

# *TOWN of WARWICK*

# LOCAL GOVERNMENT HANDBOOK

*Compiled by Jeannette Fellows  
Town Clerk  
Warwick, Massachusetts*

*April 2005*

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April 2005

## **Introduction**

*This handbook is a compilation of bylaws that relate to Warwick based on my research of town meeting minutes, verification of approved town bylaws from the Attorney General's office, and updates to Warwick's Legal Base Study published in 1984.*

*The current Zoning Bylaws and Subdivision Planning Bylaws are available separately.*

*This book includes duties and terms for all elected and appointed positions, the town's personnel policy, a list of accepted town roads, Mass. General Law acceptances, and special acts passed by the Legislature that pertain to Warwick.*

*As new bylaws or acts are approved by Town Meeting, this document will change and require updates.*

Jeannette Fellows  
Town Clerk

**PART 1 – BYLAWS**

**A. TOWN MEETING**

***Date of Town Meeting***

The annual town meeting shall be held on the first Monday in May starting at 7:00 p.m.

Adopted under Article 4  
Special Town Meeting  
May 21, 1990

***Posting of Town Meeting and Election Warrants***

Town Meeting and election warrants shall be posted at the Town Hall, the Senior Center (Town Hall Dining Hall), Warwick Free Public Library, and the Transfer Station.

(Amended article 11, 5/3/99 ATM) Adopted under Article 6  
Annual Town Meeting  
May 1, 2006

***Notification of voters***

Each family of registered voters shall be notified of future town meetings by postal card.

Adopted under Article 1  
Special Town Meeting  
October 18, 1972

Authorized the use of the Community Newsletter, in lieu of postcards, at the discretion of the Selectmen, to notify voters of town meetings.

Adopted under Article 5  
Annual Town Meeting  
May 21, 1979

***Quorum Requirement***

In order for a Town Meeting to be called to order, a quorum consisting of 5% of the registered voters in the Town, as of the end of the most recent voter registration period, must be present.

Adopted under Article 1  
Special Town Meeting  
October 5, 1998

Approved by Attorney General 10/28/98

### ***Composition***

The legislative body in the Town of Warwick is the Open Town Meeting. Membership of the town meeting includes all the legal voters of the Town (MGL Chapter 39, section 18). An open town meeting is not a representative body, but a popular assembly where each registered voter “. . . has an indisputable right to vote upon every question presented as well as to discuss it. .” (Opinions of the Justices, 229 Mass. 601, 1918).

### ***Powers and Duties***

Town Meeting exercises legislative powers by action of the electorate at the annual town election and by actions at the annual and special business sessions.

Town Meeting exercises its legislative powers by a simple majority of the voters present and with certain exceptions (e.g. MGL Chapter 44, sections 2,4,7,8,20).

### ***Town Election***

The Annual Town Election will be held the third Monday in May.

*(changed from vote at 1979 ATM)*

Adopted under Article 5  
Annual Town Meeting  
May 7 & 14, 2007

## **B. ELECTED OFFICIALS**

### ***Assessors***

#### **a. Method of Election, Term of Office**

The three Assessors are elected at the annual town election for a term of three years, with one third of their number elected annually (MGL Chapter 41, sections 1, 24).

#### **b. Powers and Duties**

The Assessors are responsible for the administrative and technical work in appraising property for tax purposes and assessing taxes. The Assessors determine the valuation of real and personal property for municipal tax purposes, and for levying and abating taxes (MGL Chapter 41, sections 1,24,28).

***Auditor*** – Position abolished under Article 9 at Annual Town Meeting May 3, 2004.

***Board of Health***

a. Term of Office, Method of Election

The three members are elected at the annual town election for a term of three years, with one third of their number elected annually (MGL Chapter 41, section 1 and adopted under Article 5, Special Town Meeting January 12, 1976).

a. Powers and Duties

The Board of Health is responsible for public health regulations in town including inspection of new septic systems and dry wells, issuance of permits for installing, altering, repairing septic systems, maintenance and administration of the town's transfer station, health related clinics, licenses for temporary food permits and for the sale of milk (MGL Chapter 41, sections 1, 21, and Chapter 111, section 26 and adopted under Article 6, Special Town Meeting July 13, 1977).

***Cemetery Commissioners***

a. Method of Election, Term of Office

The three members are elected at the annual town election for a term of three years, with one third of their number elected annually (MGL Chapter 41, section 21, and Chapter 114, sections 22, 27).

b. Powers and Duties

The commissioners are responsible for the supervision, care, and management of all public burial grounds in the town. The Board may also lay out existing or new burial grounds (MGL Chapter 114, sections 22, 23, 24, 25, 27).

***Constables***

a. Method of Election, Term of Office

The three constables are elected at the annual town election for a term of three years, with one third of their number elected annually (MGL Chapter 41, section 1 and adopted under Article 45, Annual Town Meeting March 4, 1957).

b. Powers and Duties

Constables may serve writs or processes, post warrants, and shall have the powers of sheriffs to require aid in the execution of their duties in the provision of the safety of both persons and property in the town (MGL Chapter 41, section 94).

***Moderator***

a. Method of Election, Term of Office

The Moderator is elected at the annual town election for a term of one year (MGL Chapter 39, section 14).

b. Powers and Duties

The Moderator presides over and regulates the proceedings of all session of the town meetings. The Moderator decodes all questions of order, makes public declarations of all votes, and may administer in open meeting the oath of office to town officers (MGL Chapter 39, section 15). No person may address the town meeting without recognition of the Moderator, and he/she may cause the removal of any disorderly persons from the meeting (MGL Chapter 39, section 17).

***Regional School District Committee***

Pioneer Valley Regional School District established under Article 2, Annual Town Meeting, May 6, 1991.

b. Method of Election, Term of Office

Three members are elected at the bi-annual state elections for a term of four years each.

c. Powers and Duties

The School Committee is entrusted with broad powers to exercise control and supervision over education within the regional school district. It has powers to appoint the school superintendent and other school personnel, to delegate authority on a wide range of issues, create a budget, and to formulate general policies (MGL Chapter 71, section 16).

***Selectmen***

a. Method of Election, Term of Office

There are three members of the Board of Selectmen. The Selectmen are elected at the annual town election for a term of three years, with one third of their number elected annually (MGL Chapter 41, sections 1,2,21).

b. Powers and Duties

The Board of Selectmen is an agent of the law making body, the town meeting. The Board is responsible for carrying out the wishes of the town meeting and for providing administration to the town departments.

The Board of Selectmen serves as chief executive of the town and has general supervision over all matters not assigned by statute or bylaw to other town officers.

The Selectmen have the power to appoint certain town officers and boards and the Board has the authority to issue licenses and permits for a variety of activities (MGL Chapter 41, sections 20, 21, 22,23).

***Town Clerk***

a. Method of Election, Term of Office

The Town Clerk is elected at the annual town election for a term of three years (MGL Chapter 41, section 1). {Term changed to 3 years; adopted under Article 8, Annual Town Meeting May 3, 2004}

b. Powers and Duties

The Town Clerk is responsible for the performance of all duties of the office of Town Clerk as mandated by state law. Included are the recording of births, deaths, marriages, the issuance and collection of fees for licenses, recording minutes at all town meetings, as well as broad responsibilities in the area of elections (MGL Chapter 41, section 15).

***Tree Warden***

a. Method of Election, Term of Office

The Tree Warden is elected at the annual town election for a term of one year (MGL Chapter 41, sections 1, 23).

b. Powers and Duties

The tree warden has the complete control of all public shade trees and shrubs in the town. No tree on public property shall be cut or planted without the permission of the tree warden. The warden supervises any tree work that is done close to the roadside, and is responsible for monitoring insect pest effects on public trees such as gypsy moth control (MGL Chapter 41, section 69D).

### ***Trustees of the Free Public Library***

#### a. Method of Election, Term of Office

The six trustees are elected at the annual town election for a term of three years, with one third of their number elected annually (MGL Chapter 78, section 10 and adopted under Article 3, Special Town Meeting December 5, 1932).

#### b. Powers and Duties

The Library Trustees oversee the operation of the Warwick Free Public Library. The library receives state and local funding and is also supported in part by trust funds. The trustees administer these monies as well as supervise the town librarian (MGL Chapter 78, sections 11,12).

## **C. APPOINTMENTS MADE BY SELECTMEN**

### ***ADA Coordinator***

- a. Members & Term: 1 person appointed annually
- b. Responsibilities: Coordinates Americans with Disabilities Act for town; ensures town compliance

### ***Animal Control Officer***

- a. Members & Term: 1 person appointed annually (MGL Ch. 140, sec 151; MGL Ch. 129, sec 15). Position established under Article 19, Annual Town Meeting May 1, 2000.
- b. Responsibilities: ACO combines the positions of Dog Officer and Inspector of Barns and Animals. The Dog Officer is responsible for dealing with stray and lost dogs, nuisance dogs, dog bites, home finder service, rabies clinics, and any other dog related matters.

