

**2014
TOWN OF SHARON**



SPECIAL TOWN MEETING WARRANT

With Report and Recommendations of the Finance Committee

**SPECIAL TOWN MEETING
MONDAY, NOVEMBER 17, 2014**

7:00 P.M.

**Sharon High School
Arthur E. Collins Auditorium
181 Pond Street**

PLEASE BRING THIS REPORT TO THE MEETING

Registered voters of Sharon planning to attend this meeting needing an ASL (American Sign Language) interpreter are urged to call the Selectmen's Office at 781-784-1500 ext. 1208

YOU MUST BE A REGISTERED VOTER TO PARTICIPATE IN THIS MEETING



OPEN WARRANT MEETING

Monday, November 10, 2014

8:00 P.M.

**Sharon High School Library (2nd floor)
181 Pond Street**

INFORMAL DISCUSSION OF WARRANT ARTICLES

WARRANT INTRODUCTION

It is the responsibility of the Finance Committee to make recommendations to the voters on all matters that come before Town Meeting. In May of each year, Annual Town Meeting must adopt a town budget for the upcoming fiscal year which begins July 1 and ends June 30. In the fall a Special Town Meeting may be convened to consider issues such as zoning by-laws and amendments as well as other timely matters brought before the voters to debate and vote. This warrant is your guide to the items you may reasonably expect to deliberate and vote on November 17th at this year's Special Town Meeting.

There are 8 articles presented in this warrant. Article 2 relates to a requested appropriation of \$375,000 for the proposed purchase and demolition of 175 Pond Street (which abuts the high school) to give the Town more flexibility in addressing current and future needs at the high school. Article 3 involves transferring unspent bond issues from the Middle School Project to reduce the borrowing needed for the Public Safety Building approved at the 2014 Annual Town Meeting. Article 4 clarifies a vote from the 2014 Annual Town Meeting regarding the library. Article 5 concerns a request from the Fire Chief to reallocate a prior authorization and authorize additional funds for needed public safety equipment. Article 6 addresses some timely Community Preservation Act authorizations for the library and the Sharon Housing Authority. Article 7 addresses a request by the Southeastern Regional Technical School for the creation of a stabilization fund. Finally, Article 8 involves updating the Town's Animal Control By-Law to update it to conform to changes in state law.

Opportunities for voters to ask questions or give opinions are always available at Finance Committee meetings and at the Open Warrant Meeting on November 10th. Please take time to understand the issues and attend the Special Town Meeting on November 17th.

THE FINANCE COMMITTEE

William Brack, Chair; Ira Miller and Ted Philips, Vice-Chairs; Patricia-Lee Achorn, Aaron Agulnek, Arnold Cohen, Gordon Gladstone, Charles Goodman, Alexander Korin, and Laura Nelson

**SPECIAL TOWN MEETING
COMMONWEALTH OF MASSACHUSETTS**

Norfolk, ss.

To either Constable of the Town of Sharon, Greeting:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Sharon qualified to vote in elections and Town affairs to meet at the Arthur E. Collins Auditorium at the Sharon High School on Pond Street in said Sharon on Monday, the 17th of November 2014, at 7:00 P.M., and there to act on the following articles:

ARTICLE 1

To see if the Town will vote to transfer \$7,660.00 from Treasurer Budget 00011451-511000 to Accounting Budget 00011351-511000, or take any other action relative thereto.

FINANCE DIRECTOR

FINANCE COMMITTEE RECOMMENDATION:

Approval of this article would permit the transfer of \$7,660 from the Treasurer Budget to the Accounting Budget. This is the result of the personnel changes in the Treasurer and Accounting departments.

The Board of Selectmen voted 3-0 in favor of approval.

THE FINANCE COMMITTEE VOTED 8-0-0 IN FAVOR OF APPROVAL.

