or hazardous materials and/or waste storage area in Zone II of the Wellhead Protection Area.

§ 80-4. REQUIREMENTS FOR EXISTING FACILITIES

- A. The owner of a facility in operation prior to the effective date of this by-law with a prohibited floor drain system shall:
 - 1. disconnect and plug all applicable inlets to and outlets from (where possible) applicable leaching structures, oil/water separators, and/or septic systems;
 - 2. remove all existing sludge in oil/water separators, septic systems, and where accessible, leaching structures. Any sludge determined to be a hazardous waste shall be disposed of in accordance with state hazardous waste regulations (310 CMR 30.000). Remedial activity involving any excavation and/or soil or groundwater sampling must be performed in accordance with appropriate Department policies;
 - 3. Alter the floor drain system so that the floor drain shall be either:
 - a. connected to a holding tank that meets all applicable requirements of Department policies and regulations, with hauling records submitted to the Southwick Department of Public Works at the time of hauling;
 - b. connected to a municipal sanitary sewer line, if available, with all applicable Department and local permits; or
 - c. permanently sealed. Any facility sealing a drain shall be required to submit for approval to the Department of Public Works a hazardous waste management plan detailing the means of collecting, storing, and disposing any hazardous waste generated by the facility, including any spill or other discharge of hazardous materials or wastes.
- B. Any oil/water separator remaining in use shall be monitored weekly, cleaned not less than every 90 days, and restored to proper conditions after cleaning so as to ensure proper functioning. Records of the hauling of the removed contents of the separator shall be submitted to the Department of Public Works at the time of hauling.
- C. Compliance with all provisions of this by law must be accomplished in a manner consistent with Massachusetts Plumbing, Building, and Fire code requirements.
- D. Upon complying with one of the options listed under Section IV.A.3., the owner/operator of the facility shall notify the Department of the closure of said system by
- E. filing the Department's UIC Notification Form with the Department, and sending a copy to the Town of Southwick Department of Public Works.

§ 80-5. EFFECTIVE DATES FOR ALL FACILITIES

The effective date of this by-law shall be the date of adoption by the Town of Southwick.

- A. Existing Facilities:
 - 1. Owner/Operators of a facility affected by this by-law shall comply with all of its provisions within (120) days of the effective date;

2. All applicable discharges to the leaching structures and septic systems shall be discontinued immediately through temporary isolation or sealing of the floor drain.

B. New Facilities:

1. As of the effective date of the by-law, all new construction and/or applicable change of use within the Town of Southwick shall comply with the provisions of this by-law.

2. Certification of conformance with the provisions of this by-law by the Department of Public Works shall be required prior to issuance of construction and occupancy permits.

3. The use of any new oil/water separator shall comply with the same requirements as for existing systems, as specified above in Section IV.B.

§ 80-6. PENALTIES

Failure to comply with provisions of this by-law will result in the levy of fines of not less than \$200.00, but no more than \$1,000.00. Each day's failure to comply with the provisions of this by-law shall constitute a separate violation.

§ 80-7. SEVERABILITY

Each provision of this by-law shall be constructed as separate to the end that, if any provision, or sentence, clause, or phrase thereof, shall be held invalid for any reason, the remainder of that section and all other sections shall continue in full force and effect.

§ 80-8. ADMINISTRATION

The provisions of this by-law shall be administered and enforced through inspection by the Southwick Building Department in conjunction with the state of Massachusetts Department of Environmental Protection.

Or take any other action relative thereto.

**PASSED
MAJORITY**

ARTICLE 8. The Town of Southwick voted to authorize the Town of Southwick to enter into an Easement Agreement with Gary J. Parker for an easement over a portion of the parcel of land located at 43 Depot Street, Southwick, which consists of approximately 904 sq. ft. as referenced on a plan entitled "Sketch of Proposed Driveway Easement" prepared by D.L. Bean, inc. Land Consultants dated January 21, 2008, a copy of said plan is located in the Town of Southwick Clerk's Office and is available for inspection during normal business hours, or take any other action relative thereto.

**PASSED
MAJORITY**

Moderator asked for a show of hands to see if Tuesday night would have been a more desired time for the meeting.

**MAJORITY
for Tuesday's**

A Motion was made and seconded to dissolve the Special Town Meeting at 11:52 AM.

UNANIMOUS

A TRUE COPY OF ATTEST:

Michelle L. Hill, Town Clerk
Doings STM 03.15.08