The Inspector of Barns & Animals is responsible for checking the conditions under which cattle and domestic animals are kept and the condition the animals themselves are in, and to act accordingly (MGL Ch. 129, sec 2).

### ***Burial Agent***

- a. Members & Term: 1 person appointed annually (MGL Ch. 115, sec 7).
- b. Responsibilities: The burial agent works with families and/or funeral homes when a burial is needed in the Town of Warwick (MGL Ch. 115, sec 7).

### ***Caretaker of the Clock***

- a. Members & Term: 1 person appointed annually

- b. Responsibilities: The caretaker of the clock ensures the accuracy and maintenance of the Town Clock (accepted in 1884), which includes winding once a week and oiling every three months.

### ***Civil Defense Director***

- a. Members & Term: 1 person appointed annually
- b. Responsibilities: The Civil Defense Director is responsible for developing a disaster plan and for coordinating the activities with state and local agencies.

### ***Conservation Commission***

- a. Members & Term: 6 members appointed for 3 years each, with one third appointed annually (MGL CH. 40, sec 8C and adopted under Article 27, Annual Town Meeting March 6, 1973).
- b. Responsibilities: The commission is responsible for the protection of the Town's natural resources through planning and advising. The commission is also carries out the administration and enforcement of the Wetlands Protection Act. The commission shall conduct researches into its local land areas and shall seek to coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print, and distribute books, maps, charts, plans, and pamphlets which in its judgment it deems necessary for its work (MGL Ch. 40, sec 8C).

### ***Council on Aging***

- a. Members & Term: 6 members appointed for 3 years, with one third appointed annually (adopted under Article 17, Annual Town Meeting May 10, 1982).
- b. Responsibilities: The Council on Aging coordinates and carries out programs designed to meet the needs of the town's elders. The Council works closely with the Franklin County Home Care Corporation and the Massachusetts Department of Elder Affairs in providing needed services (MGL Ch. 40, sec 85).

### ***Crockery Committee***

- a. Members & Term: 3 members appointed annually
- b. Responsibilities: The committee is charged with managing the dishes, silver, pots, and pans for the Town Hall.

### ***Cultural Council***

- a. Members & Term: 6 members appointed for 3 years each
- b. Responsibilities: The cultural council establishes the guidelines for the use of Massachusetts Cultural Council funds, determining if applications comply with those guidelines, certifying payment to and overseeing the ultimate use of the funds by the town and acting as liaison with local and regional arts councils (MGL Ch. 10, sec 35A; formerly known as Warwick Arts Lottery Council).

### ***Electrical Inspector***

- a. Member & Term: 1 person appointed annually
- b. Responsibilities: The inspector administers and enforces the state building code as it relates to wiring and electrical work in new and renovated building projects.

### ***Fence Viewer***

- a. Members & Term: 1 person appointed annually (MGL Ch. 49, sec 1)
- b. Responsibilities: It is the Fence Viewers' duty to ensure that legally prescribed fences are properly maintained. They oversee proceedings of neglect of fences and settle controversies abutters may have over the repair of fences (MGL Ch. 49, sec 1-20).

### ***Field Driver***

- a. Members & Term: 1 person appointed annually (MGL CH. 49, sec 22). This position is traditionally given to the first married male in the New Year in Warwick.
- b. Responsibilities: A field driver shall take up horses, mules, asses, neat cattle, sheep, goats, or swine going at large in public ways or on Common and unimproved land within the town and not under the care of a keeper (MGL Ch. 49, sec 24).

### ***Fire Chief***

- a. Members & Term: 1 chief appointed annually
- b. Responsibilities: The fire chief has full charge of extinguishing fires in the town and the protection of life and property in the case of fire. The chief has full authority in the administration of the department and makes rules and regulations for its operation (MGL Ch. 48).

### ***Forest Warden***

- a. Members & Term: 1 person appointed annually
- b. Responsibilities: The warden has full charge to extinguish forest fires in the Town of Warwick (MGL Ch. 40, sec 11 and Ch. 48, sec 8-41).

### ***Franklin County Solid Waste Committee***

- a. Members & Term: 1 person appointed annually
- b. Responsibilities: Represents the town on the county Solid Waste Committee

### ***Hazardous Waste Coordinator***

- a. Members & Term: 1 person appointed annually
- b. Responsibilities: The coordinator works with the County Hazardous Waste Committee and keeps the public informed about hazardous waste. The coordinator

can work with the Con Com, Planning Board, Board of Health, and the Board of Selectmen to help the town keep track of changing issues and conditions.

### ***Highway Superintendent***

- a. Members & Term: 1 superintendent appointed annually
- b. Responsibilities: The Highway Superintendent oversees the construction and maintenance of approximately 60 miles of Town roads. The Superintendent employs three highway employees with the approval of the Selectmen. The department plows snow, maintain bridges, and patches and grades roads (MGL Ch. 41, sec 62-68).

### ***Historical Commission***

- a. Members & Term: 4 members appointed for 3 years each (adopted under Article 25, Annual Town Meeting May 22, 1978)
- b. Responsibilities: The commission is responsible for the preservation, protection, and development of the historical or archaeological assets of the Town. The Historical Commission researches for places of historical value, cooperates with the state archaeologist, and coordinates activities of the unofficial bodies organized for similar purposes. It may prepare publications which it deems necessary for its work. It is responsible to report to the state archaeologist the existence of certain historical discoveries in accordance with Chapter 9, section 27C (MGL Ch. 40, sec 8d).

### ***Inspector of Buildings***

- a. Members & Term: 1 person appointed annually (MGL Ch. 143, sec 3)
- b. Responsibilities: The inspector is the administrative chief responsible for administering and enforcing the state building code as well as MGL Ch. 22, sec 13A and its rules and regulations. The inspector shall report directly and be solely responsible to the person or public body that appointed him/her. (MGL Ch. 143, sec 3 and 780 CMR 108).

### ***Janitor – Town Hall***

- a. Members & Term: 1 person appointed annually
- b. Responsibilities: The janitor is responsible for building maintenance, stoking the furnace, snow removal of entrance ways, repairs, and suggestions for same.

### ***Memorial Days Committee***

- a. Members & Term: 3 members appointed annually
- b. Responsibilities: The committee is responsible for planning and organizing the town Memorial Day celebration.

### ***Old Home Days Committee***

- a. Members & Term: 3 members appointed annually
- b. Responsibilities: The committee organizes and plans events for the annual Old Home Days celebration in Warwick, coordinating with other groups in town.

### ***Open Space Committee***

- c. Members & Term: 12 members appointed for 3 years each, with one quarter of the committee appointed annually (established under Article 6, Annual Town Meeting May 5, 2003).
- a. Responsibilities: The WOSC provides guidance to the Selectmen, town Boards, and residents on how to maintain the rural character and sense of community of Warwick through protecting and encouraging wise use of land and natural resources, enhancing recreational opportunities, and encouraging appropriate economic and residential development.

### ***Personnel Committee***

- a. Members & Term: 3 members appointed annually
- b. Responsibilities: To act as the Personnel Board/Committee as described in the Personnel Policy and to research and make recommendations on other personnel issues as directed by the Board of Selectmen.

### ***Plumbing Inspector***

- a. Members & Term: 1 person appointed annually
- b. Responsibilities: The inspector administers and enforces the state building code as it relates to plumbing in new construction and renovation.

### ***Police Chief***

- a. Members & Term: 1 chief appointed annually
- b. Responsibilities: The Chief shall be in immediate control of all town property used by the department, and of the police officers whom he/she shall assign to their respective duties and who shall obey his/her orders (MGL Ch. 41, sec 97A, 98 and adopted under Article 28, Annual Town Meeting May 22, 1978).

### ***Police Officers***

- a. Members & Term: 8 officers appointed annually
- b. Responsibilities: The police shall suppress and prevent disturbance and disorder and may disperse and arrest persons who do not give a satisfactory account of themselves (MGL Ch. 41, sec 98).

### ***Recreation Commission***

- a. Members & Term: 3 members appointed annually (MGL Ch. 41, sec 1 and established under Article 17, Annual Town Meeting May 1, 1995).
- b. Responsibilities: The commission coordinates recreational events, afterschool sports activities, and maintains equipment they own for recreation purposes.

### ***Recycling Coordinator***

- a. Members & Term: 1 person appointed annually (established under Article 34, Annual Town Meeting May 3, 2004)
- b. Responsibilities: The coordinator ensures that the town complies with the recycling bylaw and regional activities relative to recycling.