ARTICLE 2

To see if the Town will raise and appropriate or transfer from available funds a sum of money to be expended by the Board of Selectmen for the acquisition by purchase, gift or eminent domain under Massachusetts General Laws Chapter 79, for general municipal purposes, including without limitation, the fee in the following parcel of land or portions thereof:

A certain parcel of land, containing 20,181 square feet of land, known and numbered as 175 Pond Street, shown as Map 81, Parcel 123 on the Sharon Assessors Map and as more particularly identified as in deeds recorded in the Norfolk Registry of Deeds in Book 50660, Page 308, and Land Court Document No. 338611, Certificate No. 96737;

or as the same may be more particularly described, and to raise and appropriate a sum of money for the cost of demolition and removal of all or a portion of the buildings and structures on the property;

and to determine whether this appropriation shall be raised by taxation, by borrowing pursuant to Chapter 44, Sections 7 and/or 8 of the General Laws;

and to authorize the Selectmen to take all actions necessary and to execute such documents as they deem necessary to accomplish the foregoing; or take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

If approved, Article 2 will authorize the Town of Sharon to purchase the property known as 175 Pond Street for \$375,000. 175 Pond Street is directly adjacent to Sharon High School on its north side.

This proposed purchase is the culmination of negotiations between the owner of the property and the Board of Selectmen, with substantial input made by the School Department throughout the process. Should the town buy the property, it will demolish the building that currently stands, subject to any moratorium that might be imposed by the Historical Commission under current rules or by-laws. The School Department has both short-term and long-term plans for the site: in the short term, the property can and will likely be used to facilitate extra parking for the High School, which is desperately needed. In the long term, the parcel opens up new possibilities as the School Committee contemplates changes/upgrades to Sharon High School.

The Selectmen and the School Department have both pursued the policy of researching the purchase of adjacent parcels to school land when they become available. The Finance Committee agrees that this is a forward-thinking policy which should continue to be pursued, and in this case feels that the purchase in question is justified.

The Board of Selectmen voted 3-0 in favor of approval.

THE FINANCE COMMITTEE VOTED 8-0-0 IN FAVOR OF APPROVAL.

ARTICLE 3

To see if the Town will vote to transfer \$769,453.92 from Exempt Standing Building- Middle School Project (31003994) to Exempt Standing Building -Public Safety Building project (31003999-621500), or take any other action relative thereto.

FINANCE DIRECTOR

FINANCE COMMITTEE RECOMMENDATION:

Approval of this article would allow the Town to transfer \$769,453.92 in residual Exempt Standing Building funds previously borrowed from the Middle School Project to the Public Safety Building Project.

Under the terms of bonds issued to fund the Middle School Project, these funds are restricted to capital improvement of a facility with a similar useful life and cannot be utilized for other purposes. Transferring the residual funds to the Public Safety Building Project would reduce the borrowing required to pay for that building, which will have the effect of reducing the future appropriations necessary to service that borrowing. This transfer will not increase the amount that may be spent on this building; it merely reduces the amount that must be borrowed.

The Board of Selectmen voted 3-0 in favor of approval.

THE FINANCE COMMITTEE VOTED 8-0-0 IN FAVOR OF APPROVAL.

ARTICLE 4

To see if the Town will vote to re-appropriate the sum of \$25,000 approved at the Annual Town Meeting to be used by the Public Library as follows:

To authorize the Board of Library Trustees of the Sharon Public Library to proceed with a feasibility study to examine the options for expanding and renovating its current library building, or building a new facility.

Or take any other action relative thereto.

BOARD OF LIBRARY TRUSTEES

FINANCE COMMITTEE RECOMMENDATION:

Approval of this article will affirm action taken under Article 11 of the May 2014 Annual Town Meeting. That action appropriated \$25,000 for a feasibility study for the possible expansion, renovation or construction of a new library facility. At the time of the passage of the article, the Board of Library Trustees held out the possibility of a matching grant of state funds, although passage of the article was not explicitly dependent upon the availability of the matching grant. Since that Town Meeting it has become apparent that there will be no matching grant. The Board of Library Trustees therefore intends to use available funds which when added to the \$25,000 previously appropriated will provide sufficient funds to pay for the feasibility study. Approval of this article will remove any doubt that the action of May 2014 intended to provide \$25,000 to be used regardless of the availability of state matching funds.

The Board of Selectmen voted 3-0 in favor of approval.

THE FINANCE COMMITTEE VOTED 8-0-0 IN FAVOR OF APPROVAL.

ARTICLE 5

To see if the Town will vote to raise and appropriate or appropriate from available funds or by borrowing a sum of money for the purpose of purchasing a portable radios and related equipment for the fire department or act in relation thereto.