### ***RTA Representative***

- a. Members & Term: 1 person appointed annually
- b. Responsibilities: To represent the Town of Warwick's interests in Franklin County Regional Transit Authority meetings and report back to the Selectmen. The FCRTA coordinates transportation services and obtains federal and state funding for the services for most towns in the region.

### ***Registrar of Voters***

- a. Members & Term: 3 members appointed annually (MGL Ch. 51, sec 17)
- b. Responsibilities: The Registrars of Voters are responsible for preparing accurate lists of all town residents who are eligible to vote. The registrars also certify nomination papers, preside over recounts, and assist in the conduct of local elections (MGL Ch. 51, sec 33).

### ***Surveyor of Lumber***

- a. Members & Term: 3 members appointed annually (MGL Ch. 41, sec 1)
- b. Responsibilities: Settle disputes over measurement of lumber.

### ***Tax Collector***

- a. Members & Term

The Tax Collector is appointed for a term to be determined by the Selectboard (MGL Chapter 41, section 1); Position changed from elected to appointed and approved at Annual Town Meeting May 3, 2004 and Annual Town Election March 14, 2005.

- b. Powers and Duties

The Tax Collector is responsible for the overall administration of local taxes. The collector enforces the tax laws to ensure a high level of voluntary payment and is responsible for properly maintaining tax records, accounting of the taxes received, and paying over all receipts to the treasurer (MGL Chapter 41, sections 38A; Chapter 60, sections 2,3).

### ***Tech School Committee***

Franklin County Technical School District established under Article 1, Special Town Meeting November 14, 1972.

- a. Members & Term: 1 representative appointed annually at the beginning of the fiscal year (MGL Ch. 41, sec 1).
- b. Responsibilities: see “Powers & Duties” under Regional School Committee (MGL Ch. 71, sec 16).

### ***Town Accountant***

- a. Members & Term: 1 person appointed annually
- b. Responsibilities: Provides periodical reports on the Town’s financial condition and reviews the work of the Treasurer (MGL Ch. 41, sec 55).

### ***Town Coordinator***

- a. Members & Term: 1 person appointed annually (established under Article 12, Annual Town Meeting May 1, 2000).
- b. Responsibilities: The town coordinator provides managerial and planning assistance to the Selectmen and serves as a liaison to state and local agencies, prepares grant applications, researches and reports on issues for the Selectmen. The position is under the authority and supervision of the Selectboard.

### ***Town Counsel***

- a. Members & Term: 1 member appointed annually
- b. Responsibilities: The Town Counsel acts as legal advisor to the Town interpreting state law and offering opinions on the legality of proposed warrant articles, by-laws, actions, contracts, etc. The use of Town Counsel is regulated by the Board of Selectmen and the Board must approve the purpose for which Town Counsel is sought, unless state law provides otherwise (MGL Ch. 268A, sec 22). The Town Counsel performs two major functions in Warwick: he/she acts as the Town’s agent in any legal action, and he/she represents Town Departments in specific actions such as State Appellate Tax Board hearings.

### ***Town Forest Committee***

- a. Members & Terms: 3 members appointed annually

- b. Responsibilities: The committee is responsible for managing the town forests, including cutting, and checking forest boundaries.

***Town Secretary***

- a. Member & Term: 1 person appointed annually (established Article 13, Annual Town Meeting, May 1, 2000).
- b. Responsibilities: The secretary records the minutes of the Selectboard meetings, compiles the Annual Town Report, and completes other projects as directed by the Selectboard or Town Coordinator. Position is under the authority and supervision of the Selectboard.

***Treasurer***

- a. Members & Term: 1 person appointed for term to be determined by the Selectboard (MGL Chapter 41, section 1); Position changed from elected to appointed and approved at Annual Town Meeting May 3, 2004 and Annual Town Election March 14, 2005.
- b. Powers and Duties

The Treasurer is responsible for the management of all town monies. The Treasurer receives and disburses all cash, invests temporarily available cash, issues and manages debt obligations, and manages banking relations. The Treasurer also administers group insurance, is responsible for payroll, and supervises the pension and retirement systems for town employees (MGL Chapter 41, section 35).

***Veterans Agent***

- a. Members & Term: 1 member appointed annually (MGL Ch. 115, sec 3)
- b. Responsibilities: Acts for the Selectmen in the disbursement of Veterans' benefits by the Town. Accepts and processes applications for benefits from veterans, their spouses and/or dependents. Files for reimbursement of said benefits from the state Department of Veterans Services (MGL Ch. 115, sec 3, 4, 6).

***Veterans Grave Agent***

- a. Members & Term: 1 member appointed annually
- b. Responsibilities: The agent marks out graves, calls mortuary to dig the graves, and keeps records of the same.

***Worker's Compensation Agent***

- a. Member & Term: 1 person appointed annually

- b. Responsibilities: Serves as a liaison between the town's Workers Compensation agent and town employees filing for said compensation. Reviews the town's worker's com policies to ensure that coverage is adequate and that the town has been billed fairly.

### ***Zoning Board of Appeals***

- a. Members & Term: 5 members appointed for 5 year terms (MGL Ch. 40A, sec 12; adopted under Article 2 of Special Town Meeting November 16, 1974 and Section 16 of Warwick Zoning By-laws).
- b. Responsibilities: The ZBA is responsible for reviewing land and structure usage as stipulated in the Warwick Zoning By-laws and the Warwick Subdivision Control By-law. The ZBA may grant special permits and variances (MGL Ch. 40A, and Ch. 41, sec 81Z and Section 126.81 of the State Building Code).

## **E. APPOINTMENTS MADE BY MODERATOR**

### ***Planning Board***

- a. Members: 5
- b. Term of Office: 5 years (Adopted Article 3, Special Town Meeting 10/17/73; amended Article 8, Special Town Meeting 6/18/74 and again Article 29, Annual Town Meeting 5/19/75)
- c. Responsibilities: The Planning Board is granted power under state law to influence the Town's development, both physical and economic. The Planning Board can make a master plan of the Town showing existing and desired features. The Board holds hearings on proposed amendments to the Town's Zoning By-Laws. The Board is also responsible for enforcement of the Town's subdivision control by-law (MGL Chapter 41, sections 81A-G).

### ***Finance Committee***

- a. Members: 5
- b. Term of Office: 3 years (Adopted Article 26, Annual Town Meeting 5/16/77; amended Article 4, Annual Town Meeting 5/19/80; amended to reduce number of members from 7 to 5 again, Article 17, Annual Town Meeting 5/2/94. Approved by Attorney General)
- c. Responsibilities: The Finance Committee is responsible for reviewing and advising Town Meeting about articles included in the Town Meeting warrant. The Committee participates in the budget process by reviewing department budgets and making recommendations as to alternatives and cost impacts of Town expenditures. The Finance Committee can also authorize transfers from the Reserve Fund for unanticipated expenditures (MGL Chapter 39, section 16).

## **F. PERSONNEL MATTERS**

### ***Mileage***

Voted to authorize \$ 0.32 per mile reimbursement for all elected and appointed officials on official Town business, excepting contracted services, and further to allow reimbursement as indicated in the respective budgets.

Adopted under Article 12  
Annual Town Meeting  
May 2, 2005

### ***Policy***

## **Personnel Policy and Procedures**

### **I. Title**

The provisions of this regulation shall be entitled the “Personnel Policies and Procedures, Town of Warwick, Massachusetts.” This regulation may be referred to as the “Policy” for the purposes of these policies and procedures.

### **II. Effective Date For Application of Policy**

This Policy shall take effect upon adoption by the Warwick Selectboard and a public hearing and shall repeal all previous policies and procedures. {Public Hearing held Nov. 27, 2000; Adopted by BOS December 4, 2000.}

### **III. Scope of the policy.**

This Policy solely shall apply to all paid employees of the Town of Warwick, except those in offices filled by popular election. Each board, commission, committee, town official or other town authority having any town employee under its direction shall, for the purposes of this regulation, be referred to as a Department Head, and shall have its jurisdiction fixed in accordance with, and only in accordance with the job classifications set forth in this Policy.

### **IV. Definitions**

As used in this Policy, the following words and phrases shall have the following meanings unless a different meaning is clearly required by the laws of the Commonwealth:

**Base wage or pay** —The minimum wage or pay for a specific job classification.

**Board** \_Refers to the Selectboard or other appointing authority for the Town of Warwick, Massachusetts.

**Civil Service Law** \_Chapter 31 of the General Laws of the Commonwealth, as amended and all rules and regulations made there under; and any special law enacted by the General Court regulating the classifications, compensation and conditions of employment of Officers and employees of the Town under Chapter 31.

**Compensatory Time** \_Employment time may be given in lieu of overtime when deemed necessary and shall be used within thirty (30) days and administered by the department head and/or appropriate board. Compensatory time will be provided in conformance with FLSA.

**Continuous Employment** \_Employment uninterrupted except for required military service and for authorized vacation, sick leave, bereavement leave, court leave, or other leave of absence. Continuous employment shall be in conformance with FLSA and PERA

**Department** \_Any department, board, committee, commission, or other agency of the Town subject to this Policy.

**Department Head** \_The officer, board or any other body having immediate supervision and control of a department; in the instance of a department serving under the supervision and control of the Selectboard, appointing authority, the officer, the board, or any other body responsible to the Selectboard for the administration of the department.

**Emergency Employment** Employment made for not more than one week without the prior approval of the Selectboard; this employment is to cover any unforeseen emergency The Department Head hiring such employee shall notify the Selectboard of his/her action as soon as possible.

**Emergency Employee** \_An employee retained on emergency employment to serve for a period not exceeding one week unless an extension is granted by the Selectboard.

**Full Time Employee** \_An Employee retained on full-time employment on record or appointed by the Selectboard.

**Full-time Employment** \_Employment for not less than eight (8) hours per day for five days or forty (40) hours a week for fifty two (52) weeks per year, minus legal holidays, authorized military leave, bereavement leave, vacation leave, court leave, sick leave and leave of absence, beginning at such time with the recording of the appointment in the Selectboard's minutes.

**Grievance** A dispute between an employee and his/her supervisor arising out of an exercise of administration discretion by such supervisor.

**Overtime** Time in excess of the normal work week of forty (40) hours during periods of normal highway maintenance. During snow removal, over time begins after eight (8) working hours per day and as in FLSA.

**Part-time employee** Employee retained to work less than an eight (8) hour day, five day a week period.

**Part-time Employment** -Employee retained on a continuing basis in a permanent position as defined herein.

**Performance Evaluation** -Written review of an employee's job performance as outlined in job description.

**Permanent Employee** An employee retained by the Town of Warwick to work on a full-time basis on a continuing basis in a permanent position

**Permanent Full-time Employee** An employee who has been retained by the Town of Warwick to work on a full-time basis in a permanent position.

**Permanent Position** Any position in the Town which has required or which is likely to require the services of an incumbent without interruption for a period of more than six (6) calendar months either on a full-time or part-time basis.

**Personnel Board** Appointed by the the Warwick Selectboard, the Personnel Board is responsible for all personnel decisions regarding Town employees, unless designated otherwise in this Policy.

**Personnel Record** The file which contains all pertinent information about a Town employee including job evaluations, medical exam form, and any disciplinary action taken against an employee. The Personnel Board is responsible for keeping and maintaining the personnel file.

**Review Period** The first three months of employment for permanent employees, ending after a successful performance evaluation by the supervisor and approval by the Selectboard.

**Temporary Employee** An employee retained in a temporary position as defined herein.

**Temporary Position** Any position in the Town which is not permanent, but which requires or is likely to require the services of a person for a period not exceeding six (6) months.

**Town** Refers to the Town of Warwick, Massachusetts.

**Town Meeting** Refers to the Town's legislative body as defined by M.G.L., Chapter 39, s.9 et seq.

**Work Week** The normal work week is from Sunday to Saturday.

## **V. Role of the Selectboard.**

- a. It shall be the responsibility of the Selectboard to administer this Policy consistent with their duties and responsibilities as defined by the Massachusetts Constitution, Massachusetts General Laws and the Charter and Bylaws of the Town of Warwick.
- b. The Selectboard (will) from time to time review this Policy and propose such amendments as they believe appropriate.
- c. The Selectboard may add new job titles and positions to this Policy and reclassify existing jobs. Any creation of salaried positions or increases in the salaries or wages of existing positions under this section shall be effective only if funds are available for the purpose.
- d. Recommendations for changes in wage and salary rates and classifications for the following fiscal year shall be made in writing to the Selectboard not later than the last date for the submission of budgets for that year.

## **VI Employment Practices**

**A. Hiring** Subject to the provisions of this Policy, if a vacancy occurs, or a new position is established, the Department Head shall, subject to the approval of the Selectboard, advertise the opening. All open positions, part-time and full-time, for employment in the Town, shall not be filled until they have been posted for seven days on the public bulletin board at the Town Hall, except those positions filled on an emergency basis. In addition, the position shall be advertised locally. Applications shall be received by the Selectboard, logged in, etc. Copies to be sent to the Department Head for interviews. The Department Head shall choose the applicant best suited for the advertised position. The choice of the Department Head or Board shall be subject to the review of the Selectboard.

**B. Prior to being hired,** a prospective employee will be given a job description by the person or Board doing the hiring. The prospective employee will also be told what type of employee he/she is; ie. part-time, full-time etc.

**C. Physical Examination, Medical Exam and Pre-Employment Drug Testing** Prior to final appointment every new employee may be required to undergo a report from the attending physician, the Selectboard may then decide upon satisfaction with the report and act accordingly. Highway Department employees with a Commercial Drivers License will be required to undergo pre employment and random drug testing

**D. Review** — The first three (3) months of an employee's continuous service shall constitute his/her review period. During this period, said employee may be terminated with one week's written notice by the Department Head, subject to any review the Selectboard may believe to be appropriate. The termination of any employee by the procedure described in this

paragraph shall not infringe on said employee's constitutional and statutory rights. At the end of the three months probationary period the Department Head will complete an evaluation of the employee. This evaluation will become a permanent part of the employee's personnel record.

**E. Termination** Upon the expiration of the three (3) month probationary period, an employee of the Town shall be terminated only for just cause or such other reasons as stated in the writing by the Department Head's recommendation to the Selectboard. This appeal shall follow the steps described in the second paragraph of the Grievance Procedure section of this Policy.

**F. Grievance Procedure** — There shall be a grievance procedure available to those non-probationary employees of the Town whose rights under this Policy have in any way been infringed upon, and covering all other grievances except those that would properly be under the jurisdiction of the Civil Service Commission or other duly established appeal board. For grievances involving sexual harassment, see attached policy Should any grievance arise between the town and any employee, an effort shall be made to settle such difference as follows:

The first and second steps in this grievance procedure are informal efforts to resolve problems where they arise and with the parties directly involved the third and fourth steps provide a means of further appeal to the Personnel Board and to the Selectboard. The employee may be accompanied by and represented by another individual at Step 3 or Step 4 of this procedure. He or she must include the name of the representative in the written requests submitted to the Personnel Board for a Step 3 hearing and to the Selectboard for a Step 4 hearing

The employee will follow the steps in the order described below; however the employee may contact the Personnel Board directly if, for the particular grievance, it seems inappropriate for the employee to discuss the problem with the department head or supervisor. Also, the Town Coordinator may be contacted at any time for additional information, guidance or assistance in interpreting any part of this grievance procedure.

Step 1. Within thirty calendar days of the incident or the action causing the problem, the complaint will be discussed with the immediate supervisor, who in some cases will be the department head. The supervisor will provide the grievant in writing with a brief summary of the problem and a response to it within five calendar days following the meeting. If the immediate supervisor is the department head, the next step in this procedure is Step 3: otherwise, Step 2 applies.

Step 2. If the supervisor's reply does not resolve the problem to the employee's satisfaction, the employee may submit a written description of the complaint to the department head within five calendar days from the date of the supervisor's written response. The department head will discuss the situation with the employee and will provide the employee with a written response within seven calendar days following receipt of the written description of the complaint.

Step 3. If the department head's response does not resolve the problem to the employee's satisfaction, the employee may request that the complaint be reviewed by the Personnel Board.

The request to the Personnel Board will be submitted in writing within fourteen days following the receipt of the response of the department head. The request will include the following:

- i. A description of the incident or action which caused the complaint and specifically what the complaint is.
- ii. What the employee considers to be a satisfactory resolution of the matter.
- iii. Why the department head's and/or supervisor's decision is either unfair or fails to provide an adequate solution .
- iv. The name of the representative if the employee has decided to be accompanied and represented by another individual at the Personnel Board hearing.

Within seven days of receipt of the request for a hearing, the full Personnel Board will hold a preliminary meeting to review the grievance and determine whether the grievance merits a full hearing. If the Personnel Board will hold a preliminary meeting to review the grievance and determines a hearing is warranted, it will designate the time and place for a hearing and all parties will be notified. During that hearing, the Personnel Board will review the entire case, may seek additional relevant information, and may interview any of the parties involved. The grievant or his/her representative will have the right to present information, both in writing and through witnesses, and to question others who have provided information.

The Personnel Board will issue written findings and recommendations within fourteen (14) days with copies to all parties concerned.

If one of the parties in the grievance is the Selectboard, then the decision of the Personnel Board shall be final and binding on all parties.

Step 4. If the Personnel Board's response does not resolve the problem to the employee's satisfaction the employee may request that the complaint be reviewed by the Selectboard. The request to the Selectboard will be submitted in writing within fourteen days following the receipt of the response of the Personnel Board. The request will include the following.