To see if the Town will vote to reallocate \$38,362.86 from Article 13F, for the purchase of additional departmental equipment, of the May 7, 2012 Annual Town Meeting to purchase portable radios and related equipment for the fire department, or take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

Approval of this article will provide \$88,797 of funds to purchase new radios for the Fire Department. Town Meeting of May 2012 appropriated \$38,362.86 for the purchase of radio interface units for Fire Department face masks. Upon further investigation, the Fire Department concluded that the wireless technology required to make the interface units reliable was not adequate and the appropriated money was not spent. The Fire Department wishes this Town Meeting to reallocate those funds to the purchase of between 32 and 40 new portable radios and appropriate accessories. Further this Town Meeting is being asked to appropriate \$42,000 of new funds. These two amounts (the reallocation of \$38,362.86 and new funds of \$42,000) will be added to a grant of \$8,435 received by the Fire Department from MEMA, the total of which will proved the funds necessary to purchase the radios.

The Board of Selectmen voted 3-0 in favor of approval.

THE FINANCE COMMITTEE VOTED 8-0-0 IN FAVOR OF APPROVAL.

ARTICLE 6

To see if the Town will vote to hear and act upon the recommendations of the Community Preservation Committee as follows: That the following amounts be appropriated or reserved from Fiscal Year 2015 Community Preservation Fund Revenues, unless otherwise specified, for Fiscal Year 2015 Community Preservation purposes with each item considered a separate appropriation:

That the Town raise and appropriate the sum of \$47,500 as shown in the breakdown below:

Historic – Window & Roof Replacement	FY15 Annual Estimated Revenues
21 South Pleasant Street	\$45,000

(To appropriate, as recommended by the Community Preservation Committee, for replacement of windows and roof at the South Pleasant Street School Family Housing Development, located at 21 South Pleasant Street, for historic purposes under the Community Preservation Act and to appropriate from Community Housing Fund Balance the sum of \$45,000 to the Housing Authority for such purposes.)

Historic – Carnegie Library	FY15 Annual Estimated Revenues
Window Repair	\$2,500

(To appropriate, as recommended by the Community Preservation Committee, for window repair and rehabilitation, including windows grills, at the Carnegie Library, for historic purposes under the Community Preservation Act and to appropriate from FY2015 Annual Estimated Revenues the sum of \$2,500 to the Public Library for such purposes. Such appropriation shall supplement the appropriation made by vote under Article 21 of the May 5, 2014 Annual Town Meeting.)

Or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

FINANCE COMMITTEE RECOMMENDATION:

Historic – Window & Roof Replacement – 21 South Pleasant Street

Approval of this appropriation would authorize the Housing Authority to replace windows and the roof in this historic property (the former Sharon High School) which is owned by the Sharon Housing Authority and contains six low income rental units. The roof and windows are old and are failing and in need of replacement. The total cost of the project is \$156,000. However, the Housing Authority has received approval for grants from the State to cover \$111,000 of these costs, conditional upon the Town’s provision of matching funds in the amount of \$45,000. The purpose of this article is to authorize the expenditure of \$45,000 from Community Preservation funds to provide these matching funds.

Historic – Window Repair – Carnegie Library

Approval of this Article would address an authorization for Community Preservation Act funds from the 2014 Annual Town Meeting. At the 2014 ATM, the Town voted to authorize \$19,500 from Community Preservation funds for needed repairs to the Palladium windows in the front of the Town Library. The windows are about 100 years old, are not energy efficient, and blow open in high winds. The library had obtained a proposal from a contractor to do the work within the amount previously authorized. However, the

contractor subsequently withdrew the proposal and submitted a new proposal for approximately double the amount of its original proposal. The library has received a proposal from Sharon contractor to do the work for a price substantially less than the new proposal from the original contractor. The proposal from the new contractor exceeds the amount previously authorized; the purpose of this article is to approve the expenditure of an additional sum of \$2,500 of Community Preservation funds in order to pay for the window repair to be performed by the new contractor.

The Board of Selectmen voted 3-0 in favor of approval.

The Community Preservation Committee voted in favor of approval.

THE FINANCE COMMITTEE VOTED 8-0-0 IN FAVOR OF APPROVAL.

ARTICLE 7

To see if the Town of Sharon will approve the establishment of a Stabilization Fund according to Massachusetts General Laws c. 71, §16 G ½ for the Southeastern Regional Vocational Technical School District, or take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

Approval of this article would allow establishment of a stabilization fund for the Southeastern Regional Vocational Technical School District (SRVT). The Southeastern Regional Vocational Technical High School is a four-year public high school serving the young men and women from the City of Brockton and the Towns of East Bridgewater, Easton, Foxborough, Mansfield, Norton, Sharon, Stoughton and West Bridgewater.

State law M.G.L. Chapter 71, Section 16G1/2 states in part:

“... A regional school district may, upon a majority vote of all the members of the regional district school committee and, with the approval of a majority of the local appropriating authorities of the member municipalities, establish a stabilization fund and may, in any year, include in its annual budget for deposit in the stabilization fund an amount not exceeding five per cent of the aggregate amount apportioned to the member municipalities for the preceding fiscal year or such larger amount as may be approved by the director of accounts. ...The stabilization fund may be appropriated by vote of two-thirds of all of the members of the regional district school committee for any purpose for which regional school districts may borrow money or for such other district purpose as the director of accounts may approve.”

Unlike our stabilization fund for the Town of Sharon which requires a two-thirds vote to collect monies for a stabilization fund, if this initiative is passed by a simple majority of member municipalities, the aggregate allowable amount to be collected from amongst all the members could exceed \$350,000 each year. This action could impose additional increases to our budget beyond our mandated assessment. Additionally, unlike Sharon's stabilization fund which requires a two-thirds vote of Town Meeting, funds from the SRVTSD stabilization fund may be appropriated by two-thirds of the members of the SRVT School Committee of which each member community has one representative.

The Finance Committee recognizes the value for the students of Sharon who attend the Southeastern Regional Vocational Technical School. However, the need for such funding outside the current budget process has not been demonstrated. There is ample opportunity within the current process to make the case to raise funds for a specific use. The initiative would unnecessarily enable the SRVT School Committee to raise and expend additional funds with little input or control on how this money would be spent.

To be enacted, a majority of the above listed municipalities must approve. As of this writing, four of the nine municipalities have taken a vote on this initiative, with Easton and East Bridgewater voting affirmatively, Norton taking no action, and West Bridgewater voting against the initiative.

The Board of Selectmen had not taken a position on this Article at the time of the printing of these recommendations.

THE FINANCE COMMITTEE VOTED 8-0-0 AGAINST THIS ARTICLE.

ARTICLE 8

To see if the Town will vote to amend Article 17, Regulation of Dogs, of the General Bylaws by deleting the existing Article 17 in its entirety and replacing it with the following new Article 17 entitled "Animal Control By-Law":

Article 17. Animal Control By-Law

Section 1. Purpose

The purpose of this By-Law is to achieve the objectives of the animal control enabling legislation, as amended, contained in Chapter 140, Sections 136A-174E, of the Massachusetts General Laws, which includes the regulation of domesticated animals within the borders of the Town of Sharon, Massachusetts, the licensing of dogs, and the establishment of fines for violation of this By-Law.

Section 2. Applicability

This By-Law shall apply to all dogs owned by or kept by residents of the Town of Sharon: all dogs harbored or kept in the Town of Sharon, and all dogs physically within the Town of Sharon, whether on public or private property and regardless of whether ownership can be determined. This By-Law also shall apply to all residents of the Town of Sharon who bring or harbor one or more dogs within the Town of Sharon.

Section 3. Definitions

Animal Control Officer: An appointed officer authorized to enforce sections 136A to 174E, inclusive.

At Large: A dog off the premises of its owner or keeper and not under the control of a person capable of preventing the dog from being a threat to public safety, biting other domestic animals or being a public nuisance.

Attack: Aggressive physical contact initiated by an animal.

Commercial boarding or training kennel: An establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that “commercial boarding or training kennel” shall not include an animal shelter or animal control facility, a pet shop licensed under Massachusetts General Laws Chapter 129, Section 39A, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

Dangerous dog: A dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.

Hearing authority: The Board of Selectmen of the Town of Sharon.

Keeper: A person, business, corporation, entity or society, other than the owner, having possession of a dog.

Kennel: A pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

Licensing authority: The clerk of any municipality.