- i. A description of the incident or action which caused the complaint and specifically what the complaint is.
- ii. What the employee considers to be a satisfactory resolution of the matter.
- iii. Why the department head's and/or supervisor's decision and/or the Personnel Board's decision is either unfair or fails to provide an adequate solution.
- iv. The name of the representative if the employee has decided to be accompanied and represented by another individual at the Selectboard's hearing.

Within seven calendar days of receipt of the request for a hearing, the Selectboard will hold a preliminary meeting, and notify all parties of the meeting, to review the grievance and determine

whether the grievance merits a full hearing. If the Selectboard determines that a hearing is warranted, it will designate the time and place for a hearing and all parties will be notified. During that hearing, the Selectboard will review the entire case, may seek additional relevant information, and may interview any of the parties involved. The grievant or his/her representative will have the right to present information, both in writing and through witnesses, and to question others who have provided information.

The Selectboard will issue written findings and recommendation within fourteen (14) days with copies to all parties concerned. The decision of the Selectboard shall be final and binding on all parties.

**G. Termination** Employment with the Town has no specific term or length. Employees are free to resign at any time and the Town reserves the right to terminate employment for any reason permissible by law.

**Voluntary Termination** If one should resign from the Town, the Town would appreciate as much advance notice as possible so that arrangements can be made for a replacement. Usually, two (2) weeks written notice is sufficient, except if the employee is in a supervisory capacity, in which case the Town would appreciate a one (1) month written notice. If one resigns, he/she will be paid for accrued but unused vacation time. One will not be paid for any unused accrued sick leave or personal leave.

**Involuntary Termination** — One is expected to meet standards of performance, attendance and behavior and to follow Town policies and procedures. An employee may be terminated for failure to do so.

Involuntarily terminated employees will be paid through the date of termination. He/she will receive pay for any accrued but unused vacation time. Notwithstanding the above M.G.L Chapter .39, section 23B procedure shall apply rather than the above where appropriate.

## **VII. Personnel Policy**

- a. No person shall be appointed, employed or paid as an employee except on an emergency basis, in any position subject to the provisions of this policy, under any title other than those of classification schedule which may be developed by the Selectboard or Appointing Authority.
- b. All new employees shall be hired at base pay for the position, unless it has been determined by the Department Head and the Selectboard that the qualifications of the person warrant a higher wage or salary.
- c. Wage or salary increases shall be based on merit, not necessarily on length of service, and shall be made only on the recommendation of the responsible Department Head and the approval of the Selectboard.

- d. Each Department Head may, if conditions warrant, employ persons on an emergency basis, for a period not to exceed one (1) calendar week, without prior approval of the Selectboard. The Department Head must defend this hiring at the next meeting of the Selectboard. Repeated emergency employment circumstances are unlikely, and must be justified to the Selectboard. Department heads must maintain a standby list of approved emergency employees for emergency employment.
- e. The Selectboard will, before each Annual Town Meeting, develop a base pay schedule for all job classifications for Town employees for the following fiscal year

### **VIII. Non-Discrimination Statement**

The Town is fully committed to the concept and practice of equal employment opportunity. We will continue to strive for equality and hope to maintain this goal as the Town grows. Consistent with the Town's commitment to equal employment opportunity, all decisions pertaining to employment, compensation or advancement will be based on sound business needs and without regard to race, color, religion, national origin, gender, age, handicap, sexual orientation or veteran status.

### **IX Personnel Records**

A personnel record of all Town employees and recruitment transactions shall be kept by the Select board/Personnel Board in its office. This record shall contain the employee's application for employment and other permanent data. It shall be the duty of each Department Head to furnish the Personnel Board with all information needed for the completion of this record.

Each Department Head shall submit to the Town Accountant, with the weekly pay warrant, a time sheet for each employee. This time sheet shall specify the number of hours worked and any leave taken, as well as any pertinent information for the personnel record.

### **X. Benefits**

In order to be eligible for **fringe benefits** (Sub-section a-i), with the exception of Holiday pay and Health Insurance, an employee must be designated as permanent full-time or permanent part-time, the permanent part-time employees benefits to be prorated to the actual days worked, and all employees must have completed the three (3) month review period. The official work year in reference to any benefits shall be the same as the fiscal year: July 1 through June 30. The official Department Head is responsible for entering on the departmental payroll all amounts payable under this section.

- a. **Leave of Absence** -- Reasonable requests for a leave of absence may be granted by the Department Head, at their discretion, with the approval of the Selectboard. Such a leave shall fall into two categories:

**Section 1. Personal Leave** — allowable only if the work load permits and the absence of the employee will not cause undue hardship to the department. The maximum leave is eight (8) weeks. This leave will be taken as vacation and/or unpaid leave. Fringe benefits will not be provided to employees during unpaid leaves of absence for personal reasons.

**Section 2. Medical or Maternity** — This leave can be taken up to a maximum of eight weeks. Fringe benefits will be provided during this period of time. The Family Medical Leave Act will be sick leave.

**b. Sick Leave**

**Section 1.** The term “sick leave” shall apply to personal illness, disabling accidents (not work-related), prescribed medical examinations for absences concerned with sickness or accident. Three or more consecutive days of sick leave will require a physician’s certificate to be submitted to the Department Head and/or appropriate board.

**Section 2. A permanent employee** shall accrue sick leave after completing the three (3) month review period, at the rate of one (1) day per month, retroactive to the first full month, not to exceed ten (10) days per year. Unused sick leave shall accumulate to a maximum of 45 days.

**Section 3. Notification of absence due** to illness must be made as early as possible on the day of absence to the Department Head.

**Section 4. Injury, illness or disability** self imposed, or resulting from the use of alcohol or drugs, shall not be considered a proper claim for sick leave under this section.

**Section 5. Upon termination** of employment with the Town, all sick leave benefits accumulated or otherwise, of the employee shall cease.

**c. Vacations**

**The vacation period** shall be July 1 to June 30, and vacation pay shall be based on the following schedule:

<b>Time Employed</b>	<b>Length of Vacation</b>
1 year, but less than 7 years	10 days
7 years, but less than 15 years	15 days
15 years and over	20 days

Vacations shall be granted by the Department Head at such times as, in their opinion, will cause the least interference with the performance of their departments.

Vacations must be taken in the year in which they are due, and shall not accumulate from year to year. Employees must give at least two (2) weeks notice of two or more consecutive days desired vacation time to the Department Head. The Department Head will notify the Selectboard in writing in advance of the desired vacation time.

Whenever the employment of any person subject to the provisions of this policy is terminated during a year by dismissal, layoff, resignation, retirement, or death, the employee or their estate shall be paid at the regular rate of compensation payable to them at the termination of their employment, an amount in lieu of such a vacation provided that no monetary or other allowance has already been made therefore.

**d. Holidays**

The holidays to which permanent employees are entitled with pay are Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving, Christmas, New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, and two floating holidays which may be substituted for Martin Luther King or Presidents Day

In order to qualify for holiday credit, an employee shall have worked on the last scheduled day before and the next scheduled day following such holiday.

In the case where an employee is required to work on a paid holiday, the employee will receive time and a half regular wage paid in addition to the holiday pay. If the holiday falls on Sunday, it will be celebrated on Monday. If the holiday falls on Saturday, it will be celebrated on Friday. Holiday time will be taken on the day of the holiday.

**e. Jury Duty**

A permanent employee called for jury duty, or to testify as a witness in a matter before a legal tribunal which involves the Town of Warwick, shall be paid an amount equal to the difference between the monies received from said tribunal, other than travel allowances, and the pay he or she would have received from the Town.

**f. Military Training**

Permanent employees who are required to report for temporary summer or like period of training in the military forces of the Nation or Commonwealth, shall be paid an amount equal to the difference between compensation for normal working period or two weeks and the amount paid for military training. An employee, on request, may combine his/her military leave with a regular--vacation.

**g. Bereavement Leave**

In the event of death in the immediate family of a permanent employee, the employee shall be granted up to three (3) days or up to the day of the funeral, which ever comes first., without loss of pay. Immediate family shall include mother, father, sister, brother, wife, husband, child; or brother, sister, grandparent / child or parent in law. Funeral leave shall in no way be related to regular vacation time or sick leave. The employee in question shall be responsible for notifying the Department Head.

**h. Insurance**

Group life insurance, group health insurance as provided under Chapter 32B of the General Laws shall be available to permanent full time and permanent part time employees who work 20 or more hours per week (accepted at Annual Town Election 1962).

[NOTE: Article 13, Annual Town Meeting May 17, 1976 voted to authorize the Selectmen to pay 75% of the premium cost for its employees' group life, health, and accident insurance.]