Livestock or fowl: A fowl or other animal kept or propagated by the owner for food or as a means of livelihood, deer, elk, cottontail rabbit, northern hare, pheasant, quail, partridge and other birds and quadrupeds determined by the department of fisheries, wildlife and

environmental law enforcement to be wild and kept by, or under a permit from, the department in proper houses or suitable enclosed yards; provided, however, that "livestock or fowl" shall not include a dog, cat or other pet.

Nuisance dog: A dog that: (i) by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or (ii) by excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or (iii) has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.

Personal kennel: A pack or collection of more than four (4) dogs, three (3) months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the Department of Agricultural Resources, may be sold, traded, bartered or distributed if the transfer is not for profit.

Section 4. Licensing.

a. Licenses shall be required for any dog over six (6) months of age in accordance with Massachusetts General Laws Chapter 140, Section 137 and are valid for a one year period commencing on January 1st and expiring on December 31st of each year. The annual fee for every dog license except as otherwise provided by law shall be twenty dollars (\$20.00) for a male or female dog, unless a certificate of a registered veterinarian who performed the operation that such dog has been spayed or neutered and has thereby been deprived of the power of propagation has been shown to the Town Clerk, in which case the fee shall be fifteen dollars (\$15.00). A copy of such certificate of spaying or neutering on file in the office of any city or town clerk within the Commonwealth may be accepted as evidence that such operation has been performed. If the Town Clerk is satisfied that the certificate of the veterinarian cannot be obtained, he/she may accept in lieu thereof a statement signed under the penalties of perjury by a veterinarian registered and practicing in the Commonwealth describing the dog and stating that he/she has examined such dog and that it appears to have been, and in his/her opinion, has been spayed or neutered and thereby deprived of the power of propagation.

b. A licensing authority shall not grant a license for a dog unless the owner of the dog provides the licensing authority with a veterinarian's certification that the dog has been vaccinated for rabies, certification that such dog is exempt from the rabies vaccination requirement under Massachusetts General Laws Chapter 140, Section 145B, or a notarized letter from a veterinarian that either of these certifications was issued relative to such dog.

c. The license shall be granted upon condition that the dog shall be controlled and restrained from killing, chasing or harassing livestock or fowl.

d. No license fee shall be charged for a license for a service animal as defined by the Americans with Disabilities Act.

e. No dog license fee or part thereof shall be refunded because of the subsequent death, loss, spaying or removal from the Commonwealth or other disposal of the dog.

f. Should any owner or keeper of a dog fail to license his/her dog before May 31st, the owner shall pay a late fee of fifty dollars (\$50.00), in addition to the license fee. In accordance with Article 11 of the General By-Laws of the Town of Sharon, a non-criminal disposition penalty will be imposed in the amount of twenty-five (\$25.00) dollars for any owner of a dog who fails to comply with the licensing of their dog on or before June 30th of any year; said fee is to be paid in addition to the late fee and license fee. The owner of any dog impounded because of failure to license according to this By-Law, may claim such dog upon the reimbursement to the Animal Control Officer of the expense incurred for maintaining such dog according to the following fee schedule:

(i). Payment of any Kennel charges incurred for the period of the dog's impoundment.

(ii). Twenty-five (\$25) for initial handling and pick-up of the dog. Prior to its release, the owner of said dog shall obtain a license from the Town Clerk.

g. The owner or keeper of a licensed dog shall keep affixed around the dog's neck or body, a collar or harness of leather or other suitable material, to which a tag shall be securely attached. The tag shall have inscribed upon it the dog's license number, the name of the city or town issuing the license and the year of issue. If the tag becomes lost, the owner or keeper of the dog shall immediately secure a substitute tag from the licensing authority at a cost to be determined by the city or town and the fee for the substitute shall, if received by a city or town clerk, be retained by the clerk unless otherwise provided by law.

h. Every person maintaining a kennel shall obtain a kennel license in accordance with M.G.L. Chapter 140, Section 137A.

i. The fee for every kennel license shall, except as otherwise provided, be thirty-five dollars (\$35.00) for no more than four dogs over the age of three months; sixty dollars (\$60.00) if more than four but no more than ten dogs over the age of three months; and one hundred and twenty-five (\$125.00) dollars if more than ten dogs over the age of three months are kept therein. An owner or keeper of a Personal Kennel may elect to secure a kennel license in lieu of licensing each individual dog.

j. In the case of an applicant for initial licensure, a licensing authority shall not issue a kennel license until a kennel has passed inspection by the Animal Control Officer.

k. Whoever violates M.G.L. Chapter 140, section 137, 137A, 137 B or 138 shall be assessed a penalty of fifty dollars (\$50.00).