**i. Retirement**

The retirement system and pensions as provided under Chapter 32 of the General Laws of Massachusetts, shall be applicable to all permanent employees

**XI. Repeal and Amendment of this Policy.**

This Policy may be altered, repealed, or amended following a public hearing at any Selectmen's meeting specifically called for the purpose, an article for such purpose having been included in the agenda for such meeting

**XII. Severability**

If any provision of this Policy shall conflict with any civil service law or regulation applicable to any position, or any other law, it shall be deemed modified by the law or regulation. The invalidity or any provision hereof shall not be construed to invalidate any other provision of this Policy.

Adopted by Board of Selectmen  
December 4, 2000

**G. PUBLIC WAYS**

(updated 7/1/2007)

***List of Public Roads***

Voted to discontinue all public roads in Warwick except those on the List of Public Roads.

Adopted under Article 17  
Annual Town Meeting  
May 9, 1988

<u>ROAD NAME</u>	<u>DESCRIPTION</u>	<u>MILES</u>	<u>WIDTH</u> (in rods)
Athol Road	from Orange Road to Town Line	3.55	3
Bass Road	from Northfield Rd ending at brook leading to Bass Swamp	1.35	2
Beech Hill Road	from Gale Road southerly to Brush Valley Road past last house	1.10	2
Bliss Hill Road	from Orange Town Line to Royalston Town Line	.20	
<i>(Brush Valley Road</i>	<i>from Beech Hill Road to Orange Road</i>	<i>1.25)</i>	
Buzzell Place Road	from Flower Hill westerly toward Buzzell House	.05	
Chase Hill Road	from Royalston Road to Athol Road	.55	3
Chestnut Hill Road	from junction with West Wilson Rd to Wendell Road	1.05	2
East Rum Brook Rd	from Richmond Road 1000 feet westerly		
East Wilson Road	from Wendell Rd. about 1100 ft northwesterly to southeast side of Wilson Brook	.20	2
Flower Hill Road	from Northfield Rd to Winchester Rd.	2.35	2

Gale Road	from Athol Rd. to Orange Town Line	2.55	
Garage Road	easterly from Winchester Rd 500 ft to Johnson's northwest boundary post; Changed-Article 13, Annual Town Meeting 5/3/99 (see Hettie Belle Lane)	.40	
Hastings Heights Rd.	from Athol Road to Orange Town Line	1.84	3(south end)
Hastings Pond Road	from Orange Road to Cadwell's driveway	1.10	
Hettie Belle Lane	from Garage Rd. easterly for approx. 625 ft.		
Hockanum Road	from Orange Road to Wendell Road	.80	2
Hotel Road	from junction of Orange and Winchester Roads to Athol Road	.05	
Kirk Road	from Orange Rod easterly to Kirk place	.05	
Leland Hill Road	from Northfield Road to Flower Hill Road	.19	2
Mount Grace Avenue	from Orange Road across Northfield Road to dead end	.15	2
Northfield Road	from Northfield Town Line to Winchester Rd. at intersection with Hotel Road	4.55	
North Holden Road	from Orange Road westerly to house	.15	
Old Winchester Road	from Athol Road to State Line (NH)	2.85	
Orange Road (Route 78)	from end of Winchester Road at Warwick center to Orange Town Line	5.0	3 (see layouts)
Paul Road	from Orange Road easterly toward house & buildings	.10	
Pine Street	from Wendell Road to dead end	.18	
Quarry Road	from Wendell Rd to Northfield Town Line	1.55	
Revere Hill Road	from Orange Rd. to intersection of Wendell and Northfield Roads	.25	

Richmond Road	from Athol Road to State Line (NH)	2.80	2; 2.5 rods wide from Rum Brook to Athol Rd.
Robbins Road	from Old Winchester Rd to Winchester Rd (Old Winchester Rd to Richmond Rd abandoned 1987)	.55	3
Rockwood Road	from Hastings Pond Rd to Orange Road	.10	
Royalston Road	from Athol Rd to 1200 feet east of Chase Rd.(see Town Meeting votes 1979, 1980, 1982, 1988)	.55	3
Shaw Place Road	from Wendell Road westerly to Shaw place	.12	
Shepardson Road	from Wendell Rd to White Rd. (see Spooner Road)	1.70	2
Shepardson Place Rd	from Shepardson Rd westerly toward old house	.25	2
Smith Road	re-opened 3/31/75; 1000 feet from Richmond Road	.16	2
South Holden Road	from Wendell Road easterly to Sammy Lane	.22	2.5
Stevens Place Road	from Old Winchester Rd easterly toward Stevens Place	.15	2.5
Wendell Road	from Orange Town Line to intersection of Revere Hill Road	5.35	3
West Rum Brook Road	1400 feet easterly from Old Winchester Rd to dead end at west bank of Rum Brook	.27	
West Wilson Road	from intersection of Flagg and Chestnut Hill Roads 1000 ft. southeasterly to pole #10-733/5, about 50 ft. past Rivers' driveway	.19	2
Wheeler Road	northerly off Orange Road to private way that is ½ mile long with 1 camp & 2 houses	.14	2

	on it		
White Road	from Northfield Rd ending at brook leading to Bass Swamp; past house at 488 White Rd.	1.45	2
Winchester Road (Route 78)	from the end of Orange Road at Warwick Center to State Line (NH)	3.15	3 (Robbins Rd to village)

PRIVATE WAYS

Echo Park Road	northerly off Route 78 to near the south side of Hastings Pond	.28	
Erving Road	westerly from Quarry Road through Laurel Lake Recreation Area to Erving Town Line	.65	
Hemlock Drive	an extension of South Holden Rd turning northerly to east side of Moore's Pond	.25	
Laurel Lake Road	westerly from Erving Road passing north of Laurel Lake dead end	.33	
Sammy Lane	northerly from South Holden Road on east side of Moore's Pond to dead end	.10	
Spooner Road (Shepardson Road)	northerly from intersection of White & Shepardson Roads to 5 <sup>th</sup> Mass. turnpike; private way, privately maintained 5/9/88	.22	
Tully Brook Road	from Royalston Rd to Athol Rd	1.0	
Wheeler Road	northerly from Wheeler Road along west side of Wheeler Pond to dead end; 1 camp & 2 houses on private way	.50	
Whipple Place	Westerly from Richmond Road to the Whipple Place	.15	

### ***Building Permit Applications***

Voted to adopt the following by-law: Before the Board of Selectmen in their capacity as zoning agents approve a building permit application for construction of a new dwelling, the Building Inspector shall determine that the ways necessary for access to the lot on which construction of a new dwelling is intended to be performed are either (1) public ways maintained by the Town that provide year-round access to the lot for ordinary motor vehicles or (2) private ways that have been approved by the Planning Board under the provisions of the Warwick Subdivision Control Bylaws.

The Planning Board shall not approve a plan or endorse a plan that its approval is not required unless all lots shown on the plan satisfy the requirements of this by-law or unless the applicant signs a stipulation to be recorded with the plan in the Registry of Deeds, prohibiting construction of a new dwelling on any lots that do not satisfy the requirements of this by-law.

Adopted under Article 17  
Annual Town Meeting  
May 11, 1987

### ***Lake Use Rules***

The Board of Selectmen of the Town of Warwick, Massachusetts in an endeavor to increase the Public Safety and promote the General Welfare of Persons using Lake Moore in said town for swimming and boating and for persons residing on its shores, deem it necessary to make certain rules, regulating the size and use of Motor Boats and/or out-board motors on said Lake Moore, as follows:

1. The use on Lake Moore of a boat propelled by a motor (either in-board or out-board) with more than three (3) horsepower rating IS PROHIBITED.
2. Any gasoline motor used to propel a boat on Lake Moore must be equipped with, and use, suitable muffler which will prevent it from making unnecessary noise.
3. Any boat on Lake Moore propelled by a motor must not be operated at any time at a rate of speed or in such a manner as to endanger any person who may be using said Lake.
4. No boat on Lake Moore propelled by a motor may tow behind it any object used for carrying a person or persons.
5. Any boat on Lake Moore propelled by a motor if used after dark must be adequately lighted.
6. The use on Lake Moore of all Motor Boats of any kind or description is prohibited between the hours of 12 o' clock midnight and 6 o' clock in the morning.

Signed, Board of Selectmen  
Summer of 1946 (undated)

Voted unanimously to restrict the use of motors on motorboats, watersleds, or other water vehicles using the lakes and ponds within the boundaries of the Town to a motor having power not greater than 10 HPM.

Adopted under Article 3  
Annual Town Meeting  
May 20, 1974

Voted unanimously to amend the by-law adopted under Article 3 of the Annual Town Meeting held May 20, 1974, which prohibits the use of power boats greater than 10 HPM on lakes and ponds within the boundaries of the Town of Warwick by adding the following provisions: "Whosoever violates this by-law shall be punished by a fine of not more than \$25.00 for the first offense and by a fine of not more than \$50.00 for a second or subsequent offense".

Adopted under Article 5  
Special Town Meeting  
July 20, 1976

Approved by Attorney General 11/4/76

Voted to prohibit the operations or use of recreational vehicles and snow vehicles on the surface of the lakes and ponds within the boundaries of the town, and to punish violators of this by-law by a fine of not more than \$25.00 for the first offense and by a fine of not more than \$50.00 for a second or subsequent offense.

Adopted under Article 29  
Annual Town Meeting  
May 15, 1978

Approved by Attorney General 10/26/78

***Public Order***

Anyone who has an alcoholic beverage in his or her possession or in the passenger compartment of a motor vehicle while he or she is on the public ways, common land, or other public places, but not including the inside portions of public buildings, of the Town shall be punished by a fine of \$25.00 for a first offense and \$50.00 for a subsequent offense. Beverages in a sealed, unopened container, and beverages lawfully possessed in connection with an activity for which a one day license or permit for distribution of alcoholic beverages has been granted shall be exempt from the provision of this by-law.

Adopted under Article 8  
Special Town Meeting

September 14, 1982

Approved by Attorney General 1/11/83

Voted to amend the by-law passed as Article 8 at the Special Town Meeting 9/14/82, by adding the following sentence:

“The restrictions do not apply to Fellows Memorial Field between the hours of noon and the time of sunset on any day.”

Adopted under Article 18

Annual Town Meeting

May 14, 1984

### ***Roads, Common, and Cemetery***

Voted to accept the provisions of the Scenic Roads Act, MGL Chapter 40, section 15C, and designate all roads in Town as “Scenic Roads” with the exception of Route 78.

Adopted under Article 2

Special Town Meeting

June 25, 1984

Voted to adopt the following by-law: No person shall operate, or allow another person under his or her control to operate, a motor vehicle classified as an all-terrain vehicle, an all-terrain cycle, trail bike or a similar vehicle on any real estate owned by the Town of Warwick, including but not limited to discontinued or unmaintained roads, Town Forests and Town open spaces. This by-law shall not apply to any employee or agent of the Town of Warwick or the Commonwealth of Massachusetts acting on official Town or State business. Whoever violates the provisions of this by-law may be punished by a fine not exceeding \$50.00 for each offense. This by-law may be enforced at the discretion of the enforcing person, by a non-criminal proceeding under the provisions of Chapter 40, section 21D of the Massachusetts General Laws.

Adopted under Article 23

Annual Town Meeting

May 12, 1986

Approved by Attorney General 7/29/86

No person shall throw, deposit, or otherwise dispose of litter, garbage, refuse or other waste material in or upon any public way, or any portion of the Town’s common land, or any other public area in Town, or any private property without the permission of the owner thereof, except in a receptacle or place designated for such litter, garbage, refuse, or other waste material. Any person violating this by-law shall be punished by a fine of not more than \$200.00 per

offense. Each day that such violation shall be committed or permitted by the offender to continue after notice shall constitute a separate offense.

Adopted under Article 12  
Special Town Meeting  
March 15, 1993

Approved by Attorney General 1/11/96

The tapping for the purposed of maple sugaring of all shade trees located on the Town Common, Town Park, and in Town Cemeteries is prohibited.

Adopted under Article 9  
Annual Town Meeting  
May 5, 2003

Approved by Attorney General 8/22/03

## **H. ENVIRONMENTAL MATTERS**

{Note: **Zoning Bylaws** – adopted under Article 6, STM, 7/11/1988- and **Subdivision Control Bylaws** – adopted 11/9/1987- are available separately.}

VOTED unanimously to amend the Zoning By-law adopted by Town Meeting vote. Section 9, (C) shall be amended to include the underlined:

POWERS: The Zoning Board of Appeals may grant special permits and variances to these By-laws, may set appropriate conditions or limitations before granting such special permits and variances, and shall decide appeals brought under this By-law. The Board may charge reasonable fees to applicants for such special permits, variances, and appeals.

The Board may require the applicant to pay for, or reimburse the Town for, all costs incurred, without limitation for professional assistance in reviewing an application, including, but not limited to engineering, planning, legal, and technical services. The Board may require performance bonds or escrow accounts as part of the application approval.

Adopted under Article 32  
Annual Town Meeting  
May 3, 2004

Approved by Attorney General 8/16/04

## ***Town Dump***

Voted to designate the Board of Health as the town body responsible for the administration of the Town dump including setting the hours and days which the dump will be open.

Adopted under Article 2  
Special Town Meeting  
July 13, 1977

Any person who throws away, deposits or otherwise disposes of litter, garbage, refuse or other waste material in or upon the Town's landfill shall do so only in receptacles or places designated for such litter, garbage, refuse or other waste material and shall do so only during designated hours and on designated days when the Town's landfill is lawfully open for the disposal of such litter, garbage, refuse or other waste material. Any person violating this by-law shall be punished by a fine of not more than \$50.00 per offense. Each day that such violation shall be committed or permitted by the offender to continue after notice shall constitute a separate offense.

Adopted under Article 13  
Special Town Meeting  
March 15, 1993

Approved by Attorney General 1/11/96

## ***Recycling***

Voted the following bylaw:

Section 1: There is hereby established a program for the mandatory separation of certain recyclable material from garbage or rubbish by the residents of the Town of Warwick.

### Section 2: Definitions

Recyclables are the discarded materials described below which may be reclaimed for the purpose of reuse by industries. For the purpose of this ordinance, they are defined in the following categories:

- a. Aluminum: cans made from aluminum, aluminum foil, aluminum wrappers, and containers or trays used in the packaging, preparation, or cooking of prepared dinners, pies, cakes, or other foods.
- b. Glass: all unbroken jars and bottles, or similar products made from silica or sand, ash, soda, and limestone; the product being transparent or translucent and being used for the packaging or bottling of various matter and all other material commonly known as glass, excluding: (1) blue or flat glass commonly known as window glass; (2) dishes and crockery; and (3) light bulbs.
- c. Ferrous Metal Cans: all containers, composed in whole of iron or steel and so-called "tin" cans used for the packaging or storing of various food and non-food items,

EXCEPT containers which contained paint or petroleum based solvents and any pressurized aerosol cans.

- d. Clean and unsoiled newspaper: including newsprint, all newspaper advertisements, supplements, comics and enclosures, magazines, junk mail and books (without hard covers). Newspapers shall be considered clean and uncontaminated if they have not been exposed to substances or conditions rendering them unusable for recycling. Persons may wrap solid waste in used newspapers and discard the same with regular solid waste even if such wrapping does not render the newspapers unusable for recycling.
- e. Corrugated Paper: corrugated boxes, cardboard, cardboard cartons, pasteboard, and similar corrugated and craft paper materials.

### Section 3: Usage Restriction

The recycling center and landfill are reserved for the exclusive use of Warwick inhabitants.

Adopted under Article 18  
Annual Town Meeting  
May 6, 1991

Approved by Attorney General 1/11/96

## **I. TOWN PROPERTY**

The Selectmen, or any Town Official designated by the Selectmen may sell Town property, excluding real estate, valued at less than \$1000 per item. No further action or vote of the Town Meeting shall be required to convey title.

Adopted under Article 7  
Special Town Meeting  
September 14, 1982

Approved by Attorney General 1/11/83

## **PART II – GENERAL LAW ACCEPTANCES**

Most general laws enacted by the legislature are self-executing and immediately in effect. As a means of providing municipalities with a measure of self-determination, however, the General Court from time to time enacts permissive, or enabling laws which have force only in those cities and towns accepting such legislation. Over the years, a considerable body of permissive legislation has been enacted, and it has tended to shape and influence to a significant degree the character of local government.