1. Any funds collected pursuant to the provisions of this by-law, shall be accounted for and paid over to the Town Treasurer at such time and in such manner as may be designated by the Town Treasurer.

Section 5. Public Nuisance

No person shall own or keep in the Town any dog which by biting, excessive barking, howling, or being at large or in any other manner becomes a public nuisance. Any unspayed female dog in season shall be deemed a public nuisance when not confined indoors by the owner thereof, or housed in a veterinarian hospital or registered clinic.

Section 6. Penalty

Any owner or keeper of a dog who shall fail to comply with any order of the Animal Control Officer or Selectmen issued pursuant to this chapter shall be punished by a fine of one hundred dollars (\$100.00), with a right to appeal to the District Court pursuant to M.G.L. Chapter 140, Section 157.

Section 7. Complaint of Nuisance

a. If any person shall make a complaint, pursuant to Massachusetts General Laws Chapter 140, Section 157, in writing to the Animal Control Officer or Board of Selectmen that any dog owned or harbored within the Town is a nuisance dog or is a dangerous dog, the Animal Control Officer shall investigate such complaint and submit written report to the Board of Selectmen, acting as the hearing authority, of his findings and recommendations, together with the written complaint.

b. The Animal Control Officer, after investigation, may issue an interim order that such dog be restrained or muzzled for a period not to exceed fourteen (14) days to allow the Board of Selectmen to issue their order following receipt of the report of the Animal Control Officer.

c. Any dog may be restrained or muzzled pursuant to an interim order of the Animal Control Officer for any of the following reasons:

- i. For having bitten any person.
- ii. If found at large or unmuzzled, as the case may be, while an order for restraint of such dog is in effect.
- iii. If found in a school, schoolyard or public recreation area.
- iv. For having killed or maimed or otherwise damaged any other domesticated animal.
- v. For chasing any vehicle upon a public way or way open to public travel in the Town.
- vi. For any violation of this section relating to dogs.

Upon restraining or muzzling, or issuing any order to restrain or muzzle, the Animal Control Officer shall submit in writing to the Board of Selectmen a report of his action and the reasons therefore. If the Board of Selectmen fails to act during the period of the interim order, upon expiration of the period, the interim order shall be automatically vacated.

d. Such investigation shall include notice to the owner and a hearing with an examination under oath of the complainant to determine whether the dog is a nuisance or is a dangerous dog.

Based on the credible evidence and testimony presented at the public hearing, the Board of Selectmen shall, if the dog is complained of as a nuisance dog, either: (1) dismiss the complaint; or (2) deem such dog a nuisance dog. Or, if the dog is complained of as being a dangerous dog, either: (1) dismiss the complaint; (2) deem the dog is a nuisance dog; or (3) deem such dog a dangerous dog. If the Board of Selectmen deem a dog as a nuisance dog or a dangerous dog, the Board of Selectmen may order remedial action in accordance with Massachusetts General Laws Chapter 140, Section 157.

e. The owner or keeper of any dog that has been issued an order under this Section may file an appeal in accordance with Massachusetts General Laws Chapter 140, Section 157(d).

Section 8. Tethering

In accordance with the requirements of M.G.L. Section 174E, no person owning or keeping a dog shall chain or tether a dog to a stationary object including, but not limited to, a structure, dog house, pole or tree for longer than twenty-four (24) consecutive hours.

Section 9. Mandatory Leash Law

No person shall permit a dog owned or kept by him beyond the confines of the property of the owner or keeper unless the dog is held firmly on a leash or is under the control of its owner or keeper or agent of either. As used in this section, the term "control" shall include but not be limited to oral or visual commands to which the dog is obedient. Dogs running at large and not under restraint will be caught and confined for a period of up to seven days, and the known owner or keeper will be forthwith notified. Said dog shall not be released to that known owner or keeper, until a pick-up charge of twenty dollars (\$20.00) per dog shall have been paid to the Town of Sharon for services rendered in addition to a per day boarding fee which is determined by the shelter for the care and keep of each dog impounded.

Section 10. Emergency Treatment

Section 151B. A veterinarian registered under section 55 or 56A of chapter 112 who renders emergency care or treatment to, or who euthanizes, a dog or cat that is injured on any way shall receive payment from the owner of such dog or cat, if known, or, if not known, from the city or town in which the injury occurred in an amount not to exceed \$250 for such care, treatment or euthanization; provided, however, such emergency care, treatment or euthanization shall be rendered for the purpose of maintaining life, stabilizing the animal or alleviating suffering until the owner or keeper of the dog or cat is identified or for 24 hours, whichever is sooner. A veterinarian who renders such emergency care or treatment to a dog or cat or euthanizes a dog or cat shall notify the municipal animal control officer and the animal control officer shall assume control of the dog or cat or the remains of the dog or cat.

Section 11. Penalty-Violations of Article

In addition to the remedies set forth herein, other than as provided in Sections 4 and 6, this By-Law may be enforced by noncriminal disposition as provided in M.G.L. Chapter 40, Section 21D. For the purposes of this By-Law, the Animal Control Officer and all Sharon Police Officers, shall be designated enforcing persons. Each day on which any violation of this By-Law occurs shall be deemed to be a separate offense subject to the following penalties:

First Offense.....\$25.00
Second Offense.....\$50.00
Each Subsequent Offense.....\$100.00

The issuance of a penalty or non-criminal disposition shall not preclude the Town from seeking or obtaining any or all other legal and equitable remedies to prevent or remove a violation of this By-Law.

Section 12. Severability

Should any portion, section or provision of this By-Law be found invalid for any reason, that finding shall not affect the validity and force of any other section, portion or provision of this By-Law.

Or take any other action relative thereto.

ANIMAL CONTROL OFFICER

FINANCE COMMITTEE RECOMMENDATION:

Approval of this article would amend Article 17, "Regulation of Dogs", deleting it and replacing it with a new Article 17 "Animal Control By-Law." These changes are proposed to bring the By-Law into conformance with changes in State Law. This By-Law applies to all dogs physically within the Town.

The By-Law defines the following terms: Animal Control Officer, At Large, Attack, Dangerous Dog, Keeper, Kennel, Licensing Authority, Livestock or Fowl, Nuisance Dog, Personal Kennel.

Licensing authority and licensing regulations for individual dogs and kennels are detailed with licensing fees and penalty fees. As an example, late fees for dog licenses under the new by-laws are increased to \$50.00. The By-Law defines Public Nuisance and the penalty for non-compliance with the Animal Control Officer regarding a nuisance or dangerous dog.

The By-Law provides regulations for tethering a dog for longer than twenty-four (24) hours, which is not permitted, and for the emergency treatment of an injured animal by a veterinarian.

The Board of Selectmen voted 3-0 in favor of approval.

THE FINANCE COMMITTEE VOTED 8-0-0 IN FAVOR OF APPROVAL.

And you are directed to serve this Warrant by posting attested copies of the same in accordance with the Town By-Laws. Hereof fail not, and make due return of this Warrant with your doings thereon, at the time and place of meeting aforesaid.

Given under our hands this 14th day of October, A.D., 2014

WILLIAM A. HEITIN, CHAIR

JOHN J. MCGRATH, CLERK

WALTER B. ROACH, JR.

**BOARD OF SELECTMEN
SHARON, MASSACHUSETTS**

**A True Copy: JOSEPH S. BERNSTEIN, Constable
Sharon, Massachusetts
Dated: October 14, 2014**

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4	Re-appropriate funds approved at 2014 ATM	3
5	Reallocation of funds for Fire Department & appropriate additional funds for portable radios	4
6	<ul style="list-style-type: none"> • CPC - Sharon Housing Authority request for \$45,000 for Window & Roof Replacement at South Pleasant Street School Family Housing Development • CPC - Library Palladium Windows request for \$2,500 for Window Repair at the Carnegie Library. 	4
7	Establishment of Stabilization Fund – Southeastern Regional Vocational Technical School District	6
8	Animal Control by-law update	7

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