<u>Year</u>	<u>MGL Chapter</u>	<u>Subject</u>
1913	807	Workmen's Compensation
1913	487	Call Men
1914	790	Party Enrollment
1919	311	Continuation Schools
1930	406, sec 21-25	Sports on Lord's Day
1938	54, sec 103A	Absentee Voting
1939	807	Compensation Insurance for Highway Employees
1945	723	Veterans Services – Any War
1946	166	Contributory Retirement
1962	32 B	Group Health Insurance
1964	71, sec 16-16I	Regional School District
1964	486	Pensions and Retirement Allowance Benefit
1965		Home Rule
1968	48, sec 42, 43	Fire Department
1971	41, sec 99	Regional Police District
1971	486	Beano
1972	71, sec 16-16I	Regional Vocational Technical School District
1973	40, sec 8C	Establish Conservation Commission
1973	41, sec 81A	Establish Planning Board
1974	41, sec 81K-G	Subdivision Control
1974	41, sec 81Z	Subdivision Board of Appeals
1975	825, sec 1,3	Housing for Handicapped
1976	32B, sec 7A	Insurance for Employees
1978	40, sec 8D	Historical Commission
1978	40, sec 8G	Mutual Aid – Police
1978	41, sec 100G	Insure Officials Against Suit
1978	41, sec 97A	Police Department by Selectmen
1979	40, sec 4G	Public Bids
1979	59, sec 38	Limited Real Estate Abatements
1981	44, sec 53D	Revolving Fund for Burials, etc.
1983	59, sec 21A	Compensation for Assessors
1984	59, sec 5, clause 41B	Exemptions for Elderly
1984	59, sec 5, clause 37A	Exemptions for Blind
1984	152, sec 69-75	Workmen's Compensation for Elected Officials
1984	40, sec 15C	Scenic Roads
1988	40, sec 4G	Public Bidding
1988	41, sec 55	Establish Auditor position
1988	44, sec 67	Defer Employee Compensation
1989	40, sec 44A-44L	Solid Waste District
1990	40, sec 21D	Non-criminal Disposition
1990	41, sec 53E	Offset Receipts
1990	44, sec 53G	Funds for Technical Review of Special Permit Applications to ZBA & Planning Board
1990	44, sec 28C	Use of Landfill Fees for Landfill Operating Expense

1995	44, sec 53D	Revolving Fund for Recreation Commission
2003	59, sec 5, clause 54	Personal Property Exemptions
2003	262, sec 34	Town Clerk Fees
2004	59, sec 5, clause 41C	Increase Limit for Real Estate Tax Exemptions
2004	44, sec 53G	ZBA, BOH, Planning Board Fees to Fund Consultants
2004	Ch. 44, sec 53D	Revolving Fund for Dog Licenses & Expenses
1970	Ch 768. Acts of 1969	Highway Program
1974	Ch 1140, sec 20 & 22, Acts of 1973	Local Aid to Highway Department
1975	Ch 825, sec 1,3 Acts of 1974	Local Aid for Transportation (Highways)
1986	Ch 60, sec 23, Acts of 1983	Tax Collector retains fees from municipal liens
1988	Ch 236 Acts of 1987	Planning Board Subdivision deposits
1991	Ch 291 Acts of 1990	Enhanced 911
1993	Ch 133, sec 48 Acts of 1992	Early Retirement for Town Employees
1994	Ch 324 Acts of 1993	Building Inspector involved in projects

### **PART III – SPECIAL ACTS PERTAINING TO WARWICK**

A special act is legislation designed particularly for and with application to, a person or persons, an institution or institutions, one or several cities or towns, or one or several topics or issues. Special legislation differs from general laws in several respects, the first of which is limited applicability as shown above. Other points of difference are: 1. a special act generally comes about by request, and 2. special acts are never codified. Thus, they are always referred to by the year of enactment as well as the chapter number.

Some special acts pertaining to municipalities require acceptance by the local legislative body in order to become fully effective.

Act of Incorporation: The Town of Warwick was incorporated in 1736 under Chapter 31 of the Acts and Resolves of the Province of Massachusetts Bay for 1736. The act reads as follows:

A Plat of Tract of Land containing Twenty three Thousand and forty Acres, Exclusive of a Farm belonging to Johnson and Company, as also Farms belonging to Severance and Field; laid out by Nath Kellog Survey and Chain men on Oath, by virtue of a Grant made by this court

to Samuel Newell and others officers and soldiers in the Canada Expedition Anno 1690, under command of Capt. Andrew Gardner deceased, Bounded as follows, viz Westerly on Northfield & Province land, East partly on province Land, and partly on Paquaongue, North partly on Arlington and partly on Province land; South on Province land beginning at Northfield East bounds, about Eighty Rods North of the Road to Lunenburg, Running East 1940 perch (with the allowance of about one Chain in Thirty upon each line) to a heap of stones; from thence Nineteen hundred and fifty perch to a heap of stones in Paquaongue North bounds; thence West one hundred and Seventy Nine perch in Paquaongue West bounds, to a Small Maple tree with Stones, thence west fifteen hundred and forty five perch to a Stake and Stones, thence North 7 deg 30 Min West Six hundred & sixty perch to Northfield South East Corner the same Course in the whole Two Thousand two hundred & Sixty five perch to a heap of Stones.

Read and Ordered That the plat be accepted , and the Lands therein delineated and described, (exclusive of the respective Farms within mentioned) be & hereby are confirmed to the Grantees mention in the petition of Samuel Newell and others in behalf of sundry Officers and soldiers in the Canada Expedition Anno 1690 in the Company under the Command of the late Capt. Andrew Gardner their Heirs and assigns and lawful Representatives respectively for Ever they complying with the Conditions of the Grant; provided the plat exceed not the quantity of Six miles square of Land (exclusive of the aforementioned Farms) and does not interfere with any other former Grant.

This enactment of the provincial legislature was passed on June 15, 1736.

Other special acts and resolves pertaining to the Town of Warwick follow in chronological order.

<u>YEAR</u>	<u>CHAPTER</u>	<u>SHORT TITLE</u>	<u>DATE OF PASSAGE</u>
1735	39	Vote for Four Towns to Canada Soldiers	June 19, 1735
1736	31	Order Confirming a Plat of Township to Capt Gardner's Soldiers	June 15, 1736
1736	59	Order for a Meeting of Grantees to the Town granted to Capt. Gardner's Soldiers	July 2, 1736
1736	68	Order on Huldah Durringer's petition to be anmitted a Grantee in the Township granted to heirs of Capt. Gardner's Comp	November 27, 1736
1762	81	Order referring to petition of Joseph Williams, Esquire in regard to taxes	June 15, 1762
1762	115	Order referring with stay of proceedings the petition of J. Williams, Esquire in regard to taxes	September 17, 1762

1763	292	Resolves in regard to taxes on No. 4, and Roxbury, Canada.	February 16, 1963
1763	136	Order confirming 1199 acres of land to the Proprietors of Warwick	December 28, 1763
1766	92	Resolve empowering the Assessors of the Town of Warwick to assess all delinquent proprietors at one penny per acre of land.	November 12, 1766
1779	559	Resolve on the petition of inhabitants of Warwick	February 22, 1779
1779	654	Resolve on the petition of the inhabitants of Warwick	April 16, 1779
1780	602	Resolve empowering the administrators of the estate of Rev. Lemuel Hedge, to make sale of real estate in Warwick	December 3, 1780
1795	60	An act to repeal “ An act to incorporate the Committee of the Church and Congregation in the Town of Warwick for certain purposes,” passed April 20, 1779	February 28, 1795
1782	638	Resolve directing the Treasurer to recall an execution issued against the assessors on the Town of Warwick, in the County of Hampshire	May 3, 1782
1797	143	Resolve for Meetings to be held in several towns in the county of Worcester upon the expediency of dividing that county, and directing the secretary in this case	April 3, 1798
1803	71	An act for establishing a corporation by the name of Warwick & Irvin’s Gore Turnpike Corporation	January 30, 1804
1875	30	An act to enable the clerk of Warwick for the year 1870 to amend his record of the town meeting held Sept. 6 of that year	February 24, 1875
1915	41	Resolve to provide for an investigation by the State Forest Commission relative to a State Park or Forestry Reservation at	April 5, 1915

Mount Grace in Warwick

1916	129	Resolve authorizing the State Forester to assist the cutting and disposing of merchantable timber on lands on and adjacent to Mount Grace in Warwick	May 23, 1916
1920	606	An act to establish Mount Grace as a State Forest	June 4, 1920
1922	7	An act authorizing the Town of Warwick to incur indebtedness for repairing the Town Hall	January 30, 1922
1949	353	An act authorizing the Town of Warwick to borrow money for school purposes	May 27, 1949
1950	662	An act authorizing and directing the Dept. of Conservation to construct & lease a ski tow on Mount Grace in Warwick	July 24, 1950
1973	218	An act erecting and constituting the Franking County Technical School District	April 26, 1973
1983	644	An act authorizing an additional time period for the Town of Warwick to add omitted property to the tax list for Fiscal Year 1983	December 20, 1983
1992	345	An act providing for Recall Elections in the Town of Warwick	January 8, 1993
1997	233	An act relative to the leasing of certain property by the Town of Warwick	August 7, 1998

**PART IV – OTHER**

The agreements, bylaws, and charters that apply to the following districts that Warwick belongs to, are available in the Selectboard and Town Clerk offices.

Franklin County Solid Waste Management District(FCSWMD) -joined June 1989

Franklin County Technical School District- joined November 1972

Franklin Regional Council of Governments (FRCOG) – joined July 1997

Franklin Regional Transit Authority (FRTA) - joined July 1979

Pioneer Valley Regional School District – joined May 